United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, SEPTEMBER 27, 2007 No. 145

Senate

The Senate met at 9 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Rev. Chuck Lawrence, Christ Temple Church, Huntington, WV.

The guest Chaplain offered the following prayer:

Let us pray.

King of Glory, first of all, we are thankful that we can pray and that You hear us. We are thankful that You have the power, and also the desire, to answer us.

As our Creator, You know what is best for us. So, Lord, even more than Your blessings and what You can give to us, we desire Your presence. We want Your presence to be woven into the very fabric of our lives because Your presence brings purpose to our lives. Without You, we are empty, void of meaning.

Your presence also brings joy to life, not just one arduous task after another but a joyful journey. Your presence will guide us to proper finish lines, to accomplishments that really matter. Your presence brings freedom as well; not just freedom from something but freedom to make the right decisions that will help us fulfill the destiny into which we are called. Your presence brings peace; not a peace from agreeable circumstances but a peace even in the midst of tumultuous moments.

So, today, let every Senator sense Your presence. Let every Senator know that Your hand is available to guide them in all they do. Let us all remember that just having You is enough, and we will continue to pursue Your presence until the day we hear: ''Well done, good and faithful servant.'' In Your Name, we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN, 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,
Washington, DC, September 27, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

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 Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

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

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.

Reid (for Kennedy-Smith) amendment No. 3035 (to the language proposed to be stricken by amendment No. 2064), to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes.

Motion to commit the bill to the Committee on Armed Services, with instructions to report back forthwith, with Reid amendment No. 3038, to change the enactment date.

Reid amendment No. 3039 (to the instructions of the motion to recommit), of a technical nature.

Reid amendment No. 3040 (to amendment No. 3039), of a technical nature.

Casey (for Hatch) amendment No. 3047 (to amendment No. 2011), to require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.

Coburn amendment No. 2196 (to amendment No. 2011), to eliminate wasteful spending and improve the management of counterdrug intelligence.

McCaskill (for Webb) modified amendment No. 2999 (to amendment No. 2011), to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate equally divided between the two leaders prior to the cloture vote on amendment No. 3035 offered by the Senator from Massachusetts, Mr. KENNEDY.

The Senator from Massachusetts is recognized.

SCHEDULE

Mr. KENNEDY. Mr. President, briefly, let me outline the schedule for this morning. Under an order entered last night, there are 2 hours of debate equally divided prior to votes on pending cloture motions on the two hate crimes amendments.

Once the votes begin, around 11 this morning, there will be very brief debate between the votes, so Members

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

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should remain close to the floor during that time.

Once action has concluded on the hate crime amendments, the Senate will then have a brief debate prior to the cloture vote on the motion to concur to the House amendments to the Senate amendments to the CHIP legislation.

Therefore, Members can expect five rollcall votes starting around 11 this morning.

Mr. President, I ask unanimous consent that the 10 minutes immediately prior to the first vote be controlled equally between the two leaders, with the majority leader controlling the last 5 minutes, and that after the first vote, the remaining votes be limited to 10 minutes.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent if there are quorum calls during this time, they be evenly divided.

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

Mr. KENNEDY. Mr. President, I see my friend and one of the principal architects of this CHIP program on the floor. I know he desires to speak for some time. I am glad to accommodate him. I think I am going to speak on both of the measures that are before the Senate, both the CHIP program as well as the hate crimes. So I do not know what the desire of the Senator from Utah would be. But I will be glad to yield to him.

CHIP

Mr. President, as the instructions to the Senate said, later in the morning, we are going to have an opportunity for the Senate to express itself on what is commonly known as the Children's Health Insurance Program, a program that has effectively been in place now for some 10 years and has made a very significant and important difference in the quality of life for children.

It has been said, and I certainly agree, that the great test of a nation and a civilization is how it cares about its children. Some 10 years ago, the Senator from Utah, myself, others, were very much involved in the fashioning, the shaping of this legislation.

It has made a very important difference, which we will come to in a moment, to the quality of health care for children in this country. The Senate, later this morning, is going to make a judgment whether we are going to continue that march for progress for children and expand that opportunity or whether we are going to take a different course and say that is not a national priority.

Being in the Senate and voting is about priorities. Priorities. Members in this body express themselves in votes by indicating our priorities, both our priorities in the allocation of resources, our priorities in views with regard to foreign policy.

This morning, we are going to be making a judgment whether we think it is appropriate that we continue this real march for progress for children in this country with this Children's Health Insurance Program that has proved to be so successful.

First, I wish to show what President Bush himself has stated about the Children's Health Insurance Program. This is the quote of President Bush from the 2004 Republican Convention, not all that long ago, when he said:

> America's children must also have a healthy start in life. In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance programs.

That is what we are talking about, the CHIP program. Here is the President saying:

> In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need.

Well, that is the issue. This is the place where that promise and pledge is going to be tested later this morning. Many of us are going to say: President Bush was absolutely right when he made that statement. But since he has made that statement, he has come to a different position where he is urging opposition to that position today.

We can understand why the President came to that position because we can look at the record of the last 10 years. In the evaluation of the CHIP program, this is the Center for Medicare and Medicaid Services, it is an administration department, effectively known as CMS, the Center for Medicare and Medicaid Services, this is in the Department of Health and Human Services. This is their evaluation as of September 19, 2007:

> Over the past 10 years, the CHIP program has improved overall access to care.

Improved overall access to care.

> Reduced the level of unmet need.

Reduced the level of unmet need.

> And improved access to dental care, expanded access to preventive care.

Expanded access to preventive care. Imagine the parents who may have taken a little time this morning and said: This is going to be an important vote in the Senate today. I think I will listen to it. What is this program all about?

Well, here we have the President of the United States, who has endorsed this, said it ought to be expanded, and then we have the evaluation of the program, not by those of us who were there at the very beginning and who supported the program but by the administration's own evaluation. This is what they say—and who can differ with that? Those who have been opposed to it have been unable to challenge this: Improved the access to care, reduced the level of unmet need, improved access to dental care, expanded access to preventive care.

Every parent knows the importance of preventive care for their children. Anyone who cares about health care policy knows that it is enormously important at any time and particularly in a child's life. And ''reduced emergency department use.'' That is the final item that is mentioned in this chart.

But this has importance in a number of different ways. It means they are taking care of children before they need the emergency care, because their illness, their throat infections, ear infections, other infections have been addressed in preventive care, so they do not have to go to the emergency room.

What is the result of the emergency room visit when the child gets a great deal sicker? More often than not, the parents cannot afford to pay the bills. Or if the bills are there, they are out of sight. So the costs, in terms of the health care system, are dramatically enhanced when the children go to the emergency room. The costs, in terms of the parents' anxiety, are dramatically enhanced when the children have to go to the emergency room.

Last night, there were millions of parents who were wondering, when they were listening to their child cry in the night, whether that child was $150 or $250 sick, because that is what the cost was going to be in an emergency room. Maybe I will wait it out. Maybe I am making the minimum wage. Can I afford to dig deeper and pay those $250? So I am going to let my child remain without being taken care of during the night, to see if that child gets better, rather than having the preventive care. It is a moral issue, a defining moral issue, a priority issue, a moral issue for this country.

So that is the evaluation of the administration, the statement of the President. We can understand why the administration has come up with that kind of—those results, because of the extraordinary reduction in the uninsured rate for children.

If you look, going back to 1997, almost 25 percent of all children had no coverage. Look at this red line going down over the years as the CHIP program is reaching out through the States. This was worked out in these careful negotiations, which Senator HATCH was also involved in, to make sure it was going to be a State program, State-run, State priorities, States establishing the deductibles, the copays, States making the judgments about those items, States setting up the whole program. It is going to be effectively a private insurance program. That is what confuses me about the administration talking about a Government-run program. This is effectively a State-run program built upon private insurance.

The delivery system is very much like the administration favored with the prescription drug program. So we see this dramatic reduction in terms of children.

Now, what has been the reaction? This, for example, is one of the blessings of this program. Not only are the

children healthier with the CHIP program—this is an evaluation of how the child does in class. Not only are we getting a healthier child. We are getting a more attentive child. We are all challenged here, and certainly we are in our education committee, as we are looking out across at the various education programs how we are going to try to deal with children improving in terms of their attention and also keeping up with the school activities.

This last week, the Secretary of Education announced the improvement of children in what they call the NAPE test, children are improving. I am so proud of Massachusetts being the No. 1 State, in terms of the results. That is basically because the State got started on many of these reforms before the Congress did.

But there is no question in my mind that a principal part of the improvement of children doing well academically is as a result of the CHIP program.

This is the proof: paying attention in class, from 34 percent to 57 percent; keeping up with school activities, from 36 to 61 percent. It is understandable. If children can't see the blackboard, if they can't hear the teacher, if they are sick, they are not going to learn. If they are healthy, they can learn. It is pretty fundamental, but evidently there are some who haven't learned the lesson.

We are constantly challenged, if we are going to be one country with one history and one destiny, about moving along together, moving all the children—White, Black, Hispanic—together. Before CHIP, you had important unmet health care needs reflected in disparities between the different races. Once we had the CHIP program put in place for the children, we effectively saw an important improvement in the health of children, and all the children moved along together.

This is for a typical disease. We chose asthma because it has been a disease which has been expanding over time, unquestionably, because of the relaxation of a variety of different environmental requirements and standards. In other illnesses and diseases, it is going down. The challenge with children with asthma is it has actually been going up. But even if the totality is going up, look what happens with these children with asthma as a result of the CHIP program. The number of children who are getting their health needs taken care of dramatically increased. Emergency visits were dramatically down, and hospitalizations were dramatically down. This reflects itself in not only healthier children but in savings.

This is basically a matter of priorities. This is a sound program. It is an effective program. It is one the President endorsed a few years ago. It has been tested, tried. The evaluation of the program has been that it is a great success. Now we have the opportunity to express once again the issue of priorities here in the Senate. What are going to be the priorities for this body? What do they think is really important in this country at this time? The CHIP program reauthorization, $35 billion? That isn't being paid by taxpayers or middle-income families or working families unless they smoke because this is going to be offset completely by those who are going to smoke. As we have pointed out earlier, that has a double positive value. We are not going to put an additional burden on ordinary taxpayers. But with the increased cost of cigarettes and tobacco, it is going to mean less use of tobacco by children and children are going to be healthier. So not only is the fundamental legislation a demonstration in improving health care, but the remedy and how we do that is also adding an additional dimension to the quality of health for children. More than 3,000 children start smoking every single day, and 1,200 of them become effectively addicted every single day. We can do something about this and, eventually, when we pass this legislation and we pass our other tobacco legislation that we have reported out of our committee, we will get a handle on protecting children from addiction to nicotine.

This is over a 5-year period, $35 billion; 1 year in Iraq, $120 billion—almost four times in 1 year what this is in 5 years. Don't we think we ought to be looking after the children in the United States? This is where it is, Mr. President. We have a choice to express ourselves. The President says: No, we are not going to have this for the children; yes, we are going to have this. Many of us believe that investing in the children in this country is where we ought to be invested and we ought to end the conflict and end this war.

That chart could be expressed in another way of what we are spending as, again, a matter of priorities, what we are spending per day—$333 million in Iraq versus $19 million nationwide on the children. So when the time comes, we have a very clear choice in terms of the Nation's priority.

Finally, this is a statement by Dedra Lewis, mother of Alexsiana, a child covered by CHIP from my State:

> If I miss a single appointment, I know she could lose her eyesight. If I can't buy her medication, I know she could lose her eyesight. If I didn't have MassHealth, my daughter would be blind.

One parent, one child, one piece of legislation that can make all the difference in the world.

When we have a chance to vote, we will be voting for this legislation, and we will be asking ourselves, why aren't we doing more to help the children?

I reserve the remainder of my time.

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

Mr. HATCH. Mr. President, as usual, I appreciate the comments of the distinguished Senator from Massachusetts, when we are on the same wavelength. On this one, we are. I have to say that the original CHIP bill that virtually everybody acclaims as an excellent piece of legislation that has helped millions of children from working poor families, the only children left out of the process, wouldn't have come to pass except for the support of the distinguished Senator from Massachusetts. We both took a lot of flak during those early months when we were trying to solve this problem of the working-poor children.

I had two Provo, UT, families come in to see me. Both parents in each family worked. Each family had six children. Neither family, with both incomes, had more than $20,000 a year in total gross income. They clearly could not afford child health insurance. CHIP was the only answer to their plight. They were the only people left out of the process. They worked. They did the best they could.

I remember when the distinguished Senator from Massachusetts and I sat down together. We are from two opposite poles in many respects, although he doesn't realize that he is a lot more conservative than he thinks. He thinks I may be a lot more liberal than I think. But when Kennedy and Hatch can get together, people around here say: Well, if they can get together, anybody can. People tend to get out of the way because they know it took a lot of effort for us to come together.

But the original CHIP bill could not have occurred but for my distinguished friend from Massachusetts and the work he did. Even though that hasn't been broadcast very much in the current debate, it is true. In the current debate, we wouldn't be as far along if it had not been for the efforts of the distinguished Senator from Massachusetts.

There are two sides to this. Yes, there is a legitimate side in opposition to having CHIP be $35 billion above the baseline of $25 billion. That argument is that we are growing this program too fast and we are putting too many people in it who were not originally supposed to be in it. The fact is, when we wrote the original CHIP bill, we provided for a system of waivers because we were afraid we didn't cover some things that should be covered. What really bothers me is that the people complaining about CHIP costing so much today in this administration, my administration, are the ones who gave 14—well, the tail end of the Clinton administration but primarily this administration—waivers to allow this program to go to many more people than we had originally intended. In fact, two States have more adults on the program than they do children. That has caused a lot of angst. A several States are way over the 200 percent of poverty—one state even covers families with incomes up to 350% of poverty.

Let's put it this way: The opponents seem to ignore the fact that this bill covers 92 percent of kids who are under 200 percent of poverty. Yes, there is 8 or 9 percent who may be above but the

vast majority of them have lived with this program. We found that even with the moneys that we had in the original CHIP bill, which happened to be $40 billion over the last 10 years—that it wasn't enough to put all of the kids who were eligible on the program.

One of the higher costs we found has been documented by CBO. We rely on CBO around here. CBO said that the high costs come from trying to locate the kids to get them in the program so they have a shot at being healthy, so that they are not liabilities for society as a whole when they get older.

This program is very important. We fought hard to keep the program within the $60 billion—$25 billion baseline and $35 billion above the baseline, for a total of $60 billion. At first, those in the House wanted $100 billion. Then they came down to $75 billion. Finally, to their credit, they acknowledged that we were not going to do any better than $35 billion over the baseline, and Senator GRASSLEY and I had to stick with that, with the hope that the administration would recognize how hard we had worked, how important this program is, this program which they themselves would like to reauthorize, and how difficult it is to get the additional 6 million eligible kids on CHIP. To be honest with you, it proved to not be enough as far as federal funding was concerned. And, we lost out on a lot of kids who should have had coverage through this program.

Through this bill, what we are trying to do is cover the kids who should be on the program. They are basically kids of the working poor. We did add pregnant women because we thought that since this involves children and it is so important to have good prenatal care and postnatal care for the health and well-being of those children, that is a logical thing to do.

Really what bothers me about the arguments on the other side—there are legitimate arguments, there always are on both sides—is that we spend about $1.9 trillion on health care in our society today each year. About $1 trillion of it is in the private sector, and about $900 billion is in the public sector. We are asking for $60 billion out of $1.9 trillion to help the kids who are left out of the program. The CBO says even at that, we will not put enough money into this program.

Then we have the argument: This is leading to one-size-fits-all Government-mandated, socialized medicine health care. I think you could make that argument on anything we do in health care around here that involves Government. But on the other hand, I don't want to leave these kids high and dry, either. So it is very important that we get this straight and do what is right.

I have appreciated the remarks of the distinguished Senator from Massachusetts. Many on his side don't care to ever ask where is the money going to come from to pay for these things. On the other hand, in a $1.9 trillion budget, it seems to me $60 billion is not too much, especially since we are covering kids who should be covered who weren't covered in a program that virtually everybody says is important, virtually everybody says we ought to have, just not as much. And even with the $60 billion, it is my understanding, according to CBO, we will not really cover all of the kids we should, but we will cover most, which is a big improvement over the current program.

I join with the distinguished Senator from Massachusetts hoping that the administration will listen and maybe change its perception. There are good arguments on both sides. The better argument is to try to do what we can for these kids; that is, work on an overall comprehensive health care bill that will save money, have less Government intrusion, have more private sector development, give people more opportunities of choice, and give them the choice to bring costs down in the current system. People of good will on both sides could probably do that if we really set our minds, if we just don't make this one big political battle all the time. Unfortunately, it is a political battle over CHIP.

According to some in the administration, I am on the wrong side. I don't think so. I am on the right side. I believe this has to be done. Does that mean that I am not willing to modify and work and do what we can to come up with a comprehensive health care approach that emphasizes competition and opportunity, that will cover everybody? Of course not! I would like to get there. This is a bill which does not necessarily take us away from getting there, but I think some of these arguments which have been offered have been not very good and not very accurate.

Mr. KENNEDY. Mr. President, will the Senator let me proceed for 2 minutes? I see the Senator from Georgia.

Mr. HATCH. Of course, and then I think we ought to get in this debate on hate crimes. I would want to yield to Senator ISAKSON, and then I will have my remarks a little later.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I listened carefully to the Senator from Utah. I want to say that the 6 million children who today are covered in all parts of the country, including my State of Massachusetts, would not be if it was not for the Senator from Utah. There was a very important insistence that has been sort of lost in this whole discussion and debate.

At the time we had talked about this program, I was very interested in expanding the Medicaid Program and moving that up. Medicaid deals with the very poor. The real question was the working poor for these programs. Senator HATCH insisted we should not expand the Government program, that we have to let the States participate and involve themselves in it. This was a very contentious discussion in the debate which, eventually, Senator HATCH was successful in winning. Then we would establish the criteria, at least, of the kinds of services that were going to be provided within that kind of a program. That was a very contentious debate, but again Senator HATCH insisted the States should make the judgments on this program. Then we had the issues about trying to make sure about the inclusion, having it be more sweeping, and Senator HATCH stuck by his guns to make sure the States were going to be the ones that were going to do the outreach and set up this program.

So those issues—in terms of when we are talking about these cliches of socialized medicine or Cuban-type of medicine—for those who are really interested in the philosophical underpinnings of this program, of why it is different from other programs, if they go back and look and carefully read the bill, I must say Senator HATCH's position of insisting that the States be the full partner and be the ones that are going to have the prime responsibilities has been the fact.

I think to the credit of the Senator from Utah is the fact that so many of the Governors are in such support of this legislation—not only Democratic Governors but Republican Governors—because they have seen, they have both the responsibility and the opportunity to make a difference for their constituents.

So that is just a small ''factoid'' about the history of the development of this legislation but one that should not be lost when people are thinking about whether this is just another kind of a governmental program. The Senator insisted on principle on a number of these important philosophical issues, and the Senate, in a bipartisan way, came together to support the recommendations that eventually were worked out with members of the Finance Committee and Senator BAUCUS, Senator ROCKEFELLER, Senator Chafee, and many other colleagues. But the underpinnings were from the Senator from Utah. I think history ought to reflect that. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague. He is accurate on everything except one thing; that is, the 6 million children whom we were supposed to cover, we did on an annualized basis, but really only about 4.5 million were covered fully. I wanted to add that little bit because it is apparent this program has worked. It is apparent it has worked well under this administration as well as under the Clinton administration. It is apparent it has helped millions of kids who otherwise would not have been helped. It is apparent it has helped the children of the working poor. But it has not helped all of those who deserve that help. And, over the long run, if we help them today, it will save us money and problems in the future.

Frankly, this is an important debate. I acknowledge there are people who disagree. There were back then when we first created CHIP. But the fact is, this is a program which has worked. The administration has admitted it has worked. The Governors have admitted it has worked. Maybe it is mired in politics that I wish we were not mired in. My attitude is, let's think of the kids. If there is a way of improving it, I am certainly open to that, but we have come a long way, in a bipartisan way, to get where we are. That is not an easy accomplishment in a Congress that has been pretty partisan in many respects.

I do not think some have really recognized how difficult it was to get to where we are and how many concessions both sides have made, in particular the House. So I think this has been an important part, maybe, of the debate this morning.

But at this point, how much time would the distinguished Senator from Georgia want?

Mr. ISAKSON. Mr. President, I thank the distinguished Senator from Utah and appreciate the time.

Mr. HATCH. Mr. President, can I ask how much time the Senator would desire?

Mr. ISAKSON. Mr. President, I would like to speak as in morning business for about 8 minutes.

Mr. HATCH. No objection.

Mr. KENNEDY. Mr. President, may I ask a question? I have no objection, but is this going to be within the time as expressed by the leader?

The ACTING PRESIDENT pro tempore. It would be time yielded by the Senator from Utah.

Mr. HATCH. Eight minutes, was it?

Mr. ISAKSON. Eight minutes, yes.

Mr. HATCH. Mr. President, I yield 8 minutes to the Senator from Georgia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized for 8 minutes.

Mr. ISAKSON. Thank you very much, Mr. President.

Mr. President, I rise today based on an occurrence that took place last evening that caused me to think a little bit about this body and our priorities right now at this time.

Two gentlemen from my home community of Cobb County, GA, invited me to go to dinner with them and about 25 other members of the Cobb Chamber of Commerce—Mr. Don Beavers, a distinguished retired marine who now works at the Chamber; and the chairman-elect, Sam Kelly. The invitation was to talk about their issues. But they did an amazing thing last night: They called Walter Reed, they called the Army, and they said they would like to entertain a couple of our wounded warriors who are being treated as outpatients at Walter Reed hospital.

So last night, I sat at a table at Old Ebbets Grill with citizens from my community and two distinguished wounded warriors from the 82nd Airborne Division of the U.S. Army. One had served in Iraq as a sniper and was injured when an IED exploded on his humvee as he was coming back from deployment near Baghdad. Since that hit, he has had 12 surgeries, with substantial reconstruction on the entire left side of his body, from his head to his toe. The other, a special operations soldier of the 82nd Airborne Division, lost his leg. Both—some time now, a year after their initial treatment—still take pain killers, still are in therapy, and still show the scars from their tragic injuries suffered at the hands of an IED in the case of one, and in the case of the other, an RPG, a rocket-propelled grenade.

As we sat at the table, I thanked them so much, as all of us do, for their service to our country and listened to their concerns and listened to their thoughts and listened to their prayers for the soldiers they left when they were injured in Iraq.

It occurred to me as we were talking that we are now in the third week in the Senate—over the third week—of debating the reauthorization of the Defense bill. Think about that. You sit at dinner one night with two soldiers who sacrificed limbs and pain and suffering for you and for me, and we continue to dawdle and get off track on authorizing or reauthorizing probably the single most important thing we ought to be doing. I am concerned that the leadership has decided to take ancillary issues unrelated to defense, unrelated to our men in the field, unrelated to what is going on in the world today, and protracting the debate on what is absolutely essential and needed.

As I sat there and listened to these two wounded warriors, both of whom suffered from explosive devices that hit their humvee or their armored personnel carrier, I realized we were still dawdling on the debate on the authorization of the MRAP; I realized we are dawdling on the debate in terms of the pay raise for our soldiers; I realized, as meritorious as some of the amendments we are discussing may well be, they all pale in comparison to the 170,000 men and women deployed right now in Iraq fighting on our behalf.

Now, there are differences of opinion on the war in the Senate, and I respect that. This is the body and this is the place where those differences should be debated and be debated thoroughly. But I want to jog everybody's memory for a second. It was May when we did the emergency supplemental that we spent not 1 week but 2 weeks on, not debating the supplemental but debating whether we should withdraw or set dates certain or leave Iraq. We had numerous votes—none of them successful—on setting a date certain. Finally, as Memorial Day approached, we decided to pass on the money so needed to support our troops. Then, 60 days later, in the middle of July, pressing before the August break, another bill came up, and once again we redebated all the same issues with regard to dates certain, with regard to withdrawal, even one with regard to defunding the military operations in the war on terror and the battle in Iraq.

Now here we are, 2 months later, in the third week of a Defense authorization bill, and we have already had these same debates once again, and the votes have not changed except they have lost by a little bit more than they lost in July. Yet, all over the country, and last night at Old Ebbets Grill, Americans are sitting down with their sons and daughters, who fought in harm's way and have come back, many of them wounded and harmed, and how do you explain to them it takes 3 weeks to debate the reauthorization of their pay or 3 weeks to debate the reauthorization of MRAP that just might have prevented the very injuries those two soldiers I sat with last night incurred?

So I think it is important that we set priorities. It is very important, I am sure, to the Senator from Massachusetts to discuss hate crimes legislation. I understand that. But in setting priorities, is it right to take something such as hate crimes—which already exists in 45 States, already exists in the Federal law in terms of race and religion—and get all off track on MRAP and reauthorizing the pay of our troops and an increase? Is that right? Is that setting the right priority? Is it important for us to do that?

Is it important for us to do some of the things that have happened over the last 3 weeks? In fact, to give a little report card, because I have been intimately involved in amendments on this bill, this Senate, in 3 weeks of debate, has passed en bloc 34 amendments to this bill—all technical, none requiring debate, one of them mine. It would seem that instead of having all the debate about ancillary subjects or about recirculating amendments that twice before on the floor of the Senate, within 6 months, have failed, it is about time we got our priorities straight. It is about time we authorize the Department of Defense. It is about time we get to the pay raise for our soldiers. It is about time we get to the MRAP that Republicans and Democrats—the Senator from Delaware, Mr. BIDEN, and all of us—have worked so hard on.

It is about time we set our priorities and get them straight. Whatever the merit of other issues may be, if they are unrelated to the Department of Defense reauthorization, they can wait until another day because every day our sons and our daughters are deployed for you and for me in harm's way. We can differ on the war, and I respect that, but there should not be a difference on the funding of our men and women deployed in the Middle East.

I, for one, call on the leadership for us to get back to the business we are called on to do. Let's complete the DOD authorization without any other dilatory tactics or any other ancillary amendments, other than those that relate to the Department of Defense.

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

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. Forty minutes on each side.

Mr. KENNEDY. On each side. Good.

Mr. President, I yield myself 8 minutes, and the Chair will notify me when that time has expired.

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

Mr. KENNEDY. Mr. President, as we mentioned at the opening this morning, there are going to be two major decisions by the Senate this morning: one on dealing with the children's health issue, which we have had a good discussion of here this morning, and the other issue on the hate crimes legislation, which we have been attempting to realize for a period of some 10 years.

This is not a new issue to the Defense authorization legislation. We have passed it by more than 60 votes on the last occasion we had it. We passed it by a majority on other occasions. So for those who sort of suggest it is not appropriate that we deal with this, the majority—Republicans and Democrats alike—have overwhelmingly supported the legislation. But it has been a strong minority that has resisted it and refused to let it move on into law. We finally are at a time and a place and a judgment where the House of Representatives now has moved in favor of the legislation. We have an opportunity today to do it. We haven't taken an unreasonable period of time.

The application of this legislation and why it should be here is a very simple and basic and fundamental one; that is, what the Defense authorization bill is about—dealing with the challenges of terrorism overseas and the support that our men and women ought to get in dealing with terrorism overseas. This is about terrorism in our neighborhoods—terrorism in our neighborhoods—and making sure we are going to fight it. We can talk about having the MRAP, which I support, in the Defense authorization bill. We are fighting overseas with all of our weapons. We want to fight terrorism at home with all of our weapons.

We want to be able to have a value system that is worthy for our brave men and women to defend. They are fighting overseas for our values. One of the values is that you should not, in this country, in this democracy, permit the kind of hatred and bigotry that has stained the history of this Nation over a very considerable period of time. We should not tolerate it. We keep faith with those men and women who are serving overseas when we battle that hatred and bigotry and prejudice at home. So we are taking a few minutes in the morning to have this debate and discussion.

I urge my colleagues to join me, Senate majority leader HARRY REID, Senator SMITH, and 31 cosponsors of the Matthew Shepard Act by voting in favor of cloture and our underlying amendment today. Hate crimes are domestic terrorism. Like all terrorist acts, they seek to bring fear to whole communities through violence on a few. Just as we have committed ourselves to fighting terrorists who strike from abroad, we must make the same commitment to swift and strong justice against homegrown terrorists. We have worked hard to ensure that all of our citizens can live without fear of victimization because of their race, religion, and their national origin. We have made progress over the years, but we need stronger tools to ensure that all Americans—all Americans—are protected under the law.

Hate crimes challenge us to recognize the dignity of each individual at the most basic level. When victims are selected for violence because of who they are—because of the color of their skin or sexual orientation—it is a crime that wounds all of us. Each person's life is valuable, and even one life lost is too many. No member of our society—no one—should be the victim of hate crimes. Today we can send a message that no one—no one—should be a victim of a hate crime because of their disability, their sexual orientation, their gender, or gender identity.

Hate crimes are especially heinous because they deny the dignity, the humanity, and the worth of whole segments of our society. They inflict terror not only on the immediate victims but on all their families, their societies, and, in some cases, an entire Nation. A hate crime against one member of another group shouts to the other members: You are next. You better watch your step when you leave your home, when you go to work, when you travel. This is domestic terrorism, plain and simple, and it is unacceptable as an assault from our enemies abroad who hate us just as irrationally.

At bottom, hate crimes strike out at our most fundamental, moral values. They deny the teaching that we are all—even those viewed as outcasts among us—members of the human family. They seek to divide that family by labeling some so unworthy that they should become objects of violence. They reject our great national motto, "E pluribus unum"—out of many, one. Instead, hate crimes seek to divide us, to reject whole communities by terrorizing their members.

Centuries ago, Blackstone wrote:

> It is but reasonable that among crimes of different natures, those should be most severely punished which are the most destructive of the public safety and happiness.

Hate-motivated crimes are the most destructive of the public safety and happiness and should be punished more severely than other crimes. That is why over 1,400—1,400—clergy from across the spectrum of religious traditions have come together to support the Matthew Shepherd Act. They write:

> Although we come from diverse faith backgrounds, our traditions and our sacred texts are united in condemning hate and violence. As religious leaders, we are on the front lines dealing with the devastating effects of hate-motivated violence. Our faith traditions teach us to love our neighbor, and while we cannot legislate love, it is our moral duty to protect one another from hatred and violence.

These leaders of America's religious communities have called on Congress to stand united against the oppression imposed by violence based on personal characteristics and to work together to create a society in which diverse people are safe as well as free.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. KENNEDY. Mr. President, I yield myself 3 more minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. KENNEDY. Mr. President, The Interfaith Alliance, a nonpartisan advocacy organization representing 75 different religions, said hate crimes are an assault upon "the belief that lies at the core of our diverse faith traditions—that every human being is endowed with dignity and worth."

This is what The Interfaith Alliance said:

> Hate crimes are an assault upon the belief that lies at the core of our diverse faith traditions—that every human being is endowed with dignity and worth.

Dignity and worth.

The simple fact is, hate crimes are different and more destructive than other crimes. As my friend, Senator HATCH, stated during our debate in 2000:

> Crimes of animus are more likely to provoke retaliatory crimes; they inflict deep, lasting and distinct injuries—some of which never heal—on victims and their family members; they incite community unrest and, ultimately, they are downright un-American.

The Federal Government has a responsibility to send a clear and unambiguous message that hate-motivated violence in any form, from any source, will not be tolerated. Hate crime perpetrators use violence to dehumanize and diminish their victims. This legislation fights back by reinforcing this country's founding ideals of liberty and justice for all.

In Iraq and Afghanistan, our soldiers are fighting for freedom and liberty. They are on the front lines fighting against hate. We are united in our effort to root out the cells of hatred around the world. We should not turn a blind eye to acts of hatred and terrorism at home. We owe it to our troops to uphold those same principles at home. We should not shrink now from our role as a beacon of liberty to the rest of the world. When the Senate approves this amendment, we will send a message about freedom and equality that will resonate around the world.

If America is to live up to its founding ideals of liberty and justice for all, combating hate crimes must be a national priority. Now is the time for

Congress to speak with one voice, insisting that all Americans will be guaranteed the equal protection of the laws. We must pay more than lip-service to this core principle of our democracy, and we must give those words practical meaning in our modern society. No American should feel they are second-class citizens because Congress refuses to protect them against hate crimes.

Far too many times, hate crimes have shocked the conscience of the country. Tolerance in America still faces a serious challenge, and we must have the courage to act. As the Reverend Sockman said:

> The test of courage comes when we are in the minority. The test of tolerance comes when we are in the majority.

Most of us in this Chamber have lived our lives in the majority, and it is time for us to recognize the courage of those who have lived their lives in the minority and stand up for tolerance. When bigotry exists in America, each of us is diminished. Injustice inflicted on any among us is injustice against us all.

As Leviticus commands us:

> You may not stand idly by when your neighbor's blood is being shed.

For too long, the Federal Government has been forced to fight this injustice with one hand tied behind its back. We know some crimes are motivated by a desire to harm whole communities. It is time those crimes were punished in a manner that is equal to their destructiveness.

The President has threatened to veto this legislation if it comes to his desk, but I urge my fellow Senators to display the same kind of courage that came from David Ritcheson, the victim of a brutal hate crime that scarred him both physically and mentally. Rather than living in fear, David bravely came before the House Judiciary Committee and courageously—courageously—described the horrific attack against him the year before.

We should fight to protect the rights of our fellow citizens such as David and not let a veto threat stop us from doing the right thing. With both the Senate and the House moving forward on this legislation, I hope the President will hear our call and that he, too, will support this much-needed measure.

Nobel Prize laureate Elie Wiesel said:

> Indifference is always the friend of the enemy—Indifference is always the friend of the enemy—for it benefits the aggressor, never the victim, whose pain is magnified when he or she is forgotten.

Today, we can take a strong stand against indifference and intolerance.

Dr. King reminded us all that ''our lives begin to end the day we become silent against the things that matter.'' Today, this body has a chance to break the silence. It has the chance to speak with one voice in support of the value of every individual in our society. Join me and my colleagues in breaking the silence. Make the fight to end violence driven by bigotry the high national priority that it should be. Now is the time because, as Reverend Martin Luther King reminded us:

> The time is always right to do what is right.

Now is the time for Congress to speak with one voice and insist that all Americans will be guaranteed the equal protections of the law. I urge all my colleagues to support this amendment.

Mr. HATCH. Mr. President, how much time does each side have?

The ACTING PRESIDENT pro tempore. There is 40 minutes the Senator from Utah controls and about 25½ minutes for the Senator from Massachusetts.

Mr. HATCH. I thank the Chair. Mr. President, I yield 15 minutes to the distinguished Senator from Texas.

Mr. CORNYN. Mr. President, I know the great passion and sincerity with which our colleague from Massachusetts brings to this subject, but there is a time and a place for everything, and this is not the time—16 days into the Defense authorization bill which should have been finished a long time ago—to inject extraneous matters and matters which, as I will explain, have been poorly thought out and not completely aired by the Members of Congress.

A few blocks from here is the United States Supreme Court building, and above the entry to that building reads the motto ''Equal Justice Under The Law.'' Equal justice under the law. Too many people have sacrificed too much for too long to make sure that guarantee of equal justice under the law is a reality for Congress to continue down the path to treat some crimes unequal from others.

Every civilized Nation recognizes that all people deserve equal protection from criminal attacks. Unfortunately, there are some who reject that notion. But they are brought before the bar of justice, tried, many convicted, and many punished according to the laws we have on our books at the State level and, yes, even at the Federal level. I fear by trying to inject this extraneous matter on to a Defense authorization bill without adequate time for deliberation and discussion and inquiry, that Congress and the Senate in particular are being asked to pass on legislation without full knowledge of the consequences of the legislation.

For example, under current Federal law, an individual who violates current Federal hate crimes law can be given the death penalty by a jury in appropriate circumstances. Under this legislation the Senate is being asked to vote on today, the death penalty is not available for violating this particular amendment or this particular legislative language.

Thus, James Byrd's killers were convicted under State law, and according to a jury verdict, after exhausting all appellate remedies, were ultimately executed. If the same individuals committing those heinous acts back then were charged by a Federal prosecutor under this bill, they could not be given the death penalty by the jury. That is only one example of how this particular provision has not been thoroughly thought out or the consequences thoroughly vetted.

I will be very clear. I don't support this legislation on the merits because I do believe in equal justice under the law. I believe individuals ought to be treated as individuals and not as members of groups, and that all human beings are entitled to the dignity God gave them by creating them, and they all ought to come equally before the bar of justice when they are accused of crimes and be given equal justice under the law. It is a mistake, in my judgment, to begin to treat people unequally based on the same conduct because of notions that some crimes are simply more despicable than others based upon the individual against whom they are perpetrated.

All crimes of violence are crimes of hate. All ought to be judged according to the same criteria. All ought to be subject to the same range of punishments given to juries able to convict people based on evidence in court, not based on a politically correct notion that some crimes are more heinous than others. All crimes of violence are heinous and all ought to be punished equally under the law.

The distinguished Senator from Massachusetts has alluded to the threat of a Presidential veto of this legislation if this amendment is passed, thus, making one of my points, that by introducing this amendment on the Defense authorization bill, the sponsors of this amendment are jeopardizing our ability to pass a Defense authorization bill.

It is worth recounting what it is the Defense authorization bill provides and what they are putting in jeopardy by insisting on this extraneous amendment at this time: a pay raise of 3 percent; the authority to pay bonuses as special pay for enlistment and reenlistment; flight pay; various medical and dental benefits; nuclear incentive pay; an authorization for an additional 13,000 active-duty soldiers and 9,000 active-duty marines.

In the Boston Globe of September 27, 2007, the Army's top officer, General Casey, said what we all know, which is that the military has been stretched too thin. We know, based on the amendment offered by the distinguished Senator from Virginia, Senator WEBB, these are concerns we all share about the lengthy deployments of our troops because we don't have enough men and women in uniform, particularly in the Marines and members of the U.S. Army; and this bill, which this amendment puts in jeopardy, expands the end strength of the Army to reduce that stress and strain on our volunteer military and their families. We should not put it in jeopardy.

This bill also authorizes an additional $4 billion for the MRAPs. To recall, the MRAPs are the mine resistant ambush protected vehicles that are specially constructed vehicles devised

to defeat IEDs and save the lives and limbs of U.S. soldiers. Why in the world, in order to add extraneous legislation that has nothing to do with national security, would the advocates of this amendment jeopardize the ability to pass this Defense authorization bill, which is so important to our men and women in uniform? It is one thing to claim we support our military members; it is another thing to act on that stated conviction.

Have no doubt about it, this amendment has nothing to do with our military. There are remedies in place under the Uniform Code of Military Justice if, in fact, there is an attempt to link this to the military somehow. I think that is a spurious claim. There are a myriad of laws, since 1968 under the Federal United States Code itself, dealing with hate crimes. As I mentioned, this bill, because it has been brought in haste on this legislation without an opportunity for calm deliberation and investigation and understanding by Members, actually dilutes some of the penalties currently available under Federal law if, in fact, the same conduct were indicted or charged under this amendment if it were to become law. Why in the world would the advocates of this legislation want to dilute the punishment that is potentially available to the jury in admittedly heinous crimes?

It would be a mistake, and a mistake made out of haste. We should not indulge the desire to pass this legislation, no matter how sincere it is, in haste and without the kind of calm deliberation that will allow the Members of the Senate to understand what they are voting on and what we are doing. We should not jeopardize passing the Defense authorization bill, which contains the essential protections and benefits for our military members by loading it down with this extraneous amendment; or as the Senator from Illinois said, he wants to add an amendment relating to immigration. We know that will only spawn other amendments and burden this bill down so it will never pass. That would be a travesty.

Instead of engaging in these ill-considered attempts to burden this important legislation with extraneous amendments, we ought to be doing the rest of our work. Why are we going to have to pass a continuing resolution to keep the Federal Government open before we leave this week? It is because none of the appropriation bills that are to pay for the Federal Government to keep the Federal Government open have cleared the Congress and gone to the President to be signed. We are simply not taking care of the people's business when we engage in rabbit trails such as this amendment calls for.

I don't doubt the sincerity of the sponsors of this amendment. I disagree with them on adding this amendment to this important legislation for the reasons I have stated. I even disagree with them that some crimes ought to be treated or punished unequally than others based upon a membership in a particular group that can be identified, as I have described. So I don't doubt their sincerity; I just disagree with them. But we ought to have this debate at a time when we can focus our efforts, after a hearing and due deliberation, and after adequate consideration about the merits of the particular proposal, as we ordinarily do—not add it on 16 days after we have started the Defense authorization bill that has taken too long, jeopardizing our ability to add to the end strength and relieve the stress of our men and women in uniform and their families, and make sure they get the dignified treatment of the Wounded Warriors Act, which is part of this underlying Defense authorization bill, so we can deal with the concerns expressed again in the GAO report, which said the reforms we all want to come quickly are coming far too slowly when it comes to cutting the redtape and making sure our wounded warriors not only get the medical care they deserve, but get to move through the Department of Defense health care system and Veterans Affairs system in a way that lightens their load and not burdens them further.

I think it is a mistake to consider this amendment at this time and in this way—a way that jeopardizes this important legislation. It has nothing—zero—to do with the Defense authorization bill.

Whatever the merits of the amendment may be, I encourage the majority leader to give the proponents of this amendment an opportunity to present it at another time when we don't place in jeopardy these important benefits and relief designed to help our men and women in uniform during a time of war. We are at war. Why in the world would we be engaged in these rabbit trails on extraneous topics when we ought to be providing our men and women in uniform the relief they deserve and so urgently need.

I hope my colleagues will vote against cloture on this amendment, no matter how good the intentions may be. I disagree that it belongs on this bill. I disagree that we should jeopardize this important legislation with extraneous matters such as immigration amendments, or hate crimes amendments, or anything else that doesn't have to do with helping our men and women in uniform during a time of war.

I yield the floor.

Mr. KENNEDY. Mr. President, I listened carefully to my friend from Texas. We have spent more time in quorum calls around here over these last few days. We spent a good deal of time on a poster—expressing the will of the Senate on various posters. We spent hours on those issues. Talk about delaying paying for the troops. I didn't hear those arguments when we were trying to uparmor HMMWVs last year. So I have difficulty in giving a lot of focus and attention to it.

Quite frankly, I imagine the Senator is talking about the DREAM Act, which will permit children who have been in this country for 5 years—brought in by their parents through no fault of their own—that we either permit them to go through an education or join the military—join the military. That has something to do with the Defense authorization bill—when we find out that many units are not being kept up to speed. So we will move ahead.

How much time do I have, Mr. President?

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator has 24 minutes.

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, like Senator KENNEDY, I feel it appropriate to respond very respectfully to a dear friend of mine from Texas. I have great affection for him. I have only been in this body for 11 years. For 11 years, I have been working on this piece of legislation. For 11 years, it has often been put on the Defense authorization bill—passed several times by the Senate. You might wonder why is it appropriate to put on the Defense authorization bill. Let me put a human face on it. This photo depicts a Navy seaman who was a gay man serving lawfully under ''don't ask, don't tell.'' Somehow it was discovered that he was a gay man. He was beaten to death so brutally that his mother was only able to recognize his body because of a tattoo that she was able to recognize.

The U.S. military is not immune from hate crimes. It is utterly and entirely appropriate that this be on the Defense authorization bill—if not for this man's reason, for the fact that we are engaged in a war on terrorism, utilizing our U.S. military. They are fighting terrorism abroad. Surely we have the stuff in the Senate to fight terrorism at home and within the military. If you need a human face for why this is entirely appropriate, look at Allen Schindler, whose mother was only able to identify him because of a tattoo she knew he had.

In terms of doing this in haste, I am not on the Judiciary Committee, but I know there have been many hearings in Congress after Congress and debates in the past 11 years in which I have participated. This is not done in haste. This is done thoughtfully and deliberately in Senate fashion. I don't think that charge sticks, and I think it is high time we pass this legislation and that we fight terrorism at home and abroad and even within the military.

I have made it a practice, since becoming aware that the Federal Government did not have a backstop law to State law, of a need to have the Federal Government to have authority to show up to work, to be able to be a backstop to State and local law—not preempt them but to help them and to let Americans know that at every level

of their Government, we care about public safety, we care about fighting terrorism.

Some will say this law is symbolism, it will not do anything. Ever since the Ten Commandments came down off Mount Sinai, the law has also been a teacher. We all fall short of the law. But the truth of the matter is, it does set a societal standard. I believe the Federal Government should join the States in setting this standard so this law can go from symbol to substance because it can, over time, change hearts and minds.

When one does what I have done, and that is enter into the CONGRESSIONAL RECORD a hate crime committed in the United States almost every day I have served in the Senate, I think it is apparent we have a problem, and I think it is apparent the Federal Government ought to have a role.

This law, symbolic as it is, can change hearts and minds and can be real substance. We are neglecting our role in this fight against hatred at home in living up to our national motto: ''E Pluribus Unum''; out of many one.

So irrespective of one's race, religion, sexual orientation, gender, we get equal protection under the law, and this is a glaring omission in the standard of equal protection, as I see it.

When I went to law school, I learned that to establish a crime, one of the first elements you have to determine is motive and intent. Some have said this is thought speech. The truth is, no thoughts are punished here. There is nothing in this amendment that prevents one from saying and thinking anything. The first amendment is unaffected by this legislation. But what this says is, if you think it, you speak it, and you act on it, you come under the jurisdiction of local, State, and I hope Federal hate crimes laws.

It is an element in a crime. Some argue it is unconstitutional. This very issue, as it related to sexual orientation in a Wisconsin case, was tried all the way to the U.S. Supreme Court. A unanimous decision was written affirming the inclusion of sexual orientation and the constitutionality of the Wisconsin State law. I have it in my hand. It is called Wisconsin v. Mitchell. It was written by William Rehnquist, not exactly a liberal, who made it very clear that hate crimes laws are constitutional because it goes to action, criminal behavior, and the speech, the thought, all of those are mere elements in proving a crime.

Many of my brothers and sisters in the religious community are now saying on national television even that this will limit the free exercise of religion, it will limit their ability to preach and interpret the Bible any way they want. If it did that, I would not be here. But if it did that, they would already be in jail because most States in the United States already have these laws. They are constitutional. They go to the elements of establishing the commission of a crime.

It is high time we passed this legislation. We have passed it as a Senate many times. We now have an opportunity to get it to the next step. I hope and pray the President does not veto it. We are not doing this in haste. We are not doing this because it is inappropriate on the Defense authorization bill. We are doing it because it is high time the Federal Government be able to show up to work in rural places such as Laramie, WY, where this young man was brutally beaten to death. This is Matthew Shepard. Matthew's mother Judy is a friend of mine. The sheriff in Laramie, WY, is one of the individuals who persuaded me they needed the help of the Federal Government. They were overwhelmed with what happened in the case of this young man, a 21-year-old college student whose life was taken on this lonely fence.

His life was taken not because they wanted his money or they wanted something else from him. They knew he was gay, and they beat him and left him to die on this fence in Wyoming.

With Matthew's mother's permission, Senator KENNEDY and I have named this amendment the Matthew Shepard Act. What happened to Matthew should happen to no one, no matter their religion, no matter their race, no matter their ethnicity, no matter their sexual orientation, because in the public square, we are all imperfect people. In the public square, we have a duty to provide public safety for all Americans, no matter their transgressions or whatever we think of their lifestyles.

This is a glaring omission in Federal law. I hope we are about to right it, and I hope as we do, we will remember the sacrifice and the commitment and the advocacy of Judy Shepard on behalf of her son and his memory. Let us enshrine this act in his name in our law because it is the right thing to do, and it is about time we do it.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, I will take a few seconds, and then I will yield to the distinguished Senator from South Carolina.

To be honest with you, I don't think anybody differs with about 90 percent of what the distinguished Senator from Massachusetts or the distinguished Senator from Oregon have said, but it needs to be pointed out that in every case they have cited, State law took care of it and took care of it stronger than this bill will take care of it.

Frankly, whether it is Matthew Shepard or whether it is Byrd or whether it is the other case the distinguished Senator from Oregon mentioned, there is no need to federalize these crimes because they are being taken care of.

I yield 5 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, before my colleague from Oregon leaves, I don't think there is anybody in this body who is more respected than Senator GORDON SMITH. He is a very sincere, thoughtful guy who tries to personalize issues that affect people throughout this country. I know he is motivated by all the right reasons, but somebody needs to talk about the politics.

This legislation has been placed on the Defense authorization bill in the past. It never made it out of conference because we knew, with the makeup of the conference, the amendment would fall. Given the makeup of this conference, the amendment will be part of the bill and it is going to be vetoed. That is the politics. Whether one agrees with President Bush, he said he is going to veto this bill, and if I were him, I would as Commander in Chief. I would not buy into this way of legislating.

Another reason for this amendment, if you think there is a gap in military law that without this kind of amendment the military is not going to prosecute people who act on their prejudices, you are wrong. If someone in uniform commits a crime against a civilian or another person in uniform, I don't care why they did it; if they beat somebody up, hurt somebody, they are going to get prosecuted. That is the way the military law works.

We are not doing the military a favor by passing this legislation because there is no problem in the military in terms of how justice is administered. Whatever motivates you to hurt someone or to take the law in your own hands or act on your prejudices, you are going to be dealt with because we cannot have good order and discipline in the military when people can hurt someone based on their individual prejudice because the whole unit falls apart. This is nothing the military needs. They are going to take care of violence in the ranks based on the law they already have.

I can assure my colleagues that no one in the military gets a pass because of the status of their victim. If you engage in violent conduct, inappropriate behavior, illegal behavior, the law is going to come down on your head because we need good order and discipline.

The politics of this amendment is that this bill will get vetoed. The President is not going to agree to this social legislation on the Defense authorization bill, and we have to take responsibility for that action. Whether one agrees with him or not, we are going to put in jeopardy items the military does need. They don't need a hate crimes bill to make it an effective fighting force. We already have disciplinary tools to discipline people. They need pay raises and MRAP protection, and this bill provides those items.

Members of this body have different views about hate crimes legislation. We can argue those differences any time, anywhere, on any other piece of

legislation. It can be brought up as a freestanding bill. But to put it on this bill is going to put in jeopardy items our men and women who are in combat and being shot at need. When I go to Iraq, I don't have a lot of people coming up to me saying we need to pass a hate crimes bill. They do need better body armor. They do need pay raises. They do need better MRAPs.

I think this is a very poor use of the legislative process knowing the end game. The end game is, we are going to hijack the Defense authorization bill by legislation not needed in the military, that is contentious, and that has an opportunity to be debated somewhere else. I hope reason prevails eventually.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Massachusetts controls 14 minutes, and the Senator from Utah controls 22 minutes.

Mr. LEAHY. Mr. President, I yield myself up to 5 minutes from the time of the Senator from Massachusetts.

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

Mr. LEAHY. Mr. President, today the Senate is considering an amendment to the Department of Defense bill to address crimes that terrorize entire communities. Violent crimes motivated by prejudice and hate are tragedies that haunt American history. From the lynchings that plagued race relations for more than a century to the well-publicized slayings of Matthew Shepard and James Byrd, Jr., in the 1990s, this is a story we have heard too often in this country. Unfortunately, in my home state of Vermont, there have been two recent attacks that appear to have been motivated by the victims' religion or sexual orientation. A well-respected State representative in the Vermont Legislature has not been immune to threats of violence based solely on his sexual orientation.

I am proud to once again be a cosponsor of this legislation. I would like to express my appreciation to the Senator from Massachusetts and the Senator from Oregon for their work on this. I hope that this time Congress will have the courage to pass it. Six years ago, I made this bill one of the first major bills to move through the Judiciary Committee after I became chairman. It passed the Senate in the 106th Congress and again in the 108th Congress, but Republicans in the House blocked this important bill each time. In the Democratically led House of Representatives, the companion bill this year passed by a wide bipartisan margin. So I am hopeful that this time, Democrats and Republicans in the Senate will join together finally to enact this civil rights measure into law.

This hate crimes legislation improves current law by making it easier for Federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. Victims will no longer have to be engaged in a narrow range of activities, such as serving as a juror, to be protected under Federal law. This bill also focuses the attention and resources of the Federal Government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability, which is an important and long overdue expansion of protection. Finally, this bill provides assistance and resources to State, local, and tribal law enforcement to address hate crimes.

The crimes targeted in this bill are particularly pernicious crimes that affect more than just their victims and their victims' families—they inspire fear in those who have no connection to the victim other than a shared characteristic such as race or sexual orientation. When James Byrd, Jr., was dragged behind a pickup truck and killed by bigots in Texas in 1998 for no reason other than his race, many African Americans throughout our Nation surely felt diminished as citizens. When Matthew Shepard was brutally murdered in Wyoming the same year because of his sexual orientation, many in the gay and lesbian community felt less safe on our streets and in their homes. These crimes promote fear and insecurity that are distinct from the reactions to other crimes, and we need to take action to enhance their prosecution.

All Americans have the right to live, travel and gather where they choose. In the past, we have responded as a Nation to deter and to punish violent denials of civil rights. We have enacted Federal laws to protect the civil rights of all of our citizens for nearly 150 years. The Local Law Enforcement Hate Crimes Prevention Act continues that great and honorable tradition.

This bill will strengthen Federal jurisdiction over hate crimes as a backup, but not a substitute, for State and local law enforcement. States will still bear primary responsibility for prosecuting most hate crimes, which is important to me as a former State prosecutor. In a sign that this legislation respects the proper balance between Federal and local authority, it has received strong bipartisan support from State and local law enforcement organizations across the country.

Moreover, this bill accomplishes a critically important goal—protecting all of our citizens—without compromising our constitutional responsibilities. It is a tool for combating acts and threats of violence motivated by hatred and bigotry. But it does not target pure speech, however offensive or disagreeable. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it.

We have been trying for years to pass the Local Law Enforcement Hate Crimes Prevention Act. It is appropriate to attach this important legislation to the pending Department of Defense authorization bill, as we have done twice in recent memory, because this is a pressing issue. I hope that we will not see another Republican-led filibuster on what should be a bipartisan measure.

Adoption of this amendment will show once again that America values tolerance and protects all of its people. I urge the opponents of this measure to consider the message it sends when year after year, we are prevented from enacting this broadly supported bill. The victims of hate deserve better. Let us join together and adopt these provisions without further obstruction and delay.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. President, I wish to express again my strong support for the reauthorization of the Children's Health Insurance Program. When we talk about the work of this Congress, I believe the extension of CHIP will stand out as one of the great accomplishments of this body. The bill is a clear statement of the priority of the majority in the Congress.

In passing this legislation, we state clearly that the health of our Nation's children is an issue too important to be dealt with in a ''business as usual'' fashion. This is a program that represents the best of what can happen when Members of both sides of the aisle come together to forge a consensus, with Democrats and Republicans working together for that consensus.

The outcome is a solid compromise on a vital issue: more health insurance coverage for millions of children. The choice is clear. Either you support children's health care or you do not. Either it deserves to be a high priority on our agenda or it does not. Frankly, as a parent, as a grandparent, I don't see this as a choice at all. It is a matter of priority. Few issues are as important as caring for our children.

Instead of helping more families who are struggling to afford basic health care for their children, the President would cut thousands in Vermont who have coverage right now. He is failing to lead, so Congress again is stepping in to realign our priorities.

If we can find the money to fund the war in Iraq for 41 days, the same amount that would pay for 10 million children to have health insurance for a whole year, then we can pay for this bill. I have heard some argue the bill should be opposed because it raises taxes on tobacco—just tobacco. Anyone who opposes this bill on these grounds is choosing big tobacco over children's health.

I support this bill because I believe it is a travesty that in the richest, most

powerful country in the world, there are more than 47 million people without health insurance. It is an absolutely shocking number. It represents roughly one in six people who are going without regular trips to the doctor and foregoing needed medications and who are forced to use the emergency room for care because they have nowhere else to turn. These are our friends, our neighbors, and millions of our children.

My wife, during the years when she worked as a registered nurse, saw these people and realized what happened to them.

The legislation before us will extend and renew health care coverage for 10 million children. My own State of Vermont has been a national leader in children's health care. Even before the creation of CHIP, we knew this was the right thing to do. Because of our early action, Vermont has the lowest rates for uninsured children in the country, making our State a leader and an example for the rest of the Nation. This bill will bring us still closer to the goal of covering all children in our State but also to thousands elsewhere.

We are faced with many choices in the Senate. For me, the choice in this bill is clear. It is a must-pass bill. It is worthy of our support. I urge all my colleagues to stand for the children of this country and support this bill, and I urge the President to abandon his ill-advised threats and to sign it into law. If we can afford the war in Iraq, we can afford to insure our children.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 4 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I just want to share a few thoughts with my colleagues on the pending amendment. This hate crimes legislation is constitutionally dubious and very unusual legislation in the history of how we do law enforcement in America.

What I want to say to my colleague is that a murder in Utah, a murder in Massachusetts, a murder in Alabama is not a Federal crime unless certain other events occur, unless it is related to some other event. A robbery in any State is not a Federal crime per se. It has to be robbery of a Federal bank. It has to be robbery of an interstate shipment or something of that nature. But simple assaults, simple murders, no matter how grievous, are not Federal crimes. So the Supreme Court has been cautious about that and has raised questions about it.

Now, with regard to our history of legislating in this area, we have made Federal civil rights laws applicable to assaults and murders of people in America on account of their race, and the Supreme Court has upheld that. One of the fundamental reasons for that is that in many areas of the country, for many years—truly not so today, I believe, but in the past, areas such as my area of the country, have not prosecuted those cases, and there was a historical record of a failure to effectively prosecute in racial assaults that affected people's fundamental civil liberties. So that has been upheld. But the legislation we are talking about today is about picking an area that people care about and are concerned about and feel deeply about, which is that people should not be assaulted or abused as a result of their sexual orientation, and now we want to create a Federal crime wherever in America such an assault or an illegal activity or murder against that person occurs. We want to make that a Federal crime.

One of my colleagues said it is a backstop for the Federal Government. It is not a backstop. I was a Federal prosecutor. Federal law has priority. So this is a move in that direction.

So the question is, what about the elderly? What about those who are sick and infirm? What about police officers, if they are murdered? Do we need the Federal Government to make that a crime also and be able to prosecute all of those murders throughout the country when we have never done that historically? It is a big deal from that perspective, and that is why it is constitutionally suspect.

A State can pass such a law, I will admit. The Federal Government can pass such a law on Federal property, military bases, and the District of Columbia. But when the Federal Government reaches into a State that has no interstate nexus and creates a crime of this kind, I think it is, first, constitutionally questionable; secondly, not necessarily good policy because what other kinds of crimes motivated by what other kinds of malintent are we going to now make a Federal crime?

So Senator HATCH has explicitly and openly and directly delineated the very aggressive prosecutions we are seeing in States for hate-type crimes against homosexuals, and he has shown how a number of them have gotten a death penalty, which this act does not provide for, but State laws do. We have no record to indicate there is a shortage or a lack of willingness to prosecute these cases, so I think, under those circumstances, we ought not to do it.

I also would note it would be a tragic thing indeed if this Defense bill would be vetoed as a result of this extraneous piece of controversial legislation.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, this has been an interesting exercise, as far as I am concerned, but I rise to oppose this hate crimes legislation. This is wrong—hate crimes legislation. Instead, we have the opportunity to support the prosecution of hate crimes in a meaningful and a legitimate way that is different from this.

I have said for years in this Chamber that violence motivated by bias against a particular group is abhorrent. Everybody in this body believes that. There is no issue here. We believe that. I believe such conduct must and should be made a crime and punished differently from other crimes. I know all of my colleagues share my conviction about hate crimes. But where should that conviction lead us? The conviction that hate crimes are abhorrent leads me to ask what Congress may properly do about it. That conviction cannot, however, justify supporting the wrong legislation.

The Senate has before it today two amendments which represent two different approaches to the problem of hate crimes. I believe the amendment offered by my good friend from Massachusetts, Senator KENNEDY, is unwise, unnecessary, and unconstitutional. Some would argue the ends justify the means. They say, if you believe hate crimes are abhorrent, then you must vote for the Kennedy amendment. That certainly is not true, and I urge my colleagues to resist that sort of misguided pressure.

Our obligation is not only to pursue the right goals but to do it in the right way. The Kennedy amendment would federalize the prosecution of hate crimes. It would create a new Federal felony, punishable by up to 10 years in prison, for causing bodily injury to another because of that person's actual or perceived religion, national origin, gender, sexual orientation—gender identity?—or disability.

This amendment is unwise because of how it is drafted and how its supporters are trying to get it passed. The Senator from Massachusetts introduced S. 622 in the 106th Congress. He introduced S. 966 in the 108th Congress. He introduced S. 1105 in April. It would prohibit violence motivated by an additional new category of bias. The amendment before us today would do the same. That process of adding categories constituency by constituency and extending the reach of the Federal hate crimes law could continue indefinitely.

When my colleagues consider whether to support the current Kennedy amendment, even if they have supported previous versions, they should know that this amendment before us today is broader than any version of this legislation ever considered by this body. In its latest iteration, the Kennedy amendment would prohibit violence motivated by gender, sexual orientation, and gender identity. Now, there has been no public discussion about what these terms mean, how they may differ, and whether they can be applied in anything approaching a consistent and reasonable way.

But let me address another problem with including the latest new category—what the Kennedy amendment calls perceived gender identity. The term ''perceived'' applies to gender identity as it applies to the other categories, and it refers to the perpetrator's perception. In other words, the amendment prohibits violence based on

what the perpetrator perceives to be the victim's gender identity. But the term ''gender identity'' refers to the victim's perception. Get that? The term ''gender identity'' refers to the victim's perception.

The online resource Wikipedia defines gender identity as:

> Whether one perceives oneself to be a man, a woman, or describes oneself in some less conventional way.

Now, the contradiction is obvious. The Kennedy amendment would criminalize violence based on the perpetrator's perception of the victim's self-perception. Whether or not this is good sociology—and I don't believe it is—it is bad legislation.

The Kennedy amendment is also unwise in the way its supporters are trying to get it passed. Even though my good friend from Massachusetts introduced it as a separate bill, we are here today considering it as an amendment to the Defense authorization bill. Some justify that by saying it would also protect members of the military. This measure would protect those serving in the military as well as everyone it attempts to cover whether it is attached to this bill or any other bill on any other subject at any other time. So that is not a good argument.

Its proponents wanted to attach the Kennedy amendment to this legislative vehicle not because it is relevant to the Defense authorization bill but because we consider the Defense authorization bill around here to be what we call a must-pass bill. If the Kennedy amendment prohibited violence against individuals because of their status as members of the military, I suppose it might be more relevant to the Defense bill. But I note that the Kennedy amendment does no such thing.

The Kennedy amendment does not belong on the Defense authorization bill, especially when the President has already threatened to veto the amendment and may have to veto this bill because of this amendment, a bill that is absolutely necessary for the benefit of our soldiers.

Now, in addition to being unwise, the Kennedy amendment is unnecessary. State laws already provide for prosecuting the underlying violence prohibited by the Kennedy amendment. Laws against murder, rape, assault, and the like are State laws, and they should remain that way. Forty-six States also have hate crimes legislation on the books that either criminalize substantive offenses or enhance criminal penalties for existing offenses because of their motive or bias.

By the way, the murderers of James Byrd in Texas and Matthew Shepard in Wyoming, after whom this bill is named, were either sentenced to death or are in prison for the rest of their lives under State law, more than this bill would do. My point is, State laws have been taking care of these matters, and there is absolutely no evidence that the proponents of this bill have been able to show that States are not doing their job under their laws, which are better than this law.

While these are the most widely cited examples, the Byrd and Shepard cases, and the other case cited by my friend from Oregon to demonstrate the need for the Kennedy amendment, it would treat both of these hate crime murders more leniently than current State law does.

There is no evidence that State and local governments are incapable of prosecuting these crimes, or that they are failing to do so.

Fewer than 17 percent of all law enforcement agencies reported even a single hate crime in 2005.

Hate crimes account for less than one-tenth of 1 percent of crimes in America.

The majority of hate crimes involve such things as vandalism or verbal intimidation.

By requiring actual or threatened bodily injury, the Kennedy amendment focuses on an even smaller portion of hate crimes.

This means that States would be more, not less, able to address the hate crime problem themselves.

The States are, in fact, already doing so.

In addition to being unwise and unnecessary, the Kennedy amendment is unconstitutional.

Yesterday in this Chamber, my good friend from Massachusetts strenuously emphasized, clearly and unambiguously, that his amendment is not limited by existing Federal jurisdiction.

In fact, he deliberately wants to break this new Federal hate crime felony free from any such limitation.

In his words, the limitation of requiring Federal jurisdiction for such a Federal crime would be ''outdated, unwise, and unnecessary.''

He said the same thing in April when he introduced this measure as a separate bill.

But the requirement that Congress have authority to legislate on such an issue derives from the very Constitution that each of us has sworn to support and defend.

We must have affirmative authority, derived from the Constitution, to legislate.

By giving us only delegated powers, America's founders rejected the idea that the desirable ends justify the political means.

Federalizing crime is legitimate only when it is connected to a power properly exercised by the Federal Government.

Rejecting the requirement of Federal jurisdiction in the legislation before us is rejecting the limitations imposed upon us by the Constitution.

With all due respect to my good friend from Massachusetts, I do not believe the Constitution is outdated, unwise, or unnecessary.

In its findings, the Kennedy amendment cites the 13th amendment to the Constitution, which banned slavery and involuntary servitude, as a constitutional basis for this legislation.

Modern forms of slavery do exist, and I urge my colleagues to support efforts by the Departments of Justice, Labor, and State to uncover and eliminate such heinous practices as human trafficking and forced prostitution.

But that is not what the Kennedy amendment, or existing hate crimes laws for that matter, are about and they cannot hook their train to the 13th amendment engine.

Connecting 19th century slavery with 21st century perceived gender identity at least requires a long series of rhetorical dots, but it should require more than a storytelling imagination to produce sound legislation.

The Kennedy amendment's growing list of prohibited bias categories extends far beyond anything the Supreme Court has ever recognized as relating to the badges and incidence of slavery.

We do not have to speculate about other constitutional defects in the Kennedy amendment.

As I said yesterday in this chamber, the Supreme Court struck down a portion of the Violence Against Women Act—I was a prime sponsor with Senator BIDEN of that bill—because Congress's authority to regulate interstate commerce did not extend to turning State crimes into Federal lawsuits.

The Court emphasized the distinction between the truly national and truly local and concluded that Federal legislation must be directed at such things as the actual instrumentalities, channels, or goods involved in interstate commerce.

The Kennedy amendment tries to avoid the same fate by appearing to require an interstate commerce nexus for some of the hate crimes it would cover.

If its backers are serious about this requirement, as the Supreme Court surely is, this would further reduce the hate crimes the Kennedy amendment would actually reach.

Their rhetoric and the ever-expanding list of prohibited bias categories in successive versions of this legislation, however, make me wonder whether they genuinely want the Kennedy amendment to be so narrowly applied.

As I said in this chamber yesterday, my good friend from Massachusetts, in the straightforward and direct way we have all come to appreciate and respect, has said unequivocally that all hate crimes will face Federal prosecution.

This will lead to a massive federalization of hate crimes that traditionally have been, and that constitutionally should remain, left to the authority of the States.

There is no need to burden prosecutors and courts and do such damage to our constitutional framework of government.

Our conviction about hate crimes cannot, it must not, blind our conviction about the need for wise legislation and respecting the fundamental limits of our constitutional authority.

While the Kennedy amendment is unwise, unnecessary, and unconstitutional, the good news is that we can do

something legitimate and meaningful about hate crimes without back-handing the Constitution.

The amendment I have offered would strengthen enforcement of hate crimes laws right where that enforcement may legitimately and most effectively occur, at the State and local level.

My amendment would charge the Comptroller General, in consultation with the National Governors Association and State and local law enforcement, with studying whether State and local governments are properly and effectively addressing hate crimes.

This would give us a more objective understanding of the nature and scope of the hate crimes problem so that we can better determine whether there is any basis for a greater Federal role before we go off on this massive sweeping legislation the distinguished senator from Massachusetts is urging. My legislation would help identify whether any gaps exist in the ability and determination of States to prosecute hate crimes and provide Federal resources to help them do so.

The authority to prosecute hate crimes rests with the States, and if we truly want both to address hate crimes and stay within our proper constitutional role, we can help the States effectively carry out their responsibility.

I said it before, and I will say it again.

Crimes of violence, no matter their motivation, are abhorrent.

I recognize that some crimes of violence are directed not only against individual victims, but against the groups or communities with which those victims identify.

Concern about hate crimes, however, is only the beginning of the discussion and the political ends do not justify the legislative means.

I know that my good friend from Massachusetts is genuinely passionate about what he sees as an injustice.

His amendment, however, is the wrong way to address the problem.

The Kennedy amendment is unwise, unnecessary, and unconstitutional.

It is unwise in its drafting and in the way its supporters are trying to get it passed.

It is unnecessary because States have their own hate crimes laws and are demonstrably able to address the problem.

It is unconstitutional because Congress lacks authority to create such a freestanding criminal felony unrestricted by Federal jurisdiction.

I urge my colleagues, instead, to do the right thing and to do it the right way by supporting the amendment I have brought to the floor.

I find no fault with people who are sincere in trying to do things that sincerely are well motivated. But we should live within the confines of the Constitution. There is no nexus that would justify this type of overwhelming legislation, imposed upon everybody in this country, when the States are already doing the job.

We have two hate crimes amendments before us today. One is extremely broad, probably unconstitutional, and likely unnecessary. The President has threatened to veto it. The amendment would torpedo the Defense authorization bill. The other is a more modest approach. My amendment would assist State and local law enforcement as they do the hard work of providing equal justice for all their citizens. The Kennedy amendment is sweeping, but it cannot realistically get done on this bill. Mine is a modest, and I believe adequate, approach to this problem, and it would become law. To quote an unappreciated political philosopher:

> You can't always get what you want. But if you try, sometimes, you'll find you get what you need.

I urge my colleagues to vote against cloture on the Kennedy amendment and for cloture on my amendment and I think we will make better headway than we would if we agree to the Kennedy amendment.

I reserve the remainder of my time.

Mr. LEVIN. Mr. President, I support the passage of the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007. We have all heard the story of Matthew Shepard: the 21-year-old student at the University of Wyoming who was brutally beaten—his skull smashed—and tied to a fence with a rope and left to die—because he was homosexual. No one should be targeted because of the color of their skin, their religion, their gender or their sexual orientation.

In April of this year, I joined Senators KENNEDY, SMITH, and others in introducing hate crimes legislation. This amendment, which is identical to that legislation, for the first time will expand the definition of a hate crime to include gender, gender identity, disability, and sexual orientation. It gives the Justice Department jurisdiction over crimes of violence committed because of a person's actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability. Existing law only covers race, color, religion, or national origin-based hate crimes, where the victim was engaging in one of six 'specified activities.' It will also strengthen the ability of the Federal, State, and local governments to investigate and prosecute hate crimes based on race, ethnic background, religion, gender, sexual orientation, and disability.

Some have said that this bill will take away first amendment rights. That is just not true. This law would punish violent acts, not beliefs. This legislation only applies to violent, bias-motivated crimes and does not infringe on any conduct protected by the first amendment. The first amendment right to organize against, preach against and speak is not impinged.

America's diversity is one of our greatest strengths. Our tolerance for each other's differences is part of the lamp that can help bring light to a world which is enveloped in bigotry and intolerance.

America has taken many steps throughout our history on a long road to become a more inclusive Nation.

We are hopefully about to take another one if we adopt the Matthew Shepard Hate Crimes Prevention Act of 2007.

Ms. FEINSTEIN. I rise today in support of the Kennedy-Smith amendment No. 3035, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007.

This legislation is a crucial step toward prosecuting crimes directed at thousands of individuals who are the targets of brutal and senseless violence.

The current Federal hate crimes law simply does not go far enough. It covers only crimes motivated by bias on the basis of race, color, religion, or national origin.

This amendment improves the current Federal hate crime law by including crimes motivated by gender, gender identity, sexual orientation, and disability.

Congress must expand the ability of the Federal Government to investigate and prosecute anyone who would target victims because of hate. In those States with State hate crimes laws, the Federal Government must provide the resources to ensure that those crimes do not go unpunished. We can and must do more.

In my own State of California, horrific instances of violence signify the critical need for legislation today.

I would like to share just a few examples:

In Santa Ana, retired Federal agent Narciso Leggs, Jr., was found strangled and tortured on June 29 in his southern California apartment. The killer placed a smiling ceramic angel on the victim's shoulder blade and wrote antigay slurs on his flesh with a black marker.

Another instance, in Los Angeles, CA, this past Spring: James McKinney, a mentally disabled man, was beaten to death by an unidentified man wielding an aluminum baseball bat as he was walking to the store from his home, a mental health care facility. The attack was caught on surveillance camera on Tuesday May 29, but his attacker remains at large.

In San Diego, attackers wielding baseball bats and shouting antigay slurs beat two men and stabbed a third in the back. The attack was the first in more than a decade at San Diego's annual gay pride festival.

Lastly, one of the most well-known cases in California happened in West Hollywood to actor Trev Broudy in 2002.

The night of his attack, Trev Broudy was hugging a man on a street. Three men with a baseball bat savagely attacked the actor, leaving him in a coma for approximately 10 weeks. As a result of the attack, Trev suffered brain damage, lost half of his vision, and has experienced trouble hearing.

The crimes are brutal. The attackers targeted their victims because of who they are. Yet none of these crimes can be prosecuted as a Federal hate crime.

These are not isolated instances. These crimes occur all over the country. According to FBI statistics, 27,432 people were victims of hate-motivated violence over the last 3 years. That is an average of over 9,100 people per year, with nearly 25 people being victimized every day of the year, based on their race, religion, sexual orientation, ethnic background, or disability.

Even more disturbing is the fact that these FBI statistics show only a fraction of the problem because so many hate crimes are unreported.

The Southern Poverty Law Center estimates that the actual number of hate crimes committed in the United States each year is closer to 50,000, and survey data from the biannual National Crime Victimization Survey suggests that an average of 191,000 hate crime victimizations take place per year.

Race-related hate crimes are the most common, but crimes based on religion, ethnic background or sexual orientation are also significant. In fact, a close analysis of hate crimes rates demonstrates that groups that are now covered by current laws—such as African Americans, Muslims, and Jews—report similar rates of hate crimes victimizations as gays and lesbians—who are not currently protected.

On average, 8 in 100,000 African Americans report being the victim of hate crime; 12 in 100,000 Muslims report being the victim of hate crime; 15 in 100,000 Jews report being the victim of hate crime; and 13 in 100,000 gay men, lesbians, and bisexuals report being the victim of hate crime.

Every individual's life is valuable. Congress must act to protect every person who is targeted simply because of who they are.

Specifically, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007 expands on the 1968 definition of a hate crime.

Under current Federal law, hate crimes only cover attacks based on race, color, religion, and national origin. Under this amendment, hate crimes will include gender, gender identity, sexual orientation, and disability.

The bill enables States, local jurisdictions, and Indian tribes to apply for Federal grants in order to solve hate crimes and provides Federal agents with broader authority to aid State and local police.

Additionally, the bill amends the Hate Crime Statistics Act by inserting ''gender'' and ''gender identity,'' allowing law enforcement agencies to gather data on the newly protected groups.

This is not a new bill. It was first introduced in 1998. It has passed the Senate three times: in 2000, and in 2002 and 2004 as an amendment to the Department of Defense authorization bill.

It passed the House this year as a stand-alone bill and last year as an amendment to the Adam Walsh Act.

It is bipartisan. It has 44 cosponsors in the Senate and 171 cosponsors in the House. It is endorsed by over 210 law enforcement, civic, and religious organizations and has the support of 73 percent of the American population.

There is no excuse for not passing this bill out of the Senate today. This bill is not about free speech. It is about crimes of violence—often brutal, savage acts of violence. These crimes target a person solely because of that person's race, sexual orientation, religion, gender, national origin, or disability. By terrorizing one member of a group, they terrorize entire communities of people. These crimes damage our social fabric. We must be clear that we cannot tolerate this kind of intimidation.

Today, I ask all of my colleagues to rally against hate by working to ensure that this legislation is not simply supported but actually passed and signed into law.

Until it is enacted, many hate crime victims and their families will not receive the justice they deserve.

Let us send a message to all Americans that we will no longer turn a blind eye to hate crimes in this country.

Mr. KERRY. Mr. President, I still remember standing on the steps of the Capitol on October 14, 1998—thousands gathered on a cool autumn evening—to remember Matthew Shepard 2 days after he had been killed in Laramie, WY.

That night I said:

> Matthew Shepard is not the exception to the rule—his tragic death is the extreme example of what happens on a daily basis in our schools, on our streets, and in our communities. And that's why we have an obligation to pass laws that make clear our determination to root out this hatred. We hear a lot from Congress today about how we are a country of laws, not men. Let them make good on those words, and pass hate crimes legislation.

Almost 10 years have passed since that candlelight vigil—10 years too long for Washington to do what was so obviously needed. Violent hate crimes are on the rise—almost 10,000 violent acts of hate against individuals based on their sexual orientation have been reported to the authorities since Matthew Shepard's murder. What a tragic reminder of the urgency of providing local law enforcement with the added resources and support needed to get tough on hate crimes. What a horrific wake-up call to a sleepy Washington about the need to ensure a Federal backstop to assist local law enforcement in those cases in which they request assistance or fail to adequately investigate or prosecute these serious crimes.

The good news is that today with this Senate vote we will move one step closer than ever to legislating a Federal hate crimes law that includes sexual orientation and gender identity—the Matthew Shepard Act.

This is the least we can do, as we committed to do that night in 1998, to insure that ''the lesson of Matthew Shepard is not forgotten.'' It is the least we can do to right a wrong in an America where every morning, someone takes the long way to class, an America where every day someone looks over his shoulder on the street, and still today in America innocent people fear for their safety—all because some people hate them for being who they were born to be—gay, lesbian, bisexual, or transgender.

This fight is not over, but this vote is an important milestone in the fight—a day when I hope we will begin at last to turn the tide, and reaffirm our faith that the strength of human justice can overcome the hatred in our society by confronting it.

I want to thank my friend and colleague, Senator KENNEDY, for his hard work to address hate crimes and ensure that this vital legislation is enacted.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have listened with great interest to my friend from Utah describe this legislation. He has followed one of the great traditions of the Senate. That is, he has misrepresented and misstated my position and then he has differed with it. I know that technique because I have used it a few times myself.

I hope, for those of our colleagues who have been following this debate, to keep in mind very briefly—I outlined earlier the principal reasons for this—but with regard to what is happening in the local communities, and in the States, the fact is the National District Attorneys Association is supporting this legislation. Do you believe if we were doing all the things the Senator said, if we were violating everything local and State, the National District Attorneys Association would be supporting this? The National Sheriffs' Association is supporting it, as is the States Attorneys General of the United States. The principal law enforcement agencies in the States are supporting it. Do you think they would be supporting this if it was unconstitutional? You don't think they would have the opportunity to know what is constitutional or not constitutional? And you don't think they understand what is necessary to protect their citizens from the viciousness of hate crimes?

There it is. I ask unanimous consent the entire list be printed in the RECORD.

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

Letters From Organizations That Support the Local Law Enforcement Hate Crimes Prevention Act of 2007

1. American-Arab Anti-Discrimination Committee
2. American Association of University Women
3. American Civil Liberties Union
4. American Jewish Committee
5. American Psychological Association
6. Anti-Defamation League
7. Asian American Justice Center
8. Center For the Study of Hate and Extremism
9. Hadassah
10. Human Rights Campaign

11. Interfaith Alliance
12. International Association of Chiefs of Police
13. Jewish Council for Public Affairs
14. Leadership Conference on Civil Rights
15. Major Cities Chiefs Association
16. Matthew Shepard Foundation
17. NA'AMAT USA
18. National Association of Lesbian, Gay, Bisexual & Transgender Community Centers
19. National Association for the Advancement of Colored People
20. National Center for Transgender Equality
21. National Council of Jewish Women
22. National District Attorneys Association
23. National Organization for Women
24. National Sheriffs' Association
25. Organization of Chinese Americans, Inc.
26. People for the American Way
27. PFLAG
28. Religious Action Center of Reform Judaism
29. SALDEF (Sikh American Legal Defense and Education Fund)
30. States Attorneys General
31. Unitarian Universalist Association
32. The United States Conference of Mayors
33. United States Student Association
34. Group Letter: Religious Organizations: African American Ministers in Action, American Jewish Committee, Anti-defamation League, Buddhist Peace Fellowship, Catholics for a Free Choice, Church Women United, The Episcopal Church, Hadassah, Hindu American Foundation, The Interfaith Alliance, Jewish Council for Public Affairs, Jewish Women International, Muslim Public Affairs Council, NA'AMAT USA, National Council of Churches of Christ, National Council of Jewish Women, North American Federation of Temple Youth, Presbyterian Church USA, Sikh Council on Religion and Education, United Church of Christ Justice and Witness Ministries, Union for Reform Judaism, United Methodist Church General Board of Church and Society, Unitarian Universalist Association of Congregations, United Synagogues of Conservative Judaism and Women of Reform Judaism.
35. Group Letter: Consortium for Citizens with Disabilities: Alexander Graham Bell Association for the Deaf and Hard of Hearing, American Association on Health and Disability, American Association on Intellectual and Developmental Disabilities, American Association on Mental Retardation, American Association of People with Disabilities, American Council of the Blind, American Counseling Association, American Dance Therapy Association, American Medical Rehabilitation Providers Association, American Music Therapy Association, American Network of Community Options and Resources, American Occupational Therapy Association, American Psychological Association, American Therapeutic Recreation Association, American Rehabilitation Association, Association of Tech Act Projects, Association of University Centers of Disabilities, Autism Society of America, Bazelon Center for Mental Health Law, Council for Learning Disabilities, Council of State Administrators of Vocational Rehabilitation, Easter Seals, Epilepsy Foundation, Helen Keller National Center, Learning Disabilities Association of America, National Alliance on Mental Illness, National Association of Councils on Developmental Disabilities, National Coalition on Deaf-Blindness, National Disability Rights Network, National Down Syndrome Society, National Fragile X Foundation, National Rehabilitation Association, National Respite Coalition, National Structured Settlement Trade Association, NISH, Paralyzed Veterans of America, Research Institute for Independent Living, School Social Work Association of America, Spina Bifida Association, The Arc of the United States, United Cerebral Palsy, United Spinal Association, World Institute on Disability.
36. Group Letter: National Partnership for Women and Families: 9 to 5 Bay Area, 9 to 5 Colorado, 9 to 5 Poverty Network Initiative (Wisconsin), 9 to 5 National Association of Working Women, AFL–CIO Department of Civil, Human and Women's Rights, American Association of University Women, Atlanta 9 to 5, Break the Cycle, Coalition of Labor Union Women, Colorado Coalition Against Sexual Assault (CCASA), Communications Workers of America AFL–CIO, Democrats.com, Equal Rights Advocates, Feminist Majority, Gender Public Advocacy Coalition, Gender Watchers, Hadassah the Women's Zionist Organization of America, Legal Momentum, Lost Angeles 9 to 5, NA'AMAT USA, National Abortion Federation, National Asian Pacific American Women's Forum, National Association of Social Workers, National Center for Lesbian Rights, National Congress of Black Women, National Council of Jewish Women, National Council of Women's Organizations, National Organization for Women, National Partnership for Women and Families, National Women's Conference, National Women's Committee, National Women's Law Center, Northwest Women's Law Center, Sargent Shriver National Center on Poverty Law, The Women's Institute for Freedom of the Press, Washington Teachers Union, Women Employed, Women's Law Center of Maryland, Women's Research and Education Institute, YWCA USA.

Mr. KENNEDY. I will mention a few. They include the Anti-Defamation League, Human Rights Campaign, Leadership Conference on Civil Rights, National Association for the Advancement of Colored People. Why? Because, as we know, hate crimes are increasing. They are not diminishing in the United States of America. They are increasing. All the statistics demonstrate it.

What is also demonstrable is what local law officials point out by their support. They do not have the tools or the will to deal with the most vicious types of attacks that take place upon individuals because of who they are. That is why they support this rather measured proposal that we have, that will give help and assistance in attacking the problems of hatred at home like we are attacking the problems of hatred abroad.

This is not such a strange issue.

Will the Chair let me know when I have a minute left, please.

My friend, Senator HATCH, pointed out during our debate in 2000:

> Crimes of animus are more likely to promote retaliatory crimes; they inflict deep, lasting and distinct injuries—some of which never heal—on victims and their family members; they incite community unrest and, ultimately, they are downright un-American.

No one could say it better. He understands that is what we are talking about and whether we are going to battle that with both hands, not with one hand tied behind our back as exists at the present time. It is the local law officials who are stating that. Even the Justice Department said the same a few years ago.

Finally, on why this is such an extraordinary situation—this is what the Justice Department says.

> Local authorities may not have the tools or the will to prosecute a particular bias-motivated crime fully.

We put this aside. This, basically, is a moral issue. It is a moral issue because of the viciousness and the motivational aspects of hatred and bigotry. Our Founding Fathers, as brilliant as they were, wrote prejudice in the Constitution of the United States. They wrote slavery in the Constitution of the United States. This Nation has been battling for 230 years to free ourselves from the stains of discrimination, and we are not there yet. We suffered the brutalities of the Civil War. We went through the period of Reconstruction. We have faced those issues on the floor of the Senate: In 1964, the Civil Rights Act; the 1965 Civil Rights Act; the 1968 Civil Rights Act. We went on to knock down the walls of discrimination.

When we knocked down the walls of discrimination on the basis of race, we also, history will show—we knocked them down with regard to gender, we knocked them down with regard to ethnicity, we knocked down a lot of them in terms of disability. We have not with regard to sexual orientation. But we have made remarkable progress. No nation in the world has made that progress—no nation.

That is one of the reasons I am as proud of this Nation as I am. But it is a continuing process. If we do not understand that out there, as the various statistics of the Justice Department and the Southern Poverty Law Center say, there are these centers of hatred and bigotry that exist out there, that are hating and demonstrating and killing our citizens on the basis of those definitions.

That is continuing, and the question is whether we are going to do something about it. We are not going to solve all of the problems with legislation, but if we do not solve this one, we miss a golden opportunity.

I finally say, to those who have talked about, we are adding this on the Defense authorization bill, we have had more time in quorum calls around here. We have not taken a great deal of time. We are taking 2 hours this morning on SCHIP and hate crimes. We have not taken up a great deal of time.

The majority of the Members have supported this. On three other occasions, a majority of Republicans and Democrats have supported this concept—on three other occasions. Let's get the job done. We have that opportunity this morning.

Finally, this is about the morality of our country, the values of our country. That is directly tied into what our men and women are doing overseas in resisting terrorism and fighting for the values here at home. One of the values that is here at home is the value of honoring the dignity of the human being and the individual. That is why

all of those in the great religious faiths, the Interfaith Alliance, 75 different religions—the belief that lies at the core of our diverse faith traditions is that every human being is endowed with dignity and worth. That is why 1,400 members of the clergy have pointed out: Our faith traditions teach us to love our neighbor. While we cannot legislate love, it is our moral duty to protect one another from hatred and violence.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. KENNEDY. This is from the religious community.

So we have on that standard above the Presiding Officer ''E pluribus unum''—''out of many, one.'' We have a responsibility, to the extent we can, to eliminate division, to eliminate the hatred, to eliminate the bigotry, and to become one Nation with one history and one destiny. This amendment moves us on that road to the kind of country this Nation deserves to be. I hope our colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 54 seconds remaining.

Mr. HATCH. Mr. President, I agree with 80 percent of what the distinguished Senator has said during this debate. The fact is, the very name of this bill makes the very point I am making. It is the ''Matthew Shepard Act,'' a heinous crime committed against him where both people were prosecuted and sentenced to life; in the Byrd case, sentenced to death. We are taking care of these problems. There has been no showing by the other side that the State prosecutors are incapable of doing so. The fact is, we do not need a massive Federal piece of legislation that would require the Federal Government to get into areas that clearly are not in interstate commerce but are subject to State laws that are being enforced. That is a very important point. We should be very loath to go beyond that point.

I thank my very loquacious colleague who feels very deeply, but I feel deeply, too, about the issue, about these people, about what is happening, and what I am saying constitutionally.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader is recognized.

Mr. REID. Mr. President, I would refer my colleagues to my statement in yesterday's RECORD on the hate crime legislation.

CHIP

Mr. President, just like any job in America, Senators have good days and bad days. We all know what it is like to leave work frustrated that we did not make the right decision, that the progress we have made was not what we had hoped, that we did not express our views in quite the right way or we just did not have enough time to get everything done. But we also know, here in the Senate, how the opposite feels: days when we put our political differences aside, rise above partisanship, and do something lasting and meaningful for our country.

Earlier this year, when the Senate passed its version of the Children's Health Insurance Program, it was a day just like that. It was a day of happiness. And today can be another day just like that. As a result of the hard work of Chairman BAUCUS, Senators ROCKEFELLER, GRASSLEY, and HATCH, we have before us legislation that I am confident will enjoy overwhelming bipartisan support, which we will vote on shortly.

Hopefully, the strong bipartisanship message this body sends today will be loud enough and strong enough that the President will reconsider his stubborn opposition to this legislation. Senators GRASSLEY and HATCH are very supportive of the President. No one needs to lecture anyone on that. But they have said the President's stand on children's health is wrong and that he should join with us. And they are right. For all the talk we hear about what Government does wrong, the Children's Health Insurance Program is a shining example of what Government does right.

Before children's health became law 10 years ago, millions of children were totally uninsured. These children were part of a coverage gap. Their parents' incomes were not high enough to afford private insurance, nor low enough to qualify for Medicaid. Now, a decade later, this program has reduced the number of uninsured children in working families by 35 percent. Today, 6.6 million children have insurance thanks to this exemplary program. Many of these children are now getting regular checkups. They are benefiting from preventative medicine. They are saving money for society, and their primary care comes from a doctor, a family doctor, not from an expensive, inefficient emergency room. Examples of this success can be found in every single State, in urban areas, rural areas, east coast, west coast, south, north, everywhere in between.

When we voted on this bill originally, I gave an example. I told the story of a Reno woman named Terry Rasner. Since 1998, Terry has helped children in Nevada enroll in Nevada Check Up, which is Nevada's children's health insurance program. Her work has never been more important. The latest numbers just released show that 430,000 Nevadans have no insurance; they are uninsured. Nevada is a sparsely populated State, but these numbers are overwhelming—430,000 people have no health insurance. And 115,000 of the uninsured are kids, children.

Terry explained to me, in an e-mail she sent me, how the program is operating in Nevada. She wrote:

> There are many stories of children as old as 11 and 12 who were finally able to visit a dentist for the first time in their lives.
>
> Stories of families who finally felt whole because they could access affordable medical and dental care for their children.
>
> School nurses who were acutely involved in supporting and promoting this program from the outset because they were on the front lines of failed programs, or no programs at all, to address the medical and dental needs of children of low-income working families.
>
> One child in particular was so bad off he was unable to eat or chew food due to the dramatic decay in his mouth. Imagine, children for the first time in their lives actually getting to see a doctor or dentist that their parents were able to afford.

Stories like this, examples of the children's health program saving lives—these same stories are being told all across America, and statistics bear this out.

This program is even better than ever because we have extended dental care for these children. Study after study shows that our youth enrolled in the Children's Health Insurance Program are much more likely to have regular doctor and dental care. They report lower rates by far of unmet needs for care. The quality of care they receive is far better than it was before. That is an understatement. School performance improves. The plan is helping to close the disparity in care for minority children. And the Children's Health Insurance Program has become a major source of care for rural children. So there is no doubt, no question at all that the Children's Health Insurance Program is good for kids, little people who cannot help themselves, it is good for families, also, and it is good for America for sure.

Today, we have the opportunity to take the next step toward making the great American success story even more of a success. The bill before us maintains coverage for the 6.6 million children currently enrolled and adds an additional 4 million low-income, uninsured children. It also improves the program by curbing coverage of adults in the program and targeting the lowest income eligible families as new enrollees. It does all of this in a fiscally responsible manner.

This legislation is fully paid for. It does not add one penny to our Nation's debt or add to the deficit.

It is not surprising that this bill was supported by 45 Republicans in the House and virtually every Democrat in the House. Chairman GRASSLEY, Senator HATCH, and more than a dozen other Republican Senators voted for this bill the first time around, and every single Democrat in the Senate.

I might just add, as an aside, Senator HATCH has never been known as a big spender, and he supported this bill overwhelmingly. We could not be where we are but for him and Senator GRASSLEY.

But not only do a significant number of Republican Senators support this legislation, but Governors support it, our health care providers support it, children's advocates and the vast majority of Americans are cheerleaders for this worthy legislation. The Senate

will shortly do its part and pass this children's health insurance legislation.

But despite all of this, all of the bipartisan support, all of the goodwill this bill enjoys, surprisingly, stunningly, President Bush continues to insist he will stop this bill from becoming law. This is the same President Bush who, during the 2004 campaign, touted his plan to expand the SCHIP program.

Quoting from the President, in a release he made:

> The President will launch an aggressive, billion-dollar effort to enroll children who are eligible but not signed up for the government's health insurance program. The goal will be to cover millions more SCHIP and Medicaid-eligible children within the next 2 years.

That is what he said in 2004. Now President Bush offers us a list of reasons for opposing legislation that would do what he said he strongly supports.

One of the reasons he gives us is we cannot afford it. Let me repeat what I said before: This bill is paid for and will not increase the deficit a single cent.

Second, let's look at the things the President thinks we can afford. In about a month in Iraq, the President will spend $12 billion. This would far exceed what we would spend on these children. But, remember, we are spending for what is fully paid for. It comes from a tobacco tax.

So clearly it is not about having money; it is not about any of the reasons he has given. Despite his list of unknown reasons, it has become clear in recent days that there is only one reason I can come up with for his reversal, his flip-flop on the Children's Health Insurance Program: I guess it is because he wants to do something with health care that he has not yet told us.

He has in the past calculated that holding this bill hostage is the only way to raise from the dead his partisan, unpopular, and ineffective health agenda. We realize this. Republicans realize this. In fact, the ranking member of the Finance Committee realizes this, and he has spoken so on the floor, Senator GRASSLEY.

President Bush, on this issue, stands alone. Can one imagine our President, President Bush, going to one of these children and saying: You cannot have health care. You have to stop seeing your doctor. If you get sick, your parents or a brother or sister will have to take you to the emergency room. Get a brother or sister, get a neighbor to do that, but we are not going to let you go see a doctor.

So despite his promises, I hope he will come to his good side and put the well-being of millions of poor children ahead of his own flawed political agenda that we are seeing on this issue today. I hope he realizes this program is government at its best—lending a helping hand, providing a safety net to children who need our help to reach their full potential.

If we pass today the Children's Health Insurance Program with a good bipartisan vote, this can be one of our good days, our legislative good days, when we do something lasting and meaningful for the American people who sent us here to help fulfill their dreams and their hopes.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed for a few moments with my leader time and say to my good friend the majority leader, I know it is customary for him to speak last, but I was unavoidably detained from getting to the floor and wanted to make a couple of observations about the Kennedy amendment on my leader time.

A vote for Senator KENNEDY's hate crime amendment regretfully puts this whole bill in jeopardy. The only way to ensure we have a Defense authorization bill this year is to vote against the Kennedy amendment. There are too many important Defense provisions in the bill that are at risk because of a controversial, nongermane amendment dealing with social policy.

Among the items at risk, the Wounded Warriors provision, the pay raise, acquisition reform, and many other important Defense provisions, all are put at risk by the adoption of the Kennedy amendment.

We have now gone through a long exercise debating Iraq amendments and nongermane amendments related to the social agenda of the other side. But what are we trying to accomplish here? Do we want to protect the defense policy matters in this bill that actually matter to our forces in the field, or do we want to debate political and social issues on this measure? The Senate has been on record all year that we will not cut off funding for our troops in the field and that we need to do more to help our wounded warriors returning from the war. Let us not sacrifice the bipartisan work of the committee for an amendment that is not relevant to the underlying bill.

I hope the Kennedy amendment will be defeated.

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 3035 regarding hate crimes.
>
> Gordon H. Smith, Chuck Schumer, Bernard Sanders, Robert Menendez, Sheldon Whitehouse, Frank R. Lautenberg, Hillary Rodham Clinton, Chris Dodd, John F. Kerry, Patty Murray, Barack Obama, Jeff Bingaman, Ben Cardin, Evan Bayh, Tom Harkin, Ted Kennedy, Dianne Feinstein.

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

The question is, Is it the sense of the Senate that debate on amendment No. 3035 offered by the Senator from Massachusetts, Mr. KENNEDY, to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 60, nays 39, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—60

Akaka	Feinstein	Nelson (FL)
Baucus	Gregg	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Clinton	Levin	Specter
Coleman	Lieberman	Stabenow
Collins	Lincoln	Tester
Conrad	Lugar	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murray	Wyden

NAYS—39

Alexander	Craig	Isakson
Allard	Crapo	Kyl
Barrasso	DeMint	Lott
Bennett	Dole	Martinez
Bond	Domenici	McConnell
Brownback	Ensign	Murkowski
Bunning	Enzi	Roberts
Burr	Graham	Sessions
Chambliss	Grassley	Shelby
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order—the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I could have the attention of the leadership, we would be glad to have a voice vote, if that is acceptable, satisfactory. We would vitiate the need for the yeas and nays and move to a voice vote, if that is satisfactory.

Mr. MCCONNELL. Mr. President, I was distracted.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Was the Senator from Massachusetts trying to get my attention?

Mr. KENNEDY. As a result of this vote, we would be glad to vitiate the need for the yeas and nays on this amendment and have a voice vote, if that is acceptable.

Mr. MCCONNELL. As far as I know, a voice vote is acceptable. We will vote on the Hatch alternative.

Mr. KENNEDY. Then, Mr. President, if I could just have everyone's attention for a minute, we are prepared to accept the Hatch amendment, if that is satisfactory.

Mr. MCCONNELL. We will need a rollcall vote on the Hatch amendment.

Mr. KENNEDY. Then, Mr. President, I would like to see if we could have a voice vote now on the underlying amendment.

The PRESIDING OFFICER. The question is on agreeing to the Kennedy amendment.

The majority leader is recognized.

Mr. REID. Mr. President, it would seem to me what we should do is have a vote on the underlying Hatch amendment. I do not think we need to vote on cloture. So I ask unanimous consent that we have a voice vote on the amendment that is now before the body, we vitiate the cloture motion on the Hatch amendment, and have a rollcall vote on his amendment.

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

The question is on agreeing to the Kennedy amendment.

The amendment (No. 3035) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3047

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Hatch amendment prior to a vote on the amendment.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are willing to accept the Hatch amendment. It requires a study and requires some authorization for helping local communities. I would hope the amendment would be unanimously accepted. I intend to vote for it, and I would hope all the Members would vote for it. I understand we are going to order the yeas and nays now. I hope we will vote in favor of the Hatch amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, with that fine concession, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3047.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—96

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

NAYS—3

Coburn	Graham	Vitter

NOT VOTING—1

McCain

The amendment (No. 3047) was agreed to.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the motion to concur in the House amendments to the Senate amendments to H.R. 976, the Children's Health Insurance Act of 2007.

Pending:

Reid motion to concur in the amendments of the House to the amendments of the Senate to the bill.

Reid Amendment No. 3071 (to the House amendment to Senate amendment to the text of H.R. 976), to change the enactment date.

Reid Amendment No. 3072 (to Amendment No. 3071), of a perfecting nature.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, what is the matter before the Senate?

The PRESIDING OFFICER. Each side has 1 minute of debate on the children's health insurance amendment.

Mr. REID. Mr. President, we yield back the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. We yield back the remainder of our time.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendments to H.R. 976, SCHIP.

Max Baucus, Ted Kennedy, Jeff Bingaman, Patty Murray, Barbara Boxer, Tom Carper, Patrick J. Leahy, Charles Schumer, Maria Cantwell, Dick Durbin, Blanche L. Lincoln, Robert P. Casey, Jr., Debbie Stabenow, Jack Reed, B.A. Mikulski, Tom Harkin, Harry Reid.

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

The question is, Is it the sense of the Senate that the debate on the motion of the Senator from Nevada, Mr. REID, to concur in the House amendment to H.R. 976, the Children's Health Insurance Act of 2007, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 352 Leg.]

YEAS—69

Akaka	Feingold	Murray
Alexander	Feinstein	Nelson (FL)
Baucus	Grassley	Nelson (NE)
Bayh	Harkin	Obama
Biden	Hatch	Pryor
Bingaman	Hutchison	Reed
Bond	Inouye	Reid
Boxer	Johnson	Roberts
Brown	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Smith
Casey	Lautenberg	Snowe
Clinton	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Sununu
Corker	Lugar	Tester
Dodd	McCaskill	Warner
Domenici	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden

NAYS—30

Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bennett	DeMint	Lott
Brownback	Dole	Martinez
Bunning	Ensign	McConnell
Burr	Enzi	Sessions
Chambliss	Graham	Shelby
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Cornyn	Inhofe	Voinovich

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

UNANIMOUS CONSENT REQUEST

Mr. ENSIGN. Mr. President, I ask unanimous consent to be recognized for 5 minutes to make a quick statement, and then I will make a unanimous consent request, to which there will be an objection on the other side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, let me make it clear. I support the electronic filing by Senators in the underlying bill that Senator FEINSTEIN brought forward. There is an issue I want to raise on an amendment I wish to add to the bill.

We have a problem going on in the Senate where there are anonymous outside groups who are filing ethics complaints, and they are doing it for purely political reasons. As often is the case, this can be fixed with transparency.

If someone files an ethics complaint against a Senator from the outside, then they would have to disclose their donors under my amendment. Right now in the Senate, there is no such requirement for filing a complaint. The complaints do not have to be sworn, signed, or even identified, and they can be submitted by a person or an unnamed group no one will ever know.

The complaints do not have to be submitted in a formal manner. They can be on a beverage napkin or written in crayon. However, this is not the case in the other Chamber. In the House of Representatives, they have very formal, rigorous requirements to file complaints. The complaints must be sworn to and filed by a Member of Congress. With no requirements in the Senate, the result is that people create shell organizations in order to register purely political complaints.

Some say my amendment will prevent people from filing complaints. This is simply not true. My amendment will make the complaint process transparent and similar to the FEC process. Has there ever been a shortage of complaints at the FEC?

If these complaints are being filed purely for political reasons, then we will find that out because we can see who the donors are. We need to protect this institution. We need to protect individual Senators from purely politically motivated ethics complaints that come against us.

If it is done purely for partisan reasons, we need to know that, and transparency is, once again, the best way to find that out. All I am asking is for an up-or-down vote so the Senate can decide if it wants transparency. It has been said that this bill is unrelated to the electronic filing bill. I disagree. They are both about transparency. They are both about the political process. We need to have this amendment agreed to.

I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to Calendar No. 96, S. 223, under the following limitations: that the committee-reported amendment be agreed to, and that the only other amendment in order be an Ensign amendment related to transparency and disclosure, with 20 minutes of debate equally divided in the usual form on the bill and the amendment to run concurrently, and that following the use or yielding back of time, that the Senate proceed to vote in relation to the Ensign amendment, and that the bill, as amended, be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER (Mrs. MCCASKILL). Is there objection?

Mr. BAUCUS. I object.

Mr. ENSIGN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, what is the regular order?

The PRESIDING OFFICER. The regular order is the motion to concur with the House amendments to the Senate amendments on SCHIP.

Mr. BAUCUS. Madam President, we are awaiting the arrival of the Senator from Kentucky. I do not see him yet so I will begin.

Nearly every American schoolchild knows the story told in Parson Weems' 1800 biography ''The Life of Washington.'' That is our first President. According to Weems, young George used his new hatchet to chop down his father's cherry tree. His father asked George what happened. George was tempted to make up a story, but then in Weems' famous account, young George ''bravely cried out, 'I cannot tell a lie. I did cut it with my hatchet.'''

I wish all public servants kept the same standard of truthfulness, especially in this debate. Regrettably, many of today's public servants appear all too tempted to make up a story. Many are failing to tell the truth about the Children's Health Insurance Program.

Let me set the record straight.

President Bush has said that our bill ''would result in taking a program meant to help poor children and turning it into one that covers children in households with incomes of up to $83,000 a year.'' That is what our President said. That is not true. There is nothing in the Children's Health Insurance Program bill that would change current law and allow States to cover children in families making $83,000 a year. There is nothing in the current bill that would let that happen. Nothing in current law; nothing.

On income eligibility levels, the bill maintains current law. It doesn't change current law, it maintains current law on income eligibility levels. Current law limits CHIP to the higher of 200 percent of poverty or 50 percent above the State's prior Medicaid levels. Any State that wants to increase eligibility for CHIP above those levels has to get approval from the Secretary of Health and Human Services. That is current law, and that is the law under the CHIP bill before us today. It is unchanged.

In fact, our bill actually includes new policies to discourage States from increasing eligibility for kids above 300 percent of poverty. Under our bill, States that increase eligibility above 300 percent—again, they have to get approval from HHS to get a waiver—under our bill, those States that increase eligibility, if they get a waiver granted by the Bush administration or not, would get the lower Medicaid Federal match payment for higher income children. Our bill would decrease the incentive to cover higher income children relative to current law. It decreases incentives relative to current law.

Our bill also includes new policies requiring any States covering children above 300 percent to meet a target enrollment level for covering their lowest income children below 200 percent of poverty. That is new. States that don't meet the target by 2010 risk losing all Federal reimbursement for their higher income children. So our bill has an even greater focus on low-income kids compared with current law.

Our bill will benefit low-income children. The Urban Institute found that 70 to 80 percent of children helped by our bill are low-income children with family incomes below 200 percent of poverty. Our bill is targeted to help exactly the low-income children for which we created the CHIP program in the first place. Our bill continues that mission for the next 5 years.

The administration has also said our bill would move too many children from private insurance into CHIP. Once again, that is not true. According to Congressional Budget Office Director Peter Orszag—he is the top person in the independent Congressional Budget Office. His job is to independently assess what we do. There is no partisanship at all. He said there is always some ''crowdout'' or substitution of public coverage for private coverage whenever we create a new Government subsidy to help people. It always happens to some degree.

A few years ago—this is important for everybody to remember, especially the President—when we considered the Medicare prescription drug bill, the so-called MMA, CBO then said about two-thirds of those getting the new Government help would already have private coverage. Two-thirds already had private coverage. I don't remember the administration complaining about the crowdout then, complaining about people who might leave private coverage to go to Medicare Part D.

When we enacted the CHIP program 10 years ago, the Congressional Budget Office projected there would be about a 40-percent crowdout rate, not two-thirds as the case in the Medicare Part D but about 40 percent. What happened? Our bill has a lower crowdout. It is about 40 percent lower than CBO projected would happen in the program 10 years ago.

In fact, CBO Director Orszag said this year's Senate bill, which is very similar to the final bill we are considering, was ''pretty much as efficient as you can possibly get for new dollar spent to get a reduction of roughly 4 million uninsured children.''

We went to CBO and said we want to reduce the so-called crowdout as much as we can; how do we do it. We talked back and forth. And his assessment is the final bill is ''pretty much as efficient as you can possibly get,'' lower than any other major crowdout results.

The President also said he has a better plan to help uninsured children. If he does, he is keeping it under wraps.

The President talked about both his plan to reauthorize CHIP and his plan to promote private coverage through tax credits. But independent analyses of both plans suggest that under them, American children would fare far worse.

For the Children's Health Insurance Program, the President is proposing a $5 billion increase in Federal funds over the next 5 years. That is his proposal. The President says that will be enough. The Congressional Budget Office disagrees. The analysis of the Congressional Budget Office, again, an independent analysis of the President's plans, indicates it would not even maintain coverage for children currently enrolled in CHIP today. it would not even maintain it. In fact, CBO projects that under the President's plan, 1.4 million children would actually lose coverage.

The President's tax credit plan does not do much better. The Congressional Budget Office has estimated only about 500,000 children will gain new coverage under that plan. If we take CBO's estimates for these plans together, over 5 years, there would still be a net loss coverage for a million children—a net loss coverage for a million children compared with current law.

Causing a million children to lose health insurance is not a better plan to help uninsured children—not in my book, and I don't think it is in anybody else's book either.

I am not the only one who thinks what the administration is saying is essentially not true—in fact, not at all true. Go to the Annenberg Political Fact Check, a nonprofit media accuracy organization funded by the Annenberg Political Fund. Go to their Web site: www.factcheck.org.

At the end of the day, our current President named George has a simple choice. He can bring health coverage to 3.8 million low-income uninsured children who have no insurance today or he can cut it with his hatchet, cutting coverage for at least a million children who would otherwise get the doctor visits and medicines they need through CHIP.

The right choice is to stand bravely with America's children.

I urge my colleagues to join me in making the right choice. Support the CHIP program. Call on the President to sign this important legislation.

Support the CHIP bill because the truth is our bill focuses benefits on low-income children. It is that simple. That is what the bill is, no more. The truth is, in terms of preserving private coverage, our bill is ''pretty much as efficient as you can possibly get.'' And the truth is, the administration does not have a credible alternative.

I urge my colleagues to join me in making the right choice because in the end, this bill is about helping those who can least afford health insurance now. This bill is about helping Americas parents who truly want the best for their children. And as much as some may be tempted to make up a story to say it is about something else, the truth is, this bill is about kids.

I yield to the Senator from Kansas.

Mr. ROBERTS. I asked for 20 minutes. I thought the leader was going to come down and propose a unanimous consent request to lock in time. He agreed to provide me 20 minutes.

Mr. BAUCUS. There is no time limit. We have 6 hours allocated generally to this bill. The Senator can seek recognition.

Mr. ROBERTS. Madam President, I ask to be recognized for 20 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I rise today to express my support for the SCHIP compromise bill. I believe this agreement represents a good balance and continues the historic bipartisan support for this program.

On Tuesday, the House passed this bill with wide bipartisan support, and I expect the Senate to do the same. I also rise today, Madam President, to ask and to strongly recommend that the administration rethink the threat to veto this important legislation. Simply put, this bill should not be vetoed.

Here in Washington, we often talk about the programs that directly affect our constituents back home. The State Children's Health Insurance Program, or SCHIP is the acronym, is truly one of those programs. SCHIP has long enjoyed bipartisan support, and I am glad we have come to a strong bipartisan agreement on a program that is critical for our low-income children.

In Kansas, our SCHIP is called HealthWave, and it supports over 35,000 Kansas children. It is a critical tool for our hard-working families who would otherwise struggle to provide health care for their children. Renewing this program has been a top priority of mine for the 110th Congress. While our Kansas HealthWave Program has made great strides in providing health care to low-income children, unfortunately we still have 50,000 uninsured children in Kansas—50,000. There are 35,000 now covered by the program but 50,000 who are not covered.

Many of these children are currently eligible for SCHIP but are not enrolled because of the lack of resources in the program. We can clearly do better. The bill before us would provide the necessary resources to Kansas and other States in order to reach these low-income children and finally provide them with the health care coverage they need.

Unfortunately, instead of talking about achieving rare bipartisan progress for these hard-working families and their children, this bill and this debate has turned into a political showdown. And, unfortunately, low-income children will be the ones to ultimately pay the price.

I am very disappointed that before the administration even received the final language their minds were apparently made up, and a line was drawn in the sand opposing this compromise. Again, this was even before the final language was in their hands. And, to my knowledge, there has been little, if any, willingness to come to the negotiating table to find the solution. I think this is unfortunate, and I think this is irresponsible.

The administration is now threatening to veto this bill because of ''excessive spending'' and their belief this bill is a step toward federalization of health care. Now, I agree with those concerns. I agree with those concerns. I am not for excessive spending, and I strongly oppose the federalization of health care. And if the administration's concerns with this bill were accurate, I would support a veto. But, bluntly put, they are not.

I do not believe the bill we are debating represents irresponsible spending. Instead, this bill provides necessary funding to States to cover children who should already be covered under the program. And I know there are some who believe this bill is too expensive, but there are also others who believe this bill doesn't go far enough. Many of my friends on the other side of the aisle wanted a $50 billion to $75 billion expansion of SCHIP. Many in my caucus would have preferred a $5 billion increase. As a result, we had to try to find middle ground, and we did just that. What we are debating today is something that is often hard to come

by these days in Washington. It is called a bipartisan, bicameral compromise.

Now, the agreement provides $35 billion in new funding for SCHIP and targets the program back to its original focus—low-income children. Let me repeat that. This bill targets the program back to its original focus—low-income children. We should all understand that despite the partisan bickering and the rhetoric that has poisoned the Halls of both the House and Senate, bipartisanship and compromise are absolutely necessary to achieve—to achieve—good policy. And I know President Bush understands this. In fact, the administration has been successful in working with my friends on the other side of the aisle on many issues during these two terms to achieve good legislation. One good example is the historic tax relief we were able to achieve. Obviously, that final compromise required give and take from both sides of the aisle, and this tax relief is now putting money back into the pocketbooks of our constituents back home.

I was a conferee on the No Child Left Behind legislation and know how closely the administration and Senator KENNEDY and Congressman MILLER and others had to work to find any common ground. That bill was certainly a great testament to bipartisanship, and we are trying to fix some of the problems in that bill on a bipartisan basis.

The SCHIP bill is yet another example of hard work to come together and find common ground. Of course, I am not pleased with everything in the bill, and I know my colleagues on both sides of the aisle feel the same. However, this bill represents a good bipartisan compromise, with the ultimate goal of providing health care coverage to low-income children. The alternative that is proposed by the administration is threatening a veto and insisting upon a larger health care reform debate.

I appreciate the administration's passion and persistence on having a broader health care debate. However, holding a children's health insurance bill hostage is not the right way to achieve this goal. I support the goals of reforming the Tax Code to promote the purchase of private health insurance. Let me repeat that, Madam President. I support the goals of reforming the Tax Code to promote the purchase of private health insurance. But I have yet to see a plan from the administration that can actually pass the Congress.

In fact, I have yet to see an actual plan from the administration. I have yet to see bullet points from the administration. I have yet to see any plan that can be articulated in some fashion to sell to the American public or to the Members of this body. We don't even have an acronym for this plan. My word, you can't do anything around here without an acronym.

The administration has also raised concerns that this bill is a march toward the federalization of health care. I would argue that is simply not true. I would never support a bill to federalize health care. I remember that battle a decade ago. There is no way I want to go down that road again.

I think it is important to point out what I think is a paradox of enormous irony in regard to the claim that this bill is a step toward the federalization of health care. In reality, this administration has approved waivers—approved waivers—to cover adults under a children's health care insurance program. Let me repeat that. Under this administration's watch, we now have 14 States covering adults under the Children's Health Insurance Program.

Now, this administration and others expressed grave concern that SCHIP is the next step to universal health care. Yet this very same administration is approving waivers to cover adults under a children's health program. And, unfortunately, a number of these States are covering more adults through their SCHIP program than they do children, even while high rates of uninsured children still remain. This is not fair. This is not right. It is wrong.

I don't mean to pick on other States, but let's take a look at a few examples. New Jersey now covers individuals up to 350 percent of the Federal poverty level and spends over 40 percent of its SCHIP funds on adults. This is even while over 100,000 low-income children in the State remain uninsured. This isn't right.

Earlier this year, Congress had to pass a stopgap funding measure to plug 14 State SCHIP shortfalls. Of the 14 States that got this emergency funding, five—five—cover adults. One of these States was Illinois, which spends over 50 percent of its SCHIP funds on adults. Wisconsin covers more adults than children under SCHIP—75 percent to be exact. And the administration just approved an extension of their waiver to cover adults. Minnesota covers more adults on their SCHIP program than they do children. The same is true for Michigan, and the same is true for Arizona.

Now, I am not trying to pick on these States. I can go on and on because, again, there are currently 14 that cover adults on a program that was meant for children. And how are these States able to cover adults under the Children's Health Insurance Program? Again, through waivers approved by this administration. This is certainly not fair to States such as Kansas that have been playing by the rules and targeting our programs to low-income children. I am beginning to wonder if we have the wrong name for the State Children's Health Insurance Program. I don't think it was intended to be the adult health care insurance program.

The greatest paradox of enormous irony, however, is that this bill actually stops the waivers this administration has been so generously granting to States to cover adults by not allowing more adult waivers to be approved. Let me say that again. The greatest paradox of enormous irony is that this bill actually stops the waivers this administration has been so generously granting the States to cover adults by not allowing more adult waivers to be approved. This means future administrations that may want to use SCHIP as a means to expand government health care to adults will be prevented by law from doing so. As a result, this bill ensures that the Children's Health Insurance Program remains just that—a program for low-income children.

This bill also phases out childless adults currently being covered with SCHIP funds and lowers the Federal matching rate for States that currently have waivers to cover parents and now must meet certain benchmarks in covering low-income children. As a result, this bill brings excessive spending on adult populations in check.

The Congressional Budget Office has estimated that spending on adults would be over $1 billion higher under current law over the next 5 years than it would be under this compromise. This bill is more fiscally responsible than the administration's approach or an extension of this program by $1 billion.

Most importantly, this bill ensures that we are putting kids first and returns the program to its original purpose—providing health care coverage to low-income children.

Now, on the income eligibility front, the administration unfortunately is claiming this bill does things that the bill simply does not do. It is sort of an ''SCHIP In Wonderland.'' For example, the President claimed in a speech last week that this bill expands SCHIP coverage to families making over $80,000 a year.

I just have to ask the speech writer for the President, are you reading the same bill I am reading? Are you reading the same bill that we are discussing on the floor of the Senate? You can twist the facts, but facts are stubborn things, Madam President.

In fact, this bill reduces the matching payment incentives that States have had for so long to cover individuals at higher income levels. In addition, by the year 2010, this bill—this bill—denies Federal matching payments to States that cover children above 300 percent of the poverty level if the State cannot meet a certain target in covering low-income children in either public or private insurance plans. And let me emphasize private insurance plans.

I think it is important to remind the administration that a State can only cover children above 200 percent of the poverty level if the administration approves the State's application or waiver. I repeat: A State can only cover children above 200 percent of the poverty level if the administration or any administration approves that State's application or waiver. This is current law and this bill does not change that.

More importantly, this bill actually provides incentives and bonus payments for States to cover children under 200 percent of the poverty level in order to truly put the focus of this program back on low-income children.

The bill also addresses the importance of including the private market in the SCHIP program. Let me repeat that for all those who want a private approach in regard to private markets, in regard to insurance: The bill addresses the importance of including the private market in the SCHIP program. In fact, the American Health Insurance Plans, also known as AHIP—that is their acronym—on Monday announced their support for this compromise bill. AHIP is the national trade organization which represents over 1,300 private health insurance companies.

The compromise makes it easier for States to provide premium assistance for children to get health care coverage through the private market—that is the goal of the administration and that should be our goal as well—rather than relying on SCHIP. That is in this bill. This is an important choice for families who would prefer a private choice in health care.

This bill also requires the GAO and the Institute of Medicine to produce analyses in the most accurate and reliable way to measure the rate of public and private insurance coverage and on best practices for States in addressing the issue of something called ''crowdout.'' That means children switching from private health insurance to SCHIP. So we have a study to determine exactly how we fix that.

In the ultimate paradox of enormous irony, it seems the administration is threatening to veto a bill which does exactly what they want us to do in focusing SCHIP on low-income children and making sure the program does not become the vehicle for universal health care.

This bill gets adults off the program. It targets it to low-income children. It ensures appropriate steps are taken to discourage crowdout and it encourages private market participation.

I am proud to support this important bill, and I hope those who have concerns can instead focus on the positive benefits this bill will bring our low-income children and their hard-working families. I especially thank our chairman, Chairman BAUCUS, Ranking Member GRASSLEY, Senator HATCH, all of our House colleagues for their tireless work on getting this bill together.

At the start of these negotiations I made a commitment to work with my colleagues to find a bipartisan solution to renew this important program. I am holding to that commitment today and am pleased to support this bill.

I also state to the administration I will lend my support to override the President's veto if he chooses to wield his veto pen. However, I hope—I hope—I hope the President heeds our advice and makes the right decision for our children by signing this bill into law.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I ask unanimous consent that following the cloture vote on the motion to concur in the House amendments to the Senate amendments to H.R. 976, there be 6 hours 10 minutes for debate with respect to that motion and that the time so far consumed, frankly, be taken out of that total time; the time divided and controlled as follows: 2 hours under the control of Senator BAUCUS or his designee, and 4 hours 10 minutes under the control of Senator GRASSLEY or his designee; that upon the use or yielding back of time, the matter be temporarily set aside and the Senate then proceed to the consideration of H.J. Res. 43, the debt limit increase; that be 90 minutes of debate equally divided and controlled between the leaders or their designees, with no amendment in order; and upon the use or yielding back of time, the joint resolution be read a third time and set aside; and that the Senate then resume the message on H.R. 976; that the motion to concur with amendments be withdrawn, and without further intervening action or debate, the Senate proceed to vote on the motion to concur; that upon disposition of H.R. 976, the Senate resume H.J. Res. 43 and vote on passage of the joint resolution, without intervening action; and that upon the conclusion of that vote, the motion to reconsider be considered made and laid upon the table, and the Senate then proceed to H.J. Res. 52, the continuing resolution; that no amendments be in order, the joint resolution be read a third time, and the Senate, without intervening action or debate, proceed to vote on passage of the joint resolution; that upon passage, the motion to reconsider be considered made and laid upon the table; that after the first vote in this sequence, the vote time be limited to 10 minutes.

I also ask consent that the ''without intervening action or debate'' be stricken.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and I am not going to object, I wish further to lock in the time to each Senator on my side within the Republican time designated in the consent agreement the distinguished chairman of the Finance Committee has just propounded, as follows: Senator DEMINT, 10 minutes; Senator BUNNING, 15 minutes; Senator LOTT, 10 minutes; Senator GRASSLEY, 45 minutes—it is my understanding the Roberts time under the consent agreement would already be counted. I will leave that out—Senator HATCH, 30 minutes; Senator VITTER, 10 minutes; Senator COBURN, 15 minutes; Senator CORKER, 10 minutes; Senator SMITH, 10 minutes; Senator SNOWE, 15 minutes; Senator MURKOWSKI, 15 minutes; Senator BURR, 10 minutes; Senator THUNE, 10; and Senator CORNYN, 10.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. BAUCUS. I ask the distinguished Senator from Kentucky, I assume that is all within the time allocated.

Mr. MCCONNELL. I confidently assure my friend that is my desire and I think I expressed that to the Chair.

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

The minority leader is recognized.

Mr. MCCONNELL. Madam President, I am going to proceed in my leader time to speak on the SCHIP bill.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Madam President, 10 years ago a Republican Congress created a program that had a worthy and straightforward goal: health insurance for kids whose parents made too little to afford private coverage but too much to qualify for Government help. Millions of children were caught between rich and poor, we wanted to help, and thanks to the State Children's Health Insurance Program, we did.

The program has been a success. Since SCHIP's creation, the uninsured rate for children in families earning between about $20,000 and $40,000 a year has dropped by 25 percent. Last year it covered more than 6½ million kids. Today the number of uninsured children within the income group we originally targeted is down to about one million nationwide.

Republicans were ready to finish the good work we started with SCHIP, and we approached its reauthorization this year as an opportunity to do just that, to reach out to the kids in our original target area who should be covered by SCHIP but weren't.

Meanwhile, our friends on the other side had another idea: following the lead of a number of State Governors, they decided to expand SCHIP beyond its original mandate and bring us down the path of Government-run healthcare for everyone.

These Governors started with adults and children from middle and upper middle-income families. Taking SCHIP funds that were originally meant for children from poor families, they spent it on these other populations instead. Then they turned around and said they didn't have enough money to cover the poor children in their States. Which is absurd. This is a capped entitlement. The dollar amount is fixed. If you are spending it on adults, you have already decided not to spend it on the children who need it most. And that is wrong.

New Jersey, under the leadership of one of our former Senate colleagues, helped lead the way. Rejecting a rule that limits SCHIP funds to the poor children, New Jersey now uses SCHIP for adults, and for children in families that earn as much as $72,275 a year.

For millions of hard-working Americans who have to pay for their insurance, it doesn't seem right that they should have to subsidize the families in New Jersey who can and should be paying for their own. And a lot of poor

families in New Jersey are also right to wonder why Trenton is suddenly enrolling middle-class families for SCHIP when their kids still lack coverage—about 120,000 of them by one count.

This is the kind of SCHIP expansion that Democrats want in all 50 States. They want to continue to expand it, pulling more and more middle-income children and adults off the private market and onto public coverage, driving private insurance costs up, driving the overall quality of health care down.

Not every State is abusing the rules. Kentucky runs its version of SCHIP, KCHIP, in a financially responsible way. We even have money left over from years past. But under the Democrats' reauthorization plan, Washington would take those extra funds and send them to States like New York and New Jersey that spend more than they get. As a result, even the expanded SCHIP program would leave Kentuckians with less SCHIP funding in the coming fiscal year.

Kentuckians don't want the money they have targeted for poor children going to adults and middle-class families in other states that can afford insurance on its own. KCHIP's money goes where it should be going: to low-income kids who need it most.

Right now, KCHIP serves about 50,000 kids in Kentucky, but there are a lot more who could be covered and aren't. We need to focus on them before expanding SCHIP program to new populations. And the Republican proposal I cosponsored with the other Republican leaders would do just that.

Until this year, SCHIP had been a bipartisan program and a bipartisan success. But in yet another sign that no good deed goes unpoliticized by Democrats in the 110th Congress, our Democratic friends accuse Republicans who want to reauthorize SCHIP of shortchanging it, of shortchanging children. Which is also absurd. We want to improve the program we have got, not expand it into areas it was never meant to go.

Of course some of the news organizations are running with the story. They seem to have forgotten that basic rule of politics that anytime somebody accuses you of opposing children they've either run out of arguments or they are trying to distract you from what they are really up to. And what our friends on the others side are up to is clear: they have taken SCHIP hostage, and what they want in exchange is Republican support for Government-run healthcare courtesy of Washington.

They tried that about 15 years ago, the American people loudly rejected it when they realized it would nationalize about a seventh of the economy, and they don't like Government health care any better now.

The first priority for Senate Republicans is reauthorizing SCHIP for the kids who need it. And we have demonstrated that commitment. Early last month, the Republican leadership proposed the Kids First Act, which allocates new funds for outreach and enrollment so SCHIP can reach 1.3 million more children than it already does. Our bill also pays for this outreach, without gimmicks and without raising taxes.

When Democrats rejected Kids First, Republicans introduced a bill to extend the current program to cover kids at risk of losing coverage until the debate over its future is resolved. While our friends on the other side were issuing press releases and playing politics, Republicans were looking for ways to make sure SCHIP funds didn't run out.

When this bill is vetoed, no one should feign surprise. They have known since July the President would veto any proposal that shifted SCHIP's original purpose of targeting health care dollars to low-income children who need them most.

Our Democratic colleagues have no excuse for bringing us to this point. But then again, this is the game they have played all year: neglect the real business of Government in favor of the political shot. Dozens of votes on Iraq that everyone knows won't lead to a change in policy. Three hundred investigations into the executive branch. And what is the result? We have less than 100 hours left in the current fiscal year, and Democrats haven't sent a single appropriations bill to the President's desk. This ought to put the 110th Congress into the Do-Nothing Hall of Fame.

Less than 100 hours before a health insurance program for poor children expires, and Democrats are counting down the hours so they can tee up the election ads saying Republicans don't like kids. Meanwhile, they are using SCHIP as a Trojan horse to sneak Government-run health care into the States.

This isn't just a Republican hunch. According to the nonpartisan Congressional Budget Office, families that have private insurance are switching over to SCHIP in States that allow it. The junior Senator from New York has proposed a plan that would raise the eligibility rate to families of four that earn $82,600 a year—this, despite the fact that roughly nine out of ten children in these families have private health insurance already.

But of course that is not the point. The point is pursuit of a nationalized Government-run health care controlled by a Washington bureaucracy. Some Democrats have admitted what this is all about. The chairman of the Finance Committee recently put it this way: ''We're the only country in the industrialized world that does not have universal coverage,'' he said. ''I think the Children's Health Insurance Program is another step to move toward universal coverage.''

While Democrats are busy looking for ways to shift this program away from its original target, the deadline for reauthorization looms. Republicans have made this reauthorization a top priority. If Democrats want to expand Government-run health care, they should do it in the light of day, without seeking cover under a bill that was meant for poor children, and without the politics. Republicans can take the shots. But the poor kids who we were originally trying to help shouldn't be caught in the middle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have a couple of points. I don't want to prolong the debate. My good friend from Kentucky made a couple points I wish to clarify.

I did say I think our country should move toward universal health coverage. I think we should. In fact, our President, President Bush, has said the same thing. He said we should have universal coverage of health care in America. I think most Americans think we should have universal coverage. What does that mean? That means everyone should have health insurance. I did not say and do not mean we should have a single-payer system like Canada. I think we should have universal coverage with an appropriate mix of public and private coverage so that every American has coverage.

So I think for the Senator from Kentucky to make a charge that we are for universal coverage, I am, as is our President. Most Americans want universal coverage. My point is, what form and what way?

I think it is important to remember one thing. What does this CHIP bill do compared to current law? The charge is that it expands eligibility, it goes to upper income kids, and so on and so forth, it is another step in Government health care. That is the charge.

That is not the fact. This bill is more restrictive than current law—more restrictive than current law. Essentially, eligibility is, under current law, determined by States and the Federal Government. States determine eligibility—that is current law—and the administration either does or does not grant a waiver. This Republican administration has granted several waivers. In fact, one was to the Republican Governor of New Jersey, Christine Todd Whitman, when a major waiver was granted. So this bill does not change current law. Basically, it provides and uses the purse to discourage States from going to higher coverage by lowering the match rate. Nothing in this bill expands eligibility—nothing. So the charge that this is increasing eligibility to people other than children is just not accurate.

Madam President, I yield the floor.

I see the Senator from West Virginia is seeking recognition.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the chairman of the Finance Committee. I am very happy that the chairman of the Finance Committee made the comments he just did because I was absolutely bowled over by the comments

which preceded him from the other side of the aisle. It is sort of basic when you say the word ''universal.'' It means everybody, but it does not necessarily mean it has to be run by the Federal Government, and anybody who makes that kind of an error is either really playing politics or really needs to go to grad school.

In any event, this program is totally optional. And there is nothing about it which—in fact, several of the previous speakers said that States could do this and States could do that, but on the other hand it was all Government run, so therefore how could the States do it on their own? It is sort of a sad argument.

Several months ago, four Senators—two Republicans and two Democrats—stood in a room, shook hands, and made a promise to each other. It was a wonderful moment. It was a wonderful moment. We vowed not only to reauthorize the Children's Health Insurance Program for millions of kids who rely on it for basic medical care but also to reach out to millions more children. Today, these many months later, we are one step closer to making the promise into a reality for nearly 10 million children. I am very proud to be working with those Senators, grandfathers and fathers themselves, Senators BAUCUS, GRASSLEY, HATCH, and others, and what they have accomplished in the Senate on the CHIP bill.

The legislation before us today is the result of months of some of the most bipartisan working by both the Senators and the staff of the Senators that I have ever seen. It went on for months, night and day. Every day, the four Senators involved in this met for 2 hours so that we could work out differences and make sure it was bipartisan, and I am so happy to say that it is.

Many Members of the House and Senate had hoped for something different in this bill. Obviously, some wanted more, some wanted less. Some wanted to simply reauthorize the status quo, some wanted to even decrease the children's health insurance funding, and others wanted to add benefits. That is not necessarily evil. Because you did something 10 years ago does not mean it has to stand written in stone forever, such as eye exams. Some wanted to restore coverage to the children of legal immigrants. Some wanted to increase funding to $50 billion.

Individually, we all believed what we proposed was the right thing to do, but ultimately we did not do those things because we compromised because we were determined to be bipartisan and we wanted this bill to pass for the sake of 10 million children. So the promise of the handshake brought us back to the table each and every time and to the common ground we walk today.

Each of us knows the statistics in our own State. I am proud that nearly 40,000 West Virginians were enrolled in our Children's Health Insurance Program last year. These kids can see a doctor when they get sick, they can receive necessary immunizations, and they can get preventive screenings. In fact, at the very beginning, it was very hard to get preventive screenings. Now they can. They will be able to, so they can get a healthy start in life because of this important program. The passage of this bill means thousands more of West Virginia's children will have affordable and stable health insurance, including access to basic care.

A personal comment. This is all incredibly important to me. Four decades ago, or more, I came to West Virginia as a VISTA volunteer. I did not plan to stay; went to a community where nobody had any health insurance, any job, any water, any sewer, any schoolbus. That was an experience which turned me around, gave meaning to my life. It was a small mining community in southern West Virginia where I learned just exactly how important health care can be in the lives of people who work hard every day to raise a family and to do right by their children and how painful it is when they don't have it. That experience has had a profound influence on me, has influenced me every day of my public service career since.

Providing children, especially those who are in the grips of poverty, with health care is moral. It is a moral obligation. It speaks to our deepest humanity and to the better angels of our Nation's character. It was a promise that got started, in fact, with the recommendations of the National Commission on Children, which I was proud to chair and have since worked to implement its recommendations, many of which, including the earned-income tax credit and others, are in effect.

It was, as some remember, a very different time in 1997 when this CHIP program was begun. A decade ago when the debates on CHIP took place, there was a genuine frustration that we could not solve broader problems plaguing America's health care system. We were, in fact, the wisdom was, at the breaking point. That is when a bipartisan group of equally committed Senators at that time were in the finance executive room with no staff and worked long into the morning to develop a CHIP program. It was one of the most glorious moments I can remember. People who had never spoken about children suddenly rose, because we were all by ourselves around a table, and spoke about the importance of doing health insurance for children. It was moving. Some people actually stood as they spoke. We were all around a table and there was no need to stand, but their feelings were so deep and they poured forth because there we were, by ourselves, with our consciences, with the future of children in our hands. We knew we could not solve the entire problem, but we committed to trying to do our best by putting children first. The time has come for Congress once again to put our children first, and the bill before us today does exactly that.

So having said what it exactly does, I want to say what it exactly does not do, this bill.

To start with, we keep our promise that all those currently enrolled will keep their health insurance by investing $35 billion over the next 5 years.

We give States the resources to reach out and enroll millions more kids, which, in fact, sounds very easy, but in rural areas—and I think, of course, of Appalachia—it is a very hard thing to do where, in fact, many parents of children, and therefore the children themselves, are scared of health care, scared of doctors, scared of clinics, scared of hospitals, and want to stay as far away from health care as possible. So it is a very difficult thing to get them to join, but we are determined to do that.

We have included, yes, expanded access to dentists and mental health counselors. All of the history of health care shows those things are incredibly important for children. In fact, even as baby teeth come in, they determine what mature teeth will be, and if you do not tend to them early, the children are in for terrible problems. I have seen so much of that.

We have made it easier for States to identify those children who are eligible but not enrolled in CHIP by reviewing food stamp records, school lunch programs, WIC programs, and all kinds of things that States will decide to do, every State being different, parts of States being different. So there are people—the Governors and those running these programs as they do, not the Federal Government, but the Governors of the States will decide how to do this.

We have maintained the unique public-private partnership that has been the hallmark of the CHIP program which has been universally recognized as the most cost-effective and efficient way of reaching all those children who desperately need access to something sacred called basic medical care.

Most importantly, we have preserved the State flexibility, so the program fits the needs in every State—different in one State as opposed to another.

Now, let me be equally clear about what the bill does not do. It does not raise eligibility limits to families making $83,000 dollars a year. It simply does not do that. I challenge anybody to come on the floor and say otherwise. Our bill does not encourage people to give up private insurance to enroll in CHIP. It does not do that. It does not unfairly raise taxes on the poor and middle class to pay for CHIP. In fact, throughout, both looking backward and looking forward to the passage of this bill and hopefully the signing of this bill, 91 percent of all the children who are covered by the Children's Health Insurance Program will be at 200 percent of poverty or below. That is not wealth. They go out in the private market, and in some places it can be $12,000 dollars, and in others, $9,000. Families cannot afford that. This bill is incredibly important to them.

This bill does not cover illegal immigrants. It does not expand coverage to adults. In fact, it cuts adults off the program over the next several years. It does not turn CHIP into some massive Government-run health care program. The President knows this. He should know this. He is a former Governor. And he has spoken about this favorably. So he should understand this.

So what is the President's plan for children's health care? For starters, provide a bare minimum of Federal funding to keep CHIP on life support and at the same time throw 1.6 million kids currently in the program out of the program. And what is his answer to those kids and the 721,000 who joined the ranks of the uninsured last year? Go to the emergency room. That is the worst increase of health care known in this country. So sit for hours to see a doctor, only to be prescribed medicine that your parents cannot afford. It is not American. That is not American.

Adding to the Nation's growing health care crisis is not a solution. If anything, it would lead to the one thing the President is accusing us of: shifting the burden of paying for health care to taxpayers. We do not do that.

Threatening to veto our bill is a mistake. The majority of Americans believe we need to live up to our obligations to provide children with health care.

How many people wandering around the streets of Washington or any other place in this country would ask: Don't you agree with me that children shouldn't have health care, children who can't afford it, that only the rich should have it? You wouldn't get any takers on that. People care about children. They know they are the future. They want them to have health care. So it is a moral obligation for our children, and the President is squarely on the wrong side of the issue.

All of us here, I know, will do the right thing by our Nation's children. I sincerely hope the President will look deep into his heart and do the same.

I yield the floor and thank the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Madam President, I rise today to voice my strong support for the reauthorization of the State Children's Health Insurance Program. I want to extend my heartfelt congratulations to Chairman BAUCUS and Ranking Member GRASSLEY as well as to the chairman and ranking member of the Health Subcommittee, Senators ROCKEFELLER and HATCH, for their vital and resolute spirit of bipartisan cooperation and tireless perseverance in crafting an agreement with House negotiators that will maintain health insurance coverage for 6 million children and reach nearly four million more. Their work demonstrates what we can accomplish when we set aside philosophical differences in order to do the right thing for children and their families. I am pleased that we reached a veto-proof majority with the previous cloture vote, which shows strong support for extending and building upon this landmark legislation.

As we all know, the problem of the uninsured touches communities all across our country. Thankfully, we have made tremendous strides in dramatically lowering the number of uninsured children through SCHIP which, time and again, has proved to be both a successful program and a saving grace for millions of American families who otherwise simply could not afford to pay for their children's health care. The stakes could not be more monumental. The quality of the health care that one receives as a child can have dramatic implications later in life. And there is not a family in America who does not want to provide the most comprehensive health coverage possible for its children.

While some may mistakenly characterize SCHIP coverage as a welfare benefit, what they may not realize is that nearly 90 percent of uninsured children come from families where at least one parent is working. Today, fewer than half of parents in families earning less than $40,000 a year are offered health insurance through their employer—a 9 percent drop since 1997. And for many working families struggling to obtain health care, if benefits are even accessible to them, the costs continue to rise, moving further out of their reach. In my own State of Maine, a family of four can expect to pay $24,000 on the individual market for its coverage. For most families, taking this path is unrealistic and unworkable, especially when factoring the cost of mortgages, heating bills, and myriad other financial pressures.

That is why I am pleased that the compromise provides a significant increase in federal commitment into the SCHIP program. With lives literally hanging in the balance, we ought to be building on what works. As we move to reauthorize the SCHIP program, states not only require sufficient Federal funding to ensure that children currently enrolled in SCHIP do not lose coverage and become uninsured, they also require additional funding to enroll more uninsured children—particularly the 11,000 children in Maine who are eligible but unenrolled.

I am particularly heartened that the House and Senate negotiators recognized that dental care is not a ''luxury'' benefit—but one that is paramount to the healthy development of children. A guaranteed dental benefit was included in S. 1224, the Children's Health Insurance Program Reauthorization Act, legislation I introduced with Senator ROCKEFELLER in April.

In addition, as members of the Finance Committee, Senator JEFF BINGAMAN and I sought to improve the quality of dental care through the provision of an assured dental benefit for all SCHIP-covered children during the committee process. Chairman BAUCUS was instrumental in the inclusion of a $200 million dental grant program as a first step towards meeting our goal during the Finance Committee process. And I am pleased that we were ultimately able to see such a strong dental benefit in the package we are considering today.

Most dental disease is preventable with proper care up front, but when a parent cannot access routine care for a child, taking that child to the emergency room is often their only recourse. Yet that option costs at least four times as much as seeing a dentist. Plus, the health care a child receives in the emergency room does not even resolve the underlying problem—they generally provide only pain relief and antibiotics for infection. The bill before us today provides States the choice to either provide a dental benefit as contained in the SCHIP statute or choose among three other coverage options—dental coverage equivalent to the coverage offered by the Federal Employee Health Benefit Plan, FEHBP, dental option—the largest dental plan in the State—or the State employees dental plan with the largest enrollment of children.

The compromise package also replaces the policy announced by the Centers for Medicare and Medicaid Services last month that would essentially prevent state SCHIP programs from enrolling uninsured children from families with household incomes above 250 percent of the federal poverty level. To put this into better perspective, 250 percent of the federal poverty level for a family of four is $51,625. As I illustrated before, families in Maine faced with purchasing a policy on the individual market could face a cost well in excess of $24,000 a year. If States such as mine were prevented from expanding eligibility over 250 percent of poverty, families with a clear, demonstrable need could be shut out.

Families could potentially spend nearly half their income on health coverage yet still not qualify for assistance. That's why 2 weeks ago, Senators KENNEDY, SMITH, ROCKEFELLER, and I introduced legislation to nullify these new restrictions. This compromise will rightfully block efforts to impose onerous and unreasonable restrictions on the States' efforts to reach every child requiring assistance—while at the same time making sure States with more generous income-eligibility levels are meeting their commitment to lower income children.

I also want to speak briefly about the offset contained in this bill. Though some may vigorously disagree, I find that an increase in the tobacco tax is an appropriate avenue to help finance health coverage for low-income children. The health complications caused by smoking—for instance, the increased risk of lung cancer and heart disease as well as the clear relationship between the number of cigarettes smoked during pregnancy and low birth weight babies—could not be more evident. It is clear to me that investing in children's health, while at the same

time discouraging children from starting to smoke in the first place, is the best form of cost-effective, preventative medicine.

Regrettably, this week we will hear a litany of reasons why we shouldn't cover more children through SCHIP. Some will express concerns about the size and cost of the package. I would respond that it should inject a dose of reality on the magnitude of the problem. States have responded to the call of families who are struggling every day with the cost of health insurance and are assuming a tremendous burden in the absence of Federal action.

In addition, we should bear in mind that this bill is $15 billion below the amount we provided for in the budget resolution. Again, this bill is the product of compromise. Some of us wanted to go further. Senator ROCKEFELLER and I introduced legislation to reauthorize the program at the full $50 billion—a bill that garnered 22 bipartisan cosponsors.

Although there were compromises made along the way on various policy positions, one point is not up for discussion—simply maintaining the status quo of current levels of coverage is unacceptable. And while the Congress and the White House argue over philosophical differences, children are either going without coverage, or their parents are financing their care on credit cards, hoping they can stay on top of their debt.

We are the wealthiest Nation on earth, and if we are unable to provide health insurance and medical care to our young people, then what does that say about our values? Some of my colleagues will contend that the SCHIP reauthorization we are considering is the first step toward government-run health care and that we will substitute public coverage for private insurance. The fact is that this SCHIP program came into being ten years ago. We haven't seen that evolve from the SCHIP program. We didn't see it materializing into a government-run health care program, as many have alleged here today. It absolutely hasn't happened. What we did was identify a need and address it in a bipartisan manner.

These claims ignore the fact that today, 73 percent of the children enrolled in Medicaid received most or all of their health care services through a managed care plan. In fact, America's Health Insurance Plans, AHIP, a national association representing nearly 1,300 member companies, has recently endorsed this legislation, stating ''it repairs the safety net and is a major movement toward addressing the problems that States and Governors have been trying to address, which is how to get access for children.'' The bill also helps shore up employer-based coverage by granting states the option to subsidize employer-sponsored group health coverage for families that find the coverage beyond their financial means.

Some have argued that SCHIP should reduce coverage for adults, especially childless adults. While I believe that coverage for adults can have a clear benefit for children, both in terms of enrollment of children as well as the simple fact that health problems for a working parent can lead to economic insecurity for the family, this approach represents an area where we had to compromise. But I find it contradictory that the administration, which has been so vocal in its opposition to the cost and scope of the compromise package, granted the majority of the 14 adult coverage waivers granted over the past ten years and renewed a waiver for adult coverage in May!

Some will argue that reauthorization should be attached to a larger initiative on the uninsured. We must acknowledge forthrightly that working families are having a difficult, if not wrenching, time finding affordable, meaningful coverage—coverage not just in name only. Access to affordable, quality health care is the No. 1 one domestic priority of Americans, and the public will hold us all—Republicans and Democrats alike—accountable on delivering that goal. That is why I have been engaged with my colleagues in an effort to address the critical issues of extending coverage, reducing costs, and revolutionizing care delivery. But while I agree with many of my colleagues that legislative action to solve the problem of the uninsured is long-overdue, children should not be kept waiting. We cannot defer the urgency of providing health insurance for our children while we continue to procrastinate on the issue of the uninsured.

Frankly, I am outraged by the news that the President is considering a veto of this legislation. I believe this seriously misjudges the genuine concern Americans have about access to care, particularly for children. In a March New York Times/CBS News poll, 84 percent of those polled said they supported expanding SCHIP to cover all uninsured children. A similar majority said they thought the lack of health insurance for many children was a ''very serious'' problem for the country.

SCHIP has been the most significant achievement of the Congress over the past decade in legislative efforts to assure access to affordable health coverage to every American. Today, as we consider this reauthorization, we must not undermine the demonstrated success of this program over the past decade. Compromise on both sides of the aisle helped us create this program ten years ago and hopefully a renewed sense bipartisan commitment will help us successfully reauthorize this vital program.

I would strongly encourage the President to reconsider his short-sighted veto threat and work hand-in-hand with Congress to extend health insurance to countless, deserving children. I urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, on behalf of Senator BAUCUS, I yield myself 10 minutes.

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

Mr. NELSON of Florida. Madam President, this Children's Health Insurance Program is universally acknowledged as having reduced the number of uninsured children in America. As the Senator from Maine has just said, we can be very proud we have seen a landmark compromise between Republicans and Democrats. With the talks going on between the House and the Senate, this compromise legislation is going to allow us to continue coverage for millions of low-income children and to expand the coverage to millions more.

It is so popular because if we can attack poor health at a child's age, ultimately, not only is it going to benefit the quality of life of that individual, but it is going to be less of a cost to society in the long run, if you can get at their root problems of health while they are young. This is a simple economic fact, preventive health care.

In my previous life as the elected State treasurer and insurance commissioner in Florida, I chaired the board of directors of the Healthy Kids Corporation. It was Florida's pioneering effort to insure low-income children well before this Children's Health Insurance Program started at the Federal level. We did it through the schools. We had tremendous success. It works.

So there is a collective sigh of disappointment that the President is going to refuse to accept this compromise, which is what reflects the general will, as expressed by that tremendous vote we just had a few minutes ago, allowing the bill to continue to go forward in this legislative process. The President's looming veto threat calls into sharp relief all of those who stand to lose in the absence of fully reauthorizing and expanding this CHIP program.

Think back 10 years ago and what has happened since. The number of uninsured adults has increased, while the rate of low-income, uninsured children has decreased, and decreased not by a little but by a third largely due to this program we are going to pass today.

These children have been afforded better access to primary and preventive care and a better quality of care. This reauthorization is going to provide $35 billion of additional funding over the next 5 years.

Now, of course, that is a bone of contention for some people. If you are going out and finding $35 billion extra to fund something—at a time there is not that money out there, particularly when we are going to have a supplemental request for Iraq of some $200 billion—under that circumstance, that context, where are you going to get 35 billion new dollars over 5 years to fund a program such as this? The tobacco tax.

There are those who do not want to tax tobacco. But where else would you

like to get it? You cannot make it up. You cannot go and print the money. You have to get it from some legitimate place. This is the place that can withstand that additional tax. So there will be some who will vote against this program because they do not want to tax tobacco. Well, let their record be clear why they oppose this popular program.

The added investment in children's health is not only necessary, it is fruitful. It is common sense. Healthy children are more likely to stay healthy as they move into adulthood. Certainly, if they are healthy, they are going to have more productive lives. On top of all this, don't we have a moral imperative to ensure that children, regardless of their parents' income, are able to have a healthy life?

I think that is what makes up our moral fiber, our fabric, all of our teachings, our traditions. Our values say we want to have health care for children regardless of their parents' ability to pay.

The President has argued that this expansion is going to take the CHIP program beyond its original intent of just helping poor children. Some people say it is going to be helping adults. Do I think that pregnant women—pregnant adult women—ought to be helped? I would think common sense would say yes.

I believe this program would deepen and expand that initial promise which is helping those American families that struggle with those health care costs that are rising much faster than their wages.

Can you imagine being a parent and watching your child have a health problem and you cannot do anything about it because you do not have the financial means to take away the pain of that health problem of your own child? Parents would get out and scrap and scrape, they would dig ditches, they would clean latrines, they would do anything for their child. But, sadly, because of the low income of some families, those children do not have that health care. Well, we can address that and correct that today.

The President has also said this expansion is going to bring us down a path toward the federalization of health care. Well, that is simply not so. There is wide latitude in this law to give that latitude to the States. I believe, simply, children are too precious to be held hostage to an ideological debate. This program is more important than the rhetoric about government-run health care.

By virtue of me telling you my background, obviously, this bill is very important for my State of Florida, where over 700,000 children alone are uninsured. This legislation is the best opportunity to expand that coverage to a significant portion of those 700,000 children and certainly across the land to millions of children.

We have seen the success. We are aware of how many more children need to participate. I humbly urge the President to reconsider his veto threat. It is rare we have a chance to pass legislation that is so overwhelmingly positive, so completely necessary, and so morally unquestionable.

I am certainly going to cast my vote in favor. I hope a resounding percentage of this Senate will do likewise so we can send a very strong message of support.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Ohio.

Mr. BROWN. Mr. President, I would like to follow on the comments of my colleague from Florida, Senator NELSON, in support of the Children's Health Insurance Program bill.

This week, the House of Representatives passed the bill overwhelmingly, 265 to 159. Of my 18 Ohio House colleagues, about two-thirds of them voted for this bill. It is clearly something we know works in my State.

The Children's Health Insurance Program was passed 10 years ago in the House of Representatives and the Senate. It was established. President Clinton, a Democrat, with a Republican House and a Republican Senate, supported that issue, and it has clearly worked.

We have some 6 million children in this country now who benefit from the Children's Health Insurance Program. In my State, it is around 200,000 children. We also know this legislation will mean about 4 million more children in the United States will benefit from this health care program.

These are sons and daughters of working families. These are not people living in the lap of luxury. They are families making $20,000, $30,000, and $40,000 a year. They are families where they are working hard, playing by the rules, but they are not making enough money to buy insurance. Their employers do not offer insurance. So this is what we need to do.

Now, the President says he plans to veto this bill for two reasons that I can understand. One of them, he said, is the cost. This is $35 billion over 5 years; $7 billion a year. But just make the contrast: We are spending $2.5 billion a week—$2.5 billion a week—on the war in Iraq. Yet the President does not want to spend $7 billion a year to insure 4 million children. That is his first reason—the cost.

The second reason, the President says: I want private insurance to take care of these children. Well, so do I. So does Senator GRASSLEY, who has been a major leader on this issue in the Senate on the other side of the aisle. We all do. But the fact is, private insurance is not taking care of these children. Again, they are sons and daughters of people with jobs paying $20,000, $30,000, $40,000, $50,000 a year, people without insurance and without the financial wherewithal to be able to take care of these children.

The President came to Cleveland a few months ago and said everybody has health care in this country. They can get it at the emergency room. I want children in this country to get preventive care in their family doctor's office, not acute care in the emergency room.

Before the President makes his decision, I would like him to meet three families in Ohio, people who really speak to this whole issue.

I want him to know about Dawn and Glenn Snyder and their son Cody, living in Bloomingdale, near Steubenville, near the Ohio River in eastern Ohio. Dawn works in a doctor's office, and Glenn works temporary jobs. Cody is 3 years old and has cerebral palsy. Until he was a year old, Cody had bleeding in his brain and seizures. Sometimes Glenn has insurance and sometimes he doesn't. It depends on where he is working. Dawn is going to lose the coverage for her family that she has gotten because they can no longer afford to buy it.

So even though Cody needs regular medical care from a neurologist and an eye doctor, as well as routine preventive care that all children need, he is in danger of having no access to health insurance. However, the Snyders will have coverage if this bill is signed into law.

If this bill passes, Cody will likely qualify for care under Ohio's new Children's Health Insurance Program. I would add also, on a bipartisan note, Governor Strickland, the new Governor of Ohio, with a resounding bipartisan vote out of the legislature, moved the eligibility to 300 percent of poverty so families making up to about $50,000 or $55,000 a year will have coverage.

If this bill passes, it means the Snyders will have a safety net for Cody's coverage and will be able to live with the security of knowing their son will receive the care he needs.

Then there is the story of Evan Brannon. Evan is a 1-year-old from Dayton in southwest Ohio. His dad Kenneth is currently not working, after losing his job as a repairman for a telephone company. Angela, Evan's mother, stays at home with him and has a baby on the way.

Evan was diagnosed with a congenital hernia of his diaphragm and is on a feeding tube, and he also receives medicine through a tube. He receives physical, occupational, and speech therapy. His parents looked into private coverage and learned they would never qualify for it because of Evan's preexisting condition. The family is faced with $5,000 to $6,000 a month in medical expenses. Angela can't go back to work. Kenneth is looking for a job but can't get a position over a certain income level or Evan will lose medical coverage. How is this family ever supposed to get ahead if they have to make sure not to make too much money out of fear of losing health insurance for their children? What kind of incentive is that to build into the system?

Passing this bill will fix that. This is just one way in which America's families' opportunities are limited by our

country's inability to provide the insurance the children's health insurance will provide.

One more story. David Kelley is a 13-year-old living in Erie County, right next door to where I live. He lives with his mother Heather and his stepfather Timothy. David has been diagnosed as bipolar, mildly autistic, and suffers from Asperger's syndrome. He also has a rare form of asthma. David was born 2 months premature. His doctors believe that a lack of oxygen and other complications may have caused the conditions he has coped with daily for 13 years, although the causes are not completely known.

David's health conditions require him to regularly visit a psychiatrist, a psychologist, and a primary care physician. His medications cost $2,000 each month, and Medicaid covers it. His mother Heather has said her greatest fear in life is of David losing his medical coverage. She herself has multiple sclerosis and is unable to work. No private insurance plan will ever cover David because of those preexisting conditions. Heather has made navigating the Medicaid and social service systems a nearly full-time job just to maintain David's benefits. Here is another family in need of help from the Senate.

I hope our President will not leave the Kelleys, the Brannons, or the Snyders behind, without the health coverage their children so desperately need. I hope he can have compassion for those families struggling so hard to make ends meet and whose greatest wish is to provide the most basic of needs for their children: housing, food, and health care. I hope the President can see what a sound investment this is. This isn't spending $7 billion a year; this is investing $7 billion a year in the future of our families, the future of our children, and the future of our country. Four million American children will receive health insurance if the President signs this bill. He must sign it into law. Too many people are counting on it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, there is no doubt in anyone's mind that the SCHIP program will continue. That is a certainty, as certain as anything can be. The question is whether the SCHIP program, the State children's insurance program, will remain true to its targeted population which was contemplated by Congress in 1997 when it passed with strong bipartisan support or whether it will expand into a new burgeoning Federal program that has lost sight of its original mission and which, in the minds of some, represents another incremental step toward a Federal Government takeover of our health care system in America.

Let there be no doubt about it, a Federal, Washington-run health care system would be bad for the children and the people of this country. There are at least three things you can guarantee if Washington takes control of our health care. One is it will be incredibly expensive. In other words, taxes will have to go up to pay for it. Two, it will be incredibly bureaucratic, and some bureaucrat with a green eyeshade will decide what kind of health care you or your family gets. Three, there will be rationing of health care. That same Government bureaucrat will decide whether you get a diagnostic test, whether you can be scheduled for an operation when you need it, or what other kinds of health care decisions you can make. In fact, the choices will be taken from individuals and be given to the Government. That is a bad idea, although there are some who have advocated this for many years, including the leading Democratic contender for President of the United States, who has advocated a government-run health care system since the early 1990s.

This cannot be an expansion of a wildly successful program that has lost its focus on the poor children of America, and how in the world could I possibly say that? Well, this bill we are debating now raises spending by 140 percent—140 percent—at a time when my constituents tell me they are very concerned that the Federal Government has lost its way when it comes to spending and are worried that they will see consequential increases in their tax burden as a result of out-of-control Federal spending.

Along with virtually everyone else in Congress, I strongly believe the SCHIP program should be renewed, and it will be renewed. I voted for a renewal bill called Kids First that provided $10 billion in addition to the $35 billion over 5 years and which would enroll 1.3 million new children in SCHIP. But the majority has rejected that as too miserly.

Whom do they want to cover with the State Children's Health Insurance Program? Well, No. 1, they want to cover adults in 14 States, and in New York City they want to be able to cover up to 400 percent of poverty. A family making $82,000 a year would be—half of whom would be displaced from their private health insurance to get government-funded health insurance at the courtesy of the beleaguered American taxpayer. That is wrong.

The other inadvertent consequence of this will be because government doesn't know how to control health care costs except to ration access to health care, we are going to see more and more people now who will be displaced from private health insurance to go on to government insurance who will find low reimbursement rates—close the doors to access to health care providers. In the city of Austin recently, there was a story written that said only 18 percent of physicians accept new Medicare patients—18 percent. The question was, Why? Well, the Federal Government Medicare reimbursement rate is so low, doctors can't continue to accept new Medicare patients and keep their doors open. In a similar fashion, the SCHIP rate is regulated by the Federal Government, as is the Medicaid rate. The only way many physicians and health care providers keep their doors open is to have a mix of government-subsidized health coverage and private health insurance. We all know private health insurance carries the cost to allow many health care providers to keep their doors open.

It is not conspiracy theories, it is not an exaggeration to say this is an incremental step toward that single-payer, Washington-controlled health care system. Right now, the Federal Government pays 50 percent of the health care costs in America today.

I think it is a bad idea to lose sight of the original target for SCHIP, which is children whose families make up to 200 percent of the poverty level, who have more money than they can make and still qualify for Medicaid. But we should do everything in our power to recommit to those children that we are going to make sure the money Congress appropriates, takes out of the pocket of the taxpayer and provides in terms of health benefits to them, is true to the vision Congress originally intended and that that money which could go to expanding health care coverage to these kids who come from relatively modest incomes is not taken and provided for adult coverage or middle-income coverage in places such as New York for up to 400 percent of the poverty level.

So there is a lot of misinformation and, indeed, downright demagoguery going on in the media and elsewhere with regard to what is happening here. I hope we will make one thing clear: that every Member of the Congress—certainly this Senator—supports a continuation and reauthorization of SCHIP. It is a canard to suggest that anyone is denying access to health care to the children who have benefited historically and should benefit from SCHIP. But it is simply a Trojan horse to suggest that we are merely reauthorizing this legislation because what is happening is we are seeing a dramatic expansion of Federal spending, losing sight of the targeted population, and taking another incremental step toward a disastrous Washington-controlled and -run health care system which will be expensive to the American taxpayer, which will be incredibly bureaucratic, and which will result in rationing of health care, which is something that is not in the best interest of the American people.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 10 minutes.

Mr. CORKER. Mr. President, I thank the Chair. I will try to use less time. I know we have a lot of business today. I rise also to talk about the SCHIP bill we just voted on for cloture, and hopefully, later this evening, we will have the opportunity to vote on final passage.

I have been here a short amount of time, and I continue to be amazed at some of the rhetoric that ends up circling much of the legislation we discuss in the Senate. I do not think the SCHIP bill is perfect. I am going to vote for the SCHIP bill. I haven't been in the Senate long enough in 8½ months to have actually ever voted for a perfect bill. Chances are I may never vote for a perfect bill in the Senate. I know this bill has been threatened to be vetoed. Again, I think about the irony of a bill such as this being vetoed by the administration.

The most recent health care legislation that I remember passing out of this body that was a large bill was Medicare Part D. As I remember, that was a bill where nothing was paid for. We added $700 billion to $800 billion in deficits. There was no attempt whatsoever for that to be paid for. It also created coverage for individuals who did not need coverage. It didn't matter. We passed a massive bill. I was not here during that time, but it passed several years ago.

The uniqueness of this bill is that there has been an attempt to actually pay for it—something unique in recent times as it relates to health care coverage. Secondly, it actually is health care for people who need it, which is also very different from some of the things we have focused on in the past. So I find it very ironic that this administration has chosen this bill to veto.

I have heard a lot of comments about the frailties of this, and one of the most recent red herrings regarding this bill was that it would allow illegal immigrants to receive health care. That is absolutely not true. But based on the standard of this argument that was put forth recently, we certainly need to ensure that immediately we would do away with Social Security, Medicare, and Medicaid because they would be held, of course, to a standard that cannot be met. That is an argument which obviously is not true.

I also heard that this bill had earmarks in it. I have looked and I can't find any earmarks in this bill. There is a hospital in Tennessee, down on the Mississippi-Arkansas border, and it happens to deal with low-income citizens who come there from Mississippi and Arkansas. So this bill allows that hospital to be paid Medicaid reimbursement for the patients it sees from Mississippi and Arkansas. If that is the new standard for earmarks in this body, then I suppose every comment or statement we make will now become an earmark.

I have also heard the comment that this is the backdoor to socialized medicine. I really think that one is maybe the most humorous I have heard. I do wish to bring this body's attention to the fact that the Bush administration—the Bush administration—since it has been in office has approved these waivers and state plan amendments: in June of 2004 to California, allowing them to go to 300 percent of poverty, again above the intent of the original SCHIP bill; in Hawaii, in January of 2006, allowed the State, through executive prerogative, to go to 300 percent; in Massachusetts, in July of 2006, this administration allowed that State to go to 300 percent; in Missouri, in August of 2003, this administration allowed them to go to 300 percent; in New York, in July of 2001, this administration allowed them to go to 250 percent; in Pennsylvania, in February of 2007, just a few months ago, to 300 percent; in West Virginia, in December of 2006, to 220 percent. But the one I have left is the one that is most recent.

This administration, without any legislative involvement, in March of 2007—a few months ago—agreed to let the District of Columbia go to 300 percent of the poverty level. So for those people to say this bill is a back door to socialized medicine, it seems to me they have not taken into account the front door of the Bush administration, which all along has allowed nine states to expand their programs beyond the original intent of the SCHIP program. This bill actually causes this out-of-control process that has been ongoing during the Bush administration to actually be reformed. It actually causes reforms to take place so this bill will more fully embrace its original intent.

So I rise to say there is a lot of rhetoric that is being used in this SCHIP bill. This bill is not perfect. I know my colleagues on the other side of the aisle would like to see changes in this bill. I would like to see changes in this bill. I think it could have had a more credible debate had the administration initially funded this in their budget with an appropriate amount of money to even allow the program as it is to continue.

I will vote for this bill. I am not going to argue to any of my colleagues as to what they should do. I will vote for this bill because I believe it focuses on those most in need—children—mostly poor children in our country.

What is actually moving our country toward socialized medicine is the fact that none of us in this body have yet taken the steps to make sure that those most in need have access to private, affordable health care. I know there are a number of bills that have looked at that. I have offered a bill—again, it is not perfect—and I hope Members of this body will actually cause it to be improved by adding amendments. But the fact of the matter is, what will move our country toward socialized medicine is not this SCHIP bill, which focuses on poor children in America, but it will be the lack of action in this body to create methodologies, which we could do, to allow people in need to have access to private, affordable health care.

Ms. STABENOW. Will my colleague yield for a question?

Mr. CORKER. Yes.

Ms. STABENOW. First, I thank the Senator for his comments on the floor of the Senate, debunking what has been inaccurate statements that have been made and also for laying out the realities of what is true about this proposal. I think the Senator has done it in a wonderful way. I appreciate the Senator's willingness to stand up and talk about what is real, important, and the fact that this is such a strong bipartisan bill.

I wonder if the Senator might comment on the fact that aren't we talking about working families, low-income working families, trying every day to keep things together for their family, and they want to know that the children have health care? Isn't that what this is all about?

Mr. CORKER. That is exactly what the bill is about. There is no doubt—and I think we should all acknowledge this—that there are some cases in some States where there has been an aggressiveness to actually cause some adults to be covered who should not be covered. In this bill, focusing toward 2010, there is an effort to reform that, to cause the focus to return back to children.

Also, there is no question that this administration, which offers the fact that they are going to veto this bill, has done more to change the dynamics of SCHIP than any legislation that we could pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, today is a momentous day. We have the opportunity to extend health insurance coverage to 10 million low-income children, 4 million of whom, without this bill, simply would continue to be a statistic in the ranks of the uninsured. In Oregon alone, we estimate that at least 60,000 new young people will receive health insurance and possibly even more.

Because of the outstanding work of my colleagues, Senators BAUCUS, GRASSLEY, HATCH, and ROCKEFELLER, and because of their work, we have before us a proposal that will garner wide, bipartisan support. I commend them for their efforts and thank them for their willingness to work with me to incorporate a number of important policies not only to Oregon but to millions of young Americans across this country.

When I first arrived in the Senate in 1997, I had the opportunity to learn about an outstanding idea launched by two great colleagues, Senators KENNEDY and HATCH. That idea was known as the State Children's Health Insurance Program. When they described the details to me, I recognized in it many of the features I had worked on as an Oregon State Senator in the development of the Oregon health plan. I told them to sign me up and let me know how a junior Senator on the Budget Committee could help them. It was my privilege to do that with an amendment on that year's budget.

But here we are, 11 years later; now I serve on the Finance Committee, and I have had the opportunity to help craft

a bill that will provide the authority and funding needed to continue SCHIP for another 5 years. It is a responsibility I took seriously then and still. I am pleased to have an opportunity today to renew it and improve it.

As I think of the work we have done to advance this bill, I wish to take a moment to highlight a number of critical policies I have worked hard to advance and which are now included in the bill before us.

First, and perhaps most important, I am pleased we will continue to utilize a 60 cent increase in the tobacco products excise tax to pay for SCHIP reauthorization. Looking back on the debate over the budget this past March, I didn't know, but I hoped at the time, my amendment to do this would garner the support necessary. It has done so. That support has held, and it is now the funding source for keeping the promise of SCHIP.

However, in my opinion, there is no better means to provide funding for children's health care. I know some don't like this. It is, frankly, the only tax increase I enthusiastically support and for which I have ever consciously voted. Not only can we extend health insurance to 10 million low-income children, we can do so while discouraging other young people from smoking. Studies show America's youth is strongly discouraged from smoking if the price of the tobacco product is increased. I am hopeful we will discourage thousands of kids from smoking, which will improve and perhaps save their lives. I see it as a ''twofer,'' to discourage smoking, and you can connect the habit of tobacco with all the public health care costs it imposes. It is a sad statistic that 20 percent of Oregonians who die each year die from tobacco-related illnesses.

I am also pleased to have been able to secure mental health parity in SCHIP. According to a report by the Urban Institute entitled ''Access to Children's Mental Health Services Under Medicaid and SCHIP,'' the highest prevalence of mental health problems among all children, ages 6 to 17, is observed among Medicaid and SCHIP-eligible children at a rate significantly higher than for other insured children and uninsured children. Now, today, the Senate has taken a remarkable step forward to ensuring that SCHIP treats ailments of the mind on the same level as it treats ailments of the body. That is a notable achievement.

We are, as a Senate body, advancing the cause of mental health care as it has needed to be for some time but now hopefully soon. In this bill, and in the mental health parity bill earlier passed, we put mental health on parity with physical health.

This bill also reverses the harmful policy recently implemented by the administration. While I understand the President has some authority to help guide the development of Federal programs, in this instance, the policy released by the Centers for Medicare and Medicaid Services to restrict coverage of children with incomes over 250 percent of poverty simply goes too far.

Therefore, I strongly support the language in the bill that reinforces the Senate's position that States will be allowed to cover children with family incomes up to 300 percent of poverty. I also support the proposal to create a tracking system to more accurately determine who does and doesn't have insurance. This is vital as we continue to work to extend health insurance to all Americans.

Finally, I wish to note how pleased I am to see that States will be able to extend coverage to pregnant women through SCHIP. This makes sense. Prenatal care, when you are talking about children, is truly the point at which they can get the healthier start. Their mothers deserve this if we are serious about the children they bear. According to the National Committee for Quality Assurance, every dollar spent on prenatal care results in a 300-percent savings in postnatal care costs and an almost 500-percent savings in long-term morbidity costs. This is an investment we need to make, and it is well worth making.

Ten years after SCHIP became law, we now have a chance to support a bill that will cover 4 million new children who are already eligible for this program. This is not an expansion, though. This is simply keeping the promise of SCHIP with those children who are currently eligible but for whom we have not had the resources, the dollars, to fully fund this program.

While some have alleged we are expanding the program, expanding government-run health care, that rhetoric could not be further from the truth. We are not expanding the program, we are simply putting our money where our mouths have been. We are taking a step forward to give States the money they need to cover the children who already are qualified for SCHIP but, for one reason or another, are not enrolled. We also are not expanding government-run health care. SCHIP is a program that is delivered by private insurance companies. It is a program that requires families to pay premiums and copayments based on their income levels. It is for these reasons that SCHIP will garner strong, bipartisan support today.

In closing, I know there has been a great deal of rhetoric back and forth between the White House and the Hill. In this instance, with health care for millions of American children on the line, I urge my friend, President Bush, to take a fresh look at the details of this package and realize it is worthy of his support. I urge him to put aside the differences of this debate and sign this bill into law for the sake of our children, America's children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana. The Senator is recognized for 10 minutes.

Mr. VITTER. Mr. President, I rise today to speak about a very important amendment I have filed to the SCHIP legislation that passed the House and was sent back to the Senate. Unfortunately, the majority leader has decided not to allow any Republican amendments to this very important legislation. But I wish to take the opportunity, nevertheless, to discuss my amendment which is filed which is at the desk. It is very straightforward.

It simply says American citizens only are eligible for SCHIP and that no funds will be used to expand health care benefits in SCHIP to illegal immigrants and others.

The legislation we are considering, as written, will do just that. It will expand the program enormously without any regard for focusing on American citizens, and it is very clear that in that expansion, the benefit would go to many illegal aliens because of glaring loopholes that exist in present law and in this legislation.

Congressman JIM MCCRERY of Louisiana has been looking into this issue for several weeks. On September 21, he wrote the Commissioner of the Social Security Administration.

Mr. President, I ask unanimous consent to have printed in the RECORD Congressman MCCRERY's letter to the Social Security Administration.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 21, 2007.

Commissioner MICHAEL J. ASTRUE,
Social Security Administration, Office of the Commissioner, Baltimore, MD.

DEAR COMMISSIONER ASTRUE: As Congress prepares to debate the reauthorization of the State Children's Health Insurance Program (SCHIP), I am writing to request your assistance in clarifying an issue raised by a provision in the Senate passed bill. Specifically, I would request that the Social Security Administration provide technical assistance to explain the impact of Section 301 of H.R. 976, which was passed by the Senate on August 2, 2007.

Concerns have been raised that the implementation of this provision could make it easier for illegal aliens to qualify for government funded healthcare programs including SCHIP and Medicaid. In order to better assess the accuracy of these claims, I would request that you provide answers to the following questions by no later than the evening of Monday, September 24, 2007.

1. If implemented as written, would the name and Social Security number verification process in section 301 of the Senate SCHIP bill allow the Social Security Administration (SSA) to verify whether someone is a naturalized citizen?

2. Would Section 301 require SSA to perform any verification of a person's status as a naturalized citizen?

3. Would the implementation of this provision detect and/or prevent a legal alien who is not a naturalized citizen (and therefore generally ineligible for Medicaid), from receiving Medicaid?

4. Would the name and Social Security number verification system in Section 301 verify that the person submitting the name and Social Security number is who they say they are?

5. Would the name and Social Security number verification system in Section 301

prevent an illegal alien from fraudulently using another person's valid name and matching Social Security number to obtain Medicaid or SCHIP benefits?

6. Would the name and Social Security number verification system in Section 301 prevent an individual who has illegally overstayed a work visa permit from qualifying for Medicaid or SCHIP?

7. Based on the accuracy of your database, please comment as to the volume of false positives or false negatives that could occur under the Social Security number verification process in section 301 of the Senate SCHIP bill.

Thank you for your prompt attention to this matter. If you should have questions about any of the requests in this letter, please contact Chuck Clapton of the Ways and Means Committee Republican staff.

Sincerely,

JIM MCCRERY,
Ranking Member.

Mr. VITTER. Mr. President, Congressman MCCRERY laid out seven very simple and straightforward questions that go exactly to this point: Is there any reliable way to ensure that this program is reserved for American citizens, not illegal aliens in the country?

Unfortunately, the answers—all seven of them—came back: No, no, no, no, no, no, no.

Mr. President, I ask unanimous consent to have printed in the RECORD the Administrator's responses.

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

If implemented as written, would the name and Social Security number verification process in Section 301 of the Senate SCHIP bill allow SSA to verify whether someone is a naturalized citizen?

No, the name/SSN verification process only indicates whether this information matches SSA's records. Our understanding of Section 301 is that it would provide States with the option of using a match as a conclusive presumption that someone is a citizen, whether naturalized or not. Since we have no data specific to this particular population, we have no basis for estimating how many noncitizens would match if this language were passed by Congress.

2. Would Section 301 require SSA to perform any verification of a person's status as a naturalized citizen?

Section 301 would not provide for verification of citizenship but would create a conclusive presumption based on less reliable data that a person is a citizen. As we read Section 301, it would not require use of DHS data to make a verification of citizenship.

3. Would the implementation of this provision detect and/or prevent a legal alien who is not a naturalized citizen (and therefore generally ineligible for Medicaid), from receiving Medicaid?

No. Our current name/SSN verification procedures will not detect legal aliens who are not naturalized citizens.

4. Would the name and Social Security number verification system in Section 301 verify that the person submitting the name and Social Security number is who they say they are?

No.

5. Would the name and Social Security Number verification system in Section 301 prevent an illegal alien from fraudulently using another person's valid name and matching SSN to obtain Medicaid or SCHIP benefits?

No.

6. Would the name and Social Security number verification system in Section 301 prevent an individual who has illegally overstayed a work visa permit from qualifying for Medicaid or SCHIP?

The name/SSN verification system in Section 301 would not identify individuals who have illegally overstayed a work visa permit.

7. Based on the accuracy of your database, please comment as to the volume of false positives or false negatives that could occur under the Social Security number verification process in section 301 of the Senate SCHIP bill.

Due to a lack of data specific to this particular population defined in section 301, we have no basis for projecting how many ''false negatives'' or ''false positives'' would be produced by enactment of Section 301, but they will occur.

Mr. VITTER. Mr. President, the responses are very clear:

. . . we have no basis for estimating how many noncitizens would match if this language were passed by Congress.

Section 301 would not provide for verification of citizenship. . . .

Our current name/SSN verification procedures will not detect legal aliens who are not naturalized citizens.

They will not detect illegal aliens who have gotten Social Security numbers fraudulently.

The . . . verification system in Section 301 would not identify individuals who have illegally overstayed a work Visa permit,

And on and on.

The record is perfectly clear, including from the Social Security Administration Commissioner, that there is nothing in the SCHIP legislation to prevent this fraud, to prevent these very significant costly benefits coming from the Federal taxpayers from going to illegal aliens in the country.

Again, this is a glaring problem with this legislation. It is a glaring problem with many existing Federal benefits that we should address head on. Absent a solution to look at this carefully in the context of this legislation, I do not think it should move forward.

Again, it is truly unfortunate that we have no ability to vote on this amendment on the Senate floor. This is a significant issue, this is a significant bill, and yet no Republican amendments, either this amendment or any other, can be considered on the Senate floor given the procedures the majority leader has used to shut out debate, shut out amendments, move forward, ignore a very serious concern of the American people. I think that is unfortunate. I also think it is reason not to move forward in passing this SCHIP legislation—one significant reason among others.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. CLINTON. Mr. President, today, in this Chamber, we are considering three critical issues that go to the heart of values we have as a nation, three pieces of legislation that seek to honor these values by putting them into action. We have passed and I am proud to support a bill to strengthen our capacity to stop hate crimes by supporting local law enforcement. We will be passing the largest expansion of health care for children since we created the Children's Health Insurance Program during the Clinton administration. Finally, included in this Children's Health Insurance Program legislation is a provision I sponsored and authored with Senator DODD to support injured servicemembers by giving their families more time off under the Family and Medical Leave Act. This is a banner day for the Senate and the Congress, and I am proud to join a bipartisan coalition in tackling these challenges, from children without health insurance to military families without the support they need.

We will pass the CHIP legislation by a wide margin, and so the choice will then fall squarely on the shoulders of the President. Will he join us in helping injured servicemembers and in providing health care to 3.8 million children who right now don't have it or will he put ideology ahead of military families and vulnerable children? We in this Chamber know what the right choice is. The American people also know what the right choice is. I hope our President will put progress over partisanship and join the bipartisan majority and the vast majority of Americans in believing we can no longer treat these challenges and the people who face them as though they were invisible.

I believe every child deserves health care. Yet far too many children in our Nation—more than 9 million—do not have access to quality, affordable health care. That is a moral crisis which should be impelling us to act, and this Congress has done so.

A few weeks ago, I met Amy McCutchin, who was struggling to find health insurance for her 2-year-old daughter Pascale—a healthy, lively 2½ year old. Amy works as a contractor while also going to school for her master's degree. She is divorced. She lost her insurance because of the divorce. She is not offered insurance through her employer because she does freelance work. Unfortunately, Pascale and her mom are among the millions for whom the Children's Health Insurance Program is currently unavailable.

When I met Amy, she stressed she is trying to do the right thing. She works hard. She is what we would call barely middle class. In fact, she can't miss a day of work or she doesn't get paid. But she is also going to school full time, and she has to balance that with her work and the care of her daughter. She is falling through the cracks, and so is little Pascale.

This is a story which is being told 9 million times every day by the parents

of the children without health insurance. Today, we can tell a different story and create a different outcome.

I was proud to help create the State Children's Health Insurance Program during the Clinton administration. I worked on that legislation during my time as First Lady. In fact, after the bill was passed into law—a bipartisan majority in this Congress made that happen—I helped to get the word out to tell parents that help was on the way and to sign up children for the program in the first few years. In the Senate, I have continued that effort, fighting to ensure health care for children has the priority in our budget it deserves, and I am proud of the progress we have made.

The CHIP program provides health insurance for 6 million children. In New York alone, almost 400,000 kids benefit from CHIP every month. With this strong bipartisan, bicameral agreement, hammered out in this Chamber by Chairman BAUCUS and Senators GRASSLEY, ROCKEFELLER, and HATCH, an additional 72,000 children in New York will have access to health care coverage.

It will also help enroll many of the almost 300,000 children in New York who live in families who are already eligible for CHIP or for Medicaid because they make less than $52,000 a year, which is 250 percent of the poverty level for a family of four. Now, I know that sounds like a lot of money to some people around the country, but it doesn't go very far in New York, and it is one of the reasons why so many children in New York don't have access to health care and why we are fighting so hard in New York to extend health care to those who need it and can't yet afford it.

According to the Congressional Budget Office, 3.8 million children who are uninsured nationwide will gain coverage. That will reduce the number of uninsured children by one-third over the next 5 years. Now, if we can afford tax breaks for companies that ship jobs overseas and tax cuts for oil companies making record profits, I think we ought to be able to find it in our hearts and in our budget to cover the millions of children who deserve a healthy start.

I want to be very clear. If the President vetoes this bill, as he has threatened, he will be vetoing health care for almost 4 million children and he will be putting ideology, not children, first.

Earlier this year, I was proud to introduce legislation with Chairman JOHN DINGELL from the House of Representatives to reauthorize and expand CHIP, and I am very pleased that a number of the ideas in our bill are included in this legislation, such as cutting the redtape and bolstering incentives to get eligible children into the program. The legislation also improves access to private coverage and expands access to benefits such as mental health and dental coverage.

Some of my colleagues have heard me tell the story about the young boy living in Maryland whose mother wasn't on Medicaid, wasn't on CHIP, and was struggling to get some kind of health care coverage for her children when her 12-year-old son came down with a toothache. Medicaid and CHIP don't cover dental care in many cases, anyway, so even though she eventually got coverage, she couldn't find a dentist who was available to actually provide the dental care. Her son continued to complain, the toothache turned into an abscess, the abscess broke, and the next thing you know, the little boy is in the emergency room and being admitted to the hospital. But because the poison had already spread into his bloodstream, he had to be put on life support, and Demonte didn't make it. So for the lack of a visit to a dentist, which might have cost $80, $85, a little boy lost his life. And this is why expanding access to mental health and dental coverage is absolutely critical.

I also commend the authors of this bipartisan agreement for their work and for bringing forward a practical, fiscally responsible compromise. It represents the culmination of a lot of hard work. I see some of the staff from the Finance Committee here on the floor, and I thank them because I know how much they did to make this possible.

I am also pleased that the conference report includes the support for the Injured Service Members Act of 2007, legislation Senator DODD and I introduced to provide up to 6 months of job-protected leave for spouses, children, parents, or next of kin of service members who suffer from combat-related injuries or illness.

This amendment implements a key recommendation of the Dole-Shalala Commission, chaired by former Senator Dole, who served with great distinction in this Chamber, and Secretary Shalala, who served for 8 years under the Clinton administration as the Secretary of Health and Human Services. Their Commission on Care for America's Returning Wounded Warriors came up with a number of recommendations, and those recommendations are supported by a broad bipartisan coalition in Congress.

The families of our service men and women face extraordinary demands in caring for loved ones who are injured while serving our Nation. Currently, the spouses, parents, and children receive only the 12 weeks of unpaid leave under the Family and Medical Leave Act. But, as the Dole-Shalala Commission found, all too often that is just not enough time. An injured servicemember usually grapples with not only the physical injuries but having been, just a few weeks or months before, a healthy, fit young person and now, with the loss of a limb or being blinded or burned, having to come to grips with all of that. That takes time as well as medical care.

These new injuries our service members are suffering—the traumatic brain injuries—that we are only now focusing on are especially difficult.

I remember being at Walter Reed a few months ago, and I met a young Army captain who had been in a convoy hit by one of those improvised explosive devices, resulting in the loss of his right arm and the ring finger on his left hand because he had his wedding band on his finger and the explosion had caused his wedding band to melt into his finger, unfortunately causing him to lose that finger.

I asked him: Captain, how are you doing?

He said: Oh, Senator, I am making progress. Folks are helping me get used to the prosthetic, and I am learning how to use it. But where do I go to get my brain back? I never had to ask people for help before. Now my wife has to make a list for me, telling me where I have to go to meet my appointments and what I have to do when I am there. Where do I go to get my brain back?

Well, these wounds—some that you can see, some that you can't—are extremely serious and require family members to be available. The language included in the bill expands leave to 6 months. It is a step we can take immediately that will make a real difference in the lives of these wounded warriors and their families, and I hope the President will think about that before he vetoes this bill.

Now, I am disappointed that the CHIP bill doesn't include the Legal Immigrant Children's Health Improvement Act, which I introduced with Senator SNOWE and have been working on with her for a number of years. This bipartisan bill would give States the flexibility to provide Medicaid and CHIP coverage to low-income legal immigrant children and pregnant women. I want to underscore that. We are talking about legal immigrant children and pregnant women.

The current restrictions prevent thousands of legal immigrant children and pregnant women from receiving preventive health services and treatment for minor illnesses before they become serious. Families who are unable to access care for their children have little choice but to turn to emergency rooms. This hurts children, plain and simple, and I think it costs us money. A legal pregnant woman who cannot get prenatal care may have a premature baby, who ends up in a neonatal intensive care unit, which ends up costing us hundreds of thousands of dollars. So I hope we are going to be able to lift this ban and make it possible for States to access Medicaid and CHIP for legal immigrant children and pregnant women.

But I could not be more proud that the Senate is voting on expanding health care to 3.8 million children. There is no debating the importance of this and the way the Senate has come together in order to produce this result.

Finally, I am proud to support the bipartisan legislation which we have passed to strengthen our tools against crimes motivated by hate on the basis

of a victim's race, ethnic background, religion, gender, sexual orientation, disability, and gender identity. These are crimes not just against an individual but against a community. What we have done by moving this legislation forward means we are taking a stand on behalf of those individuals and communities affected.

Hate crimes are an affront to the core values that bind us one to the other in our country. We should dedicate the resources needed to prosecute these crimes to the fullest extent of the law. I am very proud of our country. I think we rightly hold ourselves up as a model for the ideals of equality, tolerance, and mutual understanding. But we cannot rest. We have to continue to fight hate-motivated violence in America. With today's vote, the Senate is proclaiming loudly that the American people will not tolerate crimes motivated by bigotry and hatred, that we will punish such crimes and the bigotry they represent.

I commend Judy and Dennis Shepherd for their extraordinary dedication and leadership when it comes to the prosecution of hate crimes. The murder of their son Matthew was a tragic event for a family, but a motivating cause was created. No parent should ever have to bear what the Shepards have borne, but their grace and their grit in going forward is inspirational. The Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act is a step toward honoring their son's memory, and honoring everyone who has ever been afflicted by hate-motivated violence and harassment.

I commend my colleague Senator KENNEDY for his long-time leadership on this important matter.

The Matthew Shepard Law Enforcement Hate Crimes Prevention Act condemns the abhorrent practice of victimizing people and authorizes the Justice Department to help State and local governments investigate and prosecute these appalling offenses. I commend my colleague and friend Senator HATCH.

Today is a good day for the Senate. We are doing good work. It may be at a glacial pace in the eyes of some of us, but I have faith in our system and I have the utmost respect for this body. It is an honor to be part of it, especially on a day such as today when we make progress on behalf of the values America stands for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I remember it so vividly.

I remember it as if it were yesterday.

But it was 10 years ago that Senator KENNEDY and I stood outside this great building, we stood on the Capitol lawn under a great oak tree, and announced final passage of the Children's Health Insurance Program legislation.

History was made that day, and it has been made every day since.

A true, bipartisan partnership—forged on the strength of good intentions, motivated by a simple desire to help our country's most vulnerable citizens, and nurtured in a politics-free atmosphere—led to enactment of CHIP, arguably the most significant advancement in children's health in this modern era.

Ten years ago, Senator John Chafee and Senator ROCKEFELLER, Senator KENNEDY and I, began a partnership that led to the Children's Health Insurance Program. That legislation, enacted in under 5 months—to show you its potency—was founded on a very basic premise: that we needed to provide incentives to States to help them design plans to provide health insurance to the poorest of the poor families not eligible for Medicaid.

Senators ROCKEFELLER and Chafee argued for a Medicaid expansion. Senator KENNEDY and I argued for a State-directed block grant. The final law was an innovative, workable blend of the two.

Since that time, almost 6 million children have become insured under CHIP. They are leading healthier, more productive lives.

Their parents can sleep at night, resting easy that their children will be taken care of if they become ill.

That peace of mind, that giant step toward a healthier population, is the mark of a compassionate, caring Congress. It was a mark toward reassuring the American people that the Government hears their concerns loud and clear and stands ready to act.

Let us hear that same message today and let us provide our constituents with that same measure of reassurance as we consider this bipartisan agreement to extend CHIP for another 5 years.

This year, as Finance Committee Chairman MAX BAUCUS, Ranking Republican CHUCK GRASSLEY, Subcommittee Chairman JAY ROCKEFELLER, HELP Committee Chairman KENNEDY, and I began our discussions of the Child Health Insurance Program Reauthorization Act—or CHIPRA—we agreed there were several key principles that must be embodied in any extension of the original act.

The bill we consider today is built on those principles.

First, we agreed that the proposal must be fully financed or else it would be irresponsible for us to legislate.

Next, it must retain the original character of CHIP—that is, it must be a flexible, State-directed program. Senator KENNEDY talked about that this morning.

We worked to see the budget resolution provide $25 billion in its baseline to extend the current levels of coverage, and up to $50 billion more if it were fully financed.

Indeed, this bill is fully financed.

The costs above the budget baseline have been certified by Joint Tax to be covered by an increase in the tobacco excise tax.

We agreed that we wanted to continue coverage for those who are currently eligible, but also to conduct extensive outreach to enroll those who may be eligible but aren't enrolled.

Our bill provides health coverage to almost 4 million low-income, uninsured children through incentives to states to enroll these uninsured children in their programs.

We agreed that coverage of childless adults—a policy Senator KENNEDY and I never intended nor envisioned when we wrote our original proposal—we agreed that policy needed to stop.

Under our bill, childless adults currently covered under CHIP will be phased out of the program and transitioned into Medicaid.

I cannot emphasize this enough. Today, 6 million children receive health care through the CHIP program—25,095 of these children are from Utah.

That would not have happened absent congressional action in 1997.

In addition, there are an added 6 million children in families with income under 200 percent of the Federal poverty level—or FPL—who are uninsured and eligible for either CHIP or Medicaid.

According to the Congressional Budget Office, the bipartisan, compromise bill covers close to 4 million of these children—3.7 million to be precise—a significant step by any measure. This is a crucial, crucial part of the bill, an achievement that, while expensive, really goes to the heart of what we are trying to achieve with the original CHIP, and now CHIPRA.

For several weeks now, we have heard a crescendo of opposition to our legislation from officials at the White House, and most recently, our President.

Needless to say, this is disheartening for me. It is difficult for me to be against a man I care for, my own personal President, on such an important bill. I have been and will continue to be one of the President's strongest supporters in the Congress. He is a good man. He means well, but he does have to listen to his staff—or at least does listen to his staff, and I believe he has listened to them in a way that throws barriers up to this bill.

I wish I had had an opportunity to persuade him on the merits of this bill before he issued a veto threat. I did send messages down there, talked to top people in the administration, but I wish I had had a greater opportunity.

Indeed, I am sympathetic to many of the concerns he raises.

When he says that we need to be careful about creating a one-size-fits-all health plan for our children, I believe he is right. When we wrote this program in 1997, we wrote it based on the foundation of giving States the flexibility to design their own CHIP programs. Each State is different—what is good for Utah may not be good for California or Massachusetts.

It is important for States, not the Federal Government, to determine which benefits should be covered. After

all, CHIP is a State block grant program, not a Federal entitlement. That is why we are debating its reauthorization today.

The President has also raised concerns about the Federal dollars that our bill spends on the CHIP program over the next 5 years.

I agree that $60 billion is a lot of money. But in comparison to what the House passed bill proposed earlier this year—they started at $100 billion and came down to $75 billion—it is much more reasonable.

And, as the Congressional Budget Office has told us, it is relatively more expensive to find and cover the low-income children who still do not have health coverage compared to those who are enrolled today.

That is why I was able to agree with the Senate number of $35 billion, in addition to the $25 billion already built in the budget baseline for CHIP—although, to be fair, it is higher than I would have liked. But this is a classic compromise and friends in the House wanted more. Some of them.

It is unfortunate that the President has chosen to be on what—to me—is clearly the wrong side of the issue.

Indeed, this is not the bill I would have written if I had full license to draft. That is true for the original SCHIP law as well.

But, it is hard to envision any major law being written by one person and enacted without change. That is not how good legislation is made.

Indeed, 10 years ago, Senator KENNEDY and I spent many, many hours proposing, arguing, compromising, and refining, in drafting session after drafting session.

Some days it seemed we disagreed more than we agreed.

It was hard, hard work.

But it was a labor of love.

We had a full discussion. We explored all the issues together.

We found compromises where we needed to.

That is how good legislation is made. Sometimes even bad legislation, but this is good legislation.

It pains me that we did not have this full discourse with the administration on CHIPRA.

It pains me that some have been slow to recognize the realities of this new Congress.

Indeed, what some political pundits termed The Trifecta—a Republican House, Senate, and Presidency, is no more.

I thought I should point out this fact for those in this body who may not have noticed.

And so it is no secret, no surprise, that a Democrat-led Congress would seek a more expansive program.

Yet it is to the great credit of our Democratic leaders that they recognize our country's fiscal realities and that they held the line at the additional $35 billion figure.

To be sure, I would have been comfortable with a lower number, just as Speaker PELOSI and Chairman RANGEL and Chairman DINGELL and Chairman BAUCUS and Chairman ROCKEFELLER advocated for a much higher number.

So, again, we have that spirit of compromise which was the hallmark of CHIP in 1997.

I must say it has also been difficult to conflict with my good friend from Utah, Health and Human Services Secretary Mike Leavitt.

He was an expert in health care policy when he was Governor of Utah, and he is even more of a leader on the national level now.

I know the concerns he expressed to me about the CHIP bill in 1997.

I recall our many conversations when he advocated for a greater Federal role in health coverage for needy children. And I also recall his admonitions that we could do better by the children and their parents if we were to provide the States with much-needed flexibility.

The final CHIP block grant reflected that flexibility I believe, and Mike Leavitt's good counsel helped us improve the law. I hear Secretary Leavitt's concerns when he says that he is concerned about paying for the reauthorization of this program through tobacco taxes. I am not comfortable with raising taxes either. However, when we first created the CHIP program in 1997, we believed that it was entirely fitting that the bill be funded through incentives to decrease the use of tobacco, a leading killer of Americans young and old. And, therefore, I am comfortable with raising tobacco taxes to pay for our CHIP program.

I understand his concerns about crowd-out and higher income children dropping their private health coverage in order to be covered through CHIP when CHIP was created to provide health care for low-income children.

And I agree with him 100 percent when he says that we are only fixing part of the problem by reauthorizing CHIP and not addressing what's wrong with the entire health care system.

He and I have visited on several occasions on these issues. I have benefited by that guidance, and I sincerely regret that ultimately we disagree on this bill. But I am willing to work with him to try to come up with an overall health care plan that will work.

I might add that I believe we have had an honest misunderstanding which has not only been raised by Secretary Leavitt but the President as well. They say that our legislation allows families with annual incomes of $83,000 to be covered under a State CHIP plan.

Let me be clear. Our legislation does not permit a State to cover these families unless the Secretary of Health and Human Services approves the State's application to cover individuals at that income level.

We do not change current law and put Congress in charge. We leave that decision in the hands of the Secretary.

We do not take away the Secretary's authority to make that decision.

I hope that point is clear.

At this point, it may be helpful for me to outline for my colleagues exactly what this bill does.

As I stated earlier, CHIPRA is a 5-year reauthorization which spends an additional $35 billion in Federal dollars on the CHIP program, in addition to the $25 billion in Federal dollars already built into the budget baseline.

So, in total, we are spending $60 billion in Federal dollars over the next 5 years on the CHIP program.

And I know that sounds very expensive, especially to my Republican colleagues. In contrast, the bill passed by the House in August would have spent an additional $50 billion on CHIP on top of the $25 billion in the budget baseline for a grand total of $75 billion.

As this chart indicates, we spend far more Federal money on Federal health programs then we are suggesting that we spend on the CHIP program over the next 5 years.

This chart compares projected spending in Medicare, Medicaid and the National Institutes of Health to the spending that we authorize for the CHIP program from fiscal year 2008 to fiscal year 2012.

For the Medicare Program, CBO projects that the Federal Government will spend $2.6 trillion, yes, trillion dollars over the next 5 years.

For the Medicaid Program, CBO projects that the Federal Government will spend $1.22 trillion over the next 5 years.

For the NIH, we project that the Federal Government will spend approximately $150 billion over the next 5 years.

In contrast, our bill authorizes $60 billion over the next 5 years. I think these numbers speak for themselves. We can spend billions, even trillions of dollars on programs for the elderly, disabled, very poor and for medical research but spending $60 billion to provide health care for the children of the working poor causes the President to issue a veto threat? Something here just doesn't add up, especially when you look at these numbers on this chart. The spending for the CHIP program hardly shows up on this chart compared to the other three programs.

Let me remind my colleagues that this legislation is built on compromise.

Is it perfect?

Far from it.

But does it cover more CHIP-eligible kids, our ultimate goal? Absolutely.

And that's why I am a strong advocate for this bill and urge my colleagues to support it.

This is a good compromise.

It is a $35 billion bill—not a $50 billion bill. The House ultimately agreed with the Senate on this issue. I do not blame them. They are very sincere in thinking you can just throw money at these things and you will do more good.

It does not include Medicare provisions. The House also dropped its insistence on this issue, even though

there was tremendous pressure to include Medicare provisions such as a fix for the sustainable growth rate formula flaw, which is the physician reimbursement rate, in 2008.

But let me be clear, all of us agree that these important Medicare issues must be addressed by the end of this year. Just not in this bill.

Before I continue, I would like to note that both the $35 billion limit and agreement not to include Medicare provisions were huge concessions by the House of Representatives.

Honestly, I never thought that the House leadership would agree to those terms; and, trust me, those were the two conditions that were nonnegotiable as far as I was concerned.

The moderation on the part of House leaders is a true indication that they are serious about getting a bipartisan CHIP reauthorization bill signed into law.

Key provisions of this legislation are the tools and resources it provides to enroll more of the CHIP-eligible children. As I previously stated, in addition to the 6 million children already covered by CHIP, this bipartisan compromise bill would provide coverage to almost 4 million more uninsured, low-income children.

The bill no longer allows new State waivers for adults to receive their health care through CHIP. Childless adults will be phased out of CHIP and will be covered through Medicaid.

States that currently cover parents may continue to do so; but after a transition period, States will no longer receive the enhanced CHIP match rate for covering parents.

The legislation rewards States for covering more low-income children by establishing a CHIP performance bonus payment for States that exceed their child enrollment targets.

We worked hard to make certain there will be no funding shortfalls with this legislation.

The bill provides States adequate money in their CHIP allotments so they will not experience funding shortfalls in their CHIP program.

As a safeguard, we created a Child enrollment contingency fund for States that experience a funding shortfall as a result of enrolling more low-income children.

Shortfalls have been a serious problem. They are something we want to avoid.

In addition, the proposal clarifies that States will only have 2 years to spend their CHIP allotments. Today, States have 3 years to spend their CHIP allotments.

It gives States a new option to provide coverage to pregnant women. Today, pregnant women are only covered in CHIP if the State has been granted a waiver to cover pregnant women or through the Administration's unborn child policy.

This is a proposal Senator KENNEDY and I seriously considered including in 1997. We ultimately concluded that the cost of childbirth hospitalization was so expensive, then, about $4,000 a birth, that the greater public good could be achieved if we focused those resources on providing more insurance policies to needy children.

It was not a policy we undertook with great comfort. Indeed, Senator KENNEDY argued strongly for coverage of pregnant women. But ultimately, we chose to advocate for the policy that covered the most children.

Today, we are both satisfied that the bill embodies the correct policy, if I may speak for the Senator from Massachusetts on this point.

CHIPRA provides beneficiaries and their families with coverage choices. If the State provides premium assistance through its CHIP program, CHIP beneficiaries may choose to be covered through the State CHIP program or receive premium assistance to receive health care through a private health plan. And States like Utah that already have premium assistance programs for their CHIP beneficiaries would have their programs grandfathered in, in other words, their programs would continue to exist.

It also provides CHIP beneficiaries with dental benefits, states will have a choice of four dental benchmark plans to provide to their CHIP beneficiaries, the dental benefits included in the House-passed bill; a benefit package equivalent to the federal employee health plan dental benefit that covers the most children; a benefit package equivalent to the State employee dental plan that covers the most children; or a benefit package equivalent to the most popular commercial dental plan that covers the most children.

As my colleagues are aware, I have a long record of advocating for better dental care for children. It alleviates so many health problems in the future.

In fact, in 2000, I introduced the Early Childhood Oral Health Improvement Act, which created grant programs to improve the oral health of children under 6 years of age. This bill was included in the Children's Health Act which was signed into law on October 17, 2000.

So, I know how important dental health is for children.

At the same time, it is fair to say that I have been concerned about mandating that States provide dental coverage for two basic reasons.

First, the inherent nature of CHIP, and a primary reason it could be enacted in a Republican-led Congress, is that it was a State block grant.

Mandates move us away from that important framework.

Second, the dental coverage that some advocated be included in this bill is more generous than most private-sector policies. Thus, including such coverage would be a giant incentive for crowd-out, that is, dropping private coverage in order to seek a more generous public coverage.

Ten years ago we called it substitution. Today, we call it crowd out. But it is the same thing.

I will not sugar coat it. It is a problem. It is a concern. And, we should take every step we can to keep it from occurring.

I think the dental policy we adopted was a good compromise, and I appreciate my colleagues agreeing to my suggestion for this coverage.

Our legislation also limits the Federal matching rate that States will receive for covering individuals with family incomes over 300 percent of FPL in their CHIP plans.

It clarifies the Administration's policy on crowd-out and provides States with guidance on how to ensure that their low-income children are covered through the CHIP plan before expanding coverage to higher income children.

Another key element of this bill is that it provides States with funds for outreach and enrollment.

It gives States a time-limited option to speed up enrollment in CHIP and Medicaid by using eligibility information from designated express lane agencies.

The bill gives States the option of verifying citizenship for both Medicaid and CHIP by submitting names and Social Security numbers to the Commissioner of Social Security.

It creates a new quality initiative through the Secretary of Health and Human Services, in consultation with the States, to develop evidence-based pediatric quality measures in order to evaluate the quality of care for children.

I introduced legislation to develop pediatric quality measures with Senators BAYH and LINCOLN and much of our bill is incorporated in this bipartisan compromise legislation.

The proposal includes mental health parity in the state CHIP programs so that if a State offers mental health coverage in its CHIP plan, it must be on par with limits for medical and surgical services.

Senator GORDON SMITH has done a stellar job bringing awareness about the need for mental health benefits for children and this provision is modeled after legislation that he introduced with Senator JOHN KERRY of Massachusetts.

At this point, I would also like to refute some of the inaccurate statements that I have heard the last few days regarding our bill.

First, some have alleged that our bill allows the Federal Government to continue covering childless adults and parents through CHIP.

Our bill puts the emphasis back on low-income, uninsured children. Simply put, our bill puts an immediate stop to States being granted future waivers to cover nonpregnant adults. In fact, the provisions included in the Senate-passed CHIP bill were included in the compromise, bipartisan CHIP bill.

At the beginning of fiscal year 2009, States will receive lower Federal matching rates for childless adults and

in fiscal year 2010, childless adults will not be covered under CHIP, they will be transitioned into Medicaid.

At the beginning of fiscal year 2010, only States with significant outreach efforts for low-income uninsured children will receive enhanced match rates for parents; others will receive the lower Medicaid match rate FMAP for adults.

Starting in fiscal year 2011, all States will receive a lower Federal match rate for parents. Those States covering more lower income kids or with significant outreach efforts will receive a Federal matching rate for parents covered under CHIP which is a midpoint between the Federal CHIP matching rate and the lower Medicaid matching rate. Other States will receive the lower Medicaid Federal matching rate, known as FMAP, for CHIP parents. Simply put, beginning in fiscal year 2011, States will no longer receive the higher CHIP matching rate for covering parents.

Second, some criticize our bill and say it allows higher income children to be covered under the CHIP program.

Today, States may receive an enhanced Federal matching rate for their CHIP program through waivers for all income levels. Our bill discourages States from covering higher income individuals in the CHIP program.

After enactment of our bill, States with new waivers approved to cover those with family incomes over 300 percent of FPL would only receive the lower FMAP payment for these higher income individuals.

In addition, States that cover individuals with incomes over 300 percent of FPL in their CHIP plans will have to submit a State plan to the HHS Secretary to show how it is addressing crowd-out for higher income children covered under CHIP.

The State plan must be approved by the HHS Secretary before October 1, 2010; otherwise, the State will no longer receive Federal matching dollars for covering those over 300 percent of FPL in their CHIP plans.

Third, some say our bill makes CHIP an entitlement program and almost doubles the Federal dollars spent on CHIP over the last 10 years.

CHIP is not an entitlement program, it is a capped, block grant program, where States are given flexibility to cover their low-income, uninsured children.

I admit that it works so well, nobody wants to abolish it, including the President and most everyone in this body. As to its cost, as I noted earlier, the 6 million children who are already covered by CHIP were easier to find that the current 6 million, low-income, uninsured children under 200 percent of FPL.

CBO has explained it is much more expensive to find these uncovered children. That is why our bill gives States bonus payments for enrolling them. I hope their prediction does not prove true. If it doesn't, we will save money in the program. But if their prediction does prove true, there is still no excuse for enrolling these kids.

I also believe it is important to note that, according to the Centers for Medicare and Medicaid Services, in 2005, we spent a total $1.98 trillion on our Nation's health care system.

Private expenditures were $1.08 trillion and Federal spending was $900 billion.

Total Medicare spending was $342 billion in 2005 and Medicaid was $177 billion in Federal dollars.

Our bill today funds CHIP at $60 billion over five years—a fraction of the cost to provide care for low-income, uninsured children. Covering these children is worth every cent.

Another common criticism is the myth that our bill allows States to cover children from families with annual incomes of $83,000.

I have addressed this before, but it bears repeating.

Our bill neither prevents, nor requires, States' coverage of families at higher income levels. Only the Secretary of Health and Human Services decides whether a State may cover families with incomes up to $83,000 per year under their State CHIP program, not Congress.

Many have suggested, in error, that our bill allows illegal immigrants to be covered under CHIP.

In fact, during the House debate, I heard some state incorrectly that our bill provides benefits to illegal immigrants and opens the door for CHIP and Medicaid benefits for illegal immigrants by substantially weakening a requirement that persons applying for such services show proof of citizenship.

Nothing could be further from the truth.

In fact, our legislation has specific language stating that no illegal immigrants will be covered under CHIP.

For those who still don't believe me, it can be found under section 605, entitled No Federal Funding for Illegal Aliens.

Let me just read what it says: ''Nothing in this Act allows Federal payment for individuals who are not legal residents.''

Finally, much has been said about the Centers for Medicare and Medicaid Services' recent guidance on crowd out.

I will include for the RECORD a letter dated August 17, 2007, to the State Medicaid Directors from Dennis Smith, the director of the Center for Medicaid and State Operations for CMS.

The purpose of this letter was to give the State Medicaid Directors guidance on how CMS will review state plan amendments or waivers to raise income eligibility limits under the CHIP program in the future.

In this letter, CMS made it perfectly clear that the agency was very concerned about crowd-out and wanted States to target low-income, uninsured children under 200 percent of poverty before covering higher income children under CHIP.

So in order for States to cover higher income children, CMS made it clear that States must cover 95 percent of their children under 200 percent of poverty before expanding coverage to higher income children.

While I agree with the thrust of what the administration intended to achieve, I am not certain what Mr. Smith asks the States to do can be achieved.

States have told us it is virtually impossible for them to determine how many of those low-income children are currently covered.

Currently, good, solid data on the uninsured simply do not exist. So it is almost impossible to find good, solid numbers on the uninsured. On top of that, currently, States do not have to report income data to CMS.

Therefore, we knew that it would be impossible for States to determine how many low-income, uninsured children live in their States and whether or not those children were receiving health coverage.

We heard the States and we addressed their valid concerns in the bill by requiring that two studies will be conducted to study crowdout and figure out what States are doing to successfully cover low-income, uninsured children. Once the data are available, States covering individuals over 300 percent of poverty in their CHIP plans must submit to the HHS Secretary their plans for covering low-income children and reducing crowdout. If its plan is not approved by a certain date, a state would no longer receive CHIP money for covering those over 300 percent FPL with limited exception. To me, that sends a very clear message to all 50 States about the intention of the CHIP program—to cover low-income, uninsured children.

Let me conclude by emphasizing to my colleagues that passing this legislation is the right thing to do.

When we first wrote CHIP in 1997, our goal was to cover the several million children who had no health insurance coverage. These children were in a no-win situation—their family incomes were too high to qualify for Medicaid, but their families did not have enough money to purchase private health insurance.

When Senator KENNEDY, Senator Chafee, Senator ROCKEFELLER and I worked on the original legislation in 1997, our goal was to cover the several million children who had no health insurance.

Coverage of these uninsured children is still our top priority, and I believe our bipartisan CHIP bill will make a dramatic difference by covering almost 4 million additional low-income children.

The bill we are considering is very similar to the Senate-passed CHIP bill and captures the true essence of the 1997 law.

It is the true essence of bipartisan compromise.

To be fair, it does not make any of us Republicans comfortable to face a veto threat from our President.

It does not make me comfortable to face a veto threat issued by my colleague and good friend from Utah, Secretary Leavitt.

However, as Senator KENNEDY and I have been fond of saying to each other over the years, if neither side is totally comfortable, we must have done a good job.

This is a good bill. It accomplishes what we have set out to do—to cover low-income children without health coverage.

Yes, I admit, it is expensive. However, this is necessary spending when I think of the 6 million American children who are leading healthier lives because of our vision and commitment.

And when I compare $60 billion to the trillions of dollars our Government will spend on health care, I believe it is a worthwhile benefit.

We should not let the opportunity pass us by to build on that solid foundation and do even better for the children, our future.

I will add one more point that I want my Republican colleagues to take to heart. This is a bipartisan compromise bill. It is not the House-passed CHIP bill that would spend $75 billion over the next 5 years on CHIP.

In my opinion, the $50 billion CHIP legislation before the Senate is the better deal for the low-income children and the American people. It is my hope that my colleagues who disagree with me will take one more look at this legislation.

On the House side, I would like to recognize the hard work of my House colleagues: Energy and Commerce Committee Chairman JOHN DINGELL; House Energy and Commerce Health Subcommittee Chairman FRANK PALLONE; House Ways and Means Committee Chairman CHARLIE RANGEL; House Committee on Oversight and Reform Chairman HENRY WAXMAN; and of course, the Speaker of the House, NANCY PELOSI.

I also want to commend my Utah Governor, Jon Huntsman, Jr., for his continued support of legislation to reauthorize the CHIP program. In April, Governor Huntsman presented me with a proclamation expressing his and the Utah State Legislature's strong support for the CHIP program, which I greatly appreciated. In fact, Governor Huntsman and his staff have provided me with invaluable advice throughout this process. Utah's program, which covers 25,095 children, provides well-child exams; immunizations; doctor visits; hospital and emergency care; prescriptions; hearing and eye exams; mental health services; and dental care.

Finally, I must commend my good friends and colleagues from the Senate: Finance Committee Chairman MAX BAUCUS; Ranking Republican Member CHUCK GRASSLEY; Finance Health Subcommittee Chairman JAY ROCKEFELLER; and the Senate Majority Leader HARRY REID.

I would also like to mention all of the staff who put many hours into this bill and gave up time with their families to work on this bill—Pattie DeLoatche, Patricia Knight, Karen LaMontagne, Peter Carr, Jared Whitley, Hanns Kuttner, Becky Shipp, Rodney Whitlock, Mark Hayes, Alice Weiss, Michelle Easton, David Schwartz, Jocelyn Moore, Ellen Doneski, Ruth Ernst, Kate Leone, Bridgett Taylor, Amy Hall, Bobby Clark, Karen Nelson, Andy Schneider, Wendell Primus, Ed Grossman and Jessica Shapiro.

I would be remiss if I didn't mention some of the staff who laid the groundwork on the original CHIP law in 1997, particularly Patricia Knight, Rob Foreman, Bruce Artim, Nick Littlefield, David Nexon, Laurie Rubiner, Lisa Layman, Michael Iskowitz, Cybele Bjorklund and Mary Ella Payne.

Mr. President, I remember so vividly 10 years ago when Senator KENNEDY and I stood on this floor to argue for enactment of SCHIP. We had two posters.

We had one of a little boy named Joey.

And we had one of Joe Camel, the mascot for one manufacturer of cigarettes.

We asked our colleagues, whom do you support? Joe Camel or Joey?

It is somewhat ironic, even amazing, or even more—a reflection of history repeating itself—that I stand here today to pose the same question to my colleagues.

Whom do you support: Joe Camel or Joey?

Joey? He's now almost 20.

The Camel? Haven't seen him for a while, have we?

So, we are making progress.

But there is much to do.

This bill represents the congressional commitment to one of the most important goals we can strive for: a healthy population.

We must start with the kids, and that is what H.R. 976 does.

I would like to close by reading an excerpt from a letter written by Karen Henage, the parent of children are covered by the Utah CHIP program. Kim Henage writes, ''I firmly believe the CHIP Program gave our family the financial assistance and more so the emotional security (peace of mind) to survive our new start, so that we were able to make it make it through. We are a success story because of this assistance. I cannot express in mere words how much this meant to us. When we needed it, it was there for us. I wholeheartedly request your support of the continuation of this valuable program, that other families might survive as we did.''

I think Kim's letter says it all—we must pass this bill today so more families without health insurance will be able to become a CHIP success story like the Henages.

I ask unanimous consent to print the above-referenced letter from CMS in the RECORD.

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

DEPARTMENT OF HEALTH & HUMAN SERVICES,
Baltimore, MD, August 17, 2007.

DEAR STATE HEALTH OFFICIAL: This letter clarifies how the Centers for Medicare & Medicaid Services (CMS) applies existing statutory and regulatory requirements in reviewing State requests to extend eligibility under the State Children's Health Insurance Program (SCHIP) to children in families with effective family income levels above 250 percent of the Federal poverty level (FPL). These requirements ensure that extension of eligibility to children at these higher effective income levels do not interfere with the effective and efficient provision of child health assistance coordinated with other sources of health benefits coverage to the core SCHIP population of uninsured targeted low income children.

Section 2101(a) of the Social Security Act describes the purpose of the SCHIP statute ''to initiate and expand the provision of child health assistance to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage.'' Section 2102(b)(3)(C) of the Act, and implementing regulations at 42 CFR Part 457, Subpart H, require that State child health plans include procedures to ensure that SCHIP coverage does not substitute for coverage under group health plans (known as ''crowd-out'' procedures). In addition section 2102(c) of the Act requires that State child health plans include procedures for outreach and coordination with other public and private health insurance programs.

Existing regulations at 42 CFR. 457.805 provide that States must have ''reasonable procedures'' to prevent substitution of public SCHIP coverage for private coverage. In issuing these regulations, CMS indicated that, for States that expand eligibility above an effective level of 250 percent of the FPL, these reasonable crowd-out procedures would include identifying specific strategies to prevent substitution. Over time, States have adopted one or more of the following five crowd-out strategies: Imposing waiting periods between dropping private coverage and enrollment; imposing cost sharing in approximation to the cost of private coverage; monitoring health insurance status at time of application; verifying family insurance status through insurance databases; and/or preventing employers from changing dependent coverage policies that would favor a shift to public coverage.

As CMS has developed more experience and information from the operation of SCHIP programs, it has become clear that the potential for crowd-out is greater for higher income beneficiaries. Therefore, we are clarifying that the reasonable procedures adopted by States to prevent crowd-out pursuant to 42 CFR. 457.805 should include the above five general crowd-out strategies with certain important components. As a result, we will expect that, for States that expand eligibility above an effective level of 250 percent of the FPL, the specific crowd-out strategies identified in the State child health plan to include all five of the above crowd-out strategies, which incorporate the following components as part of those strategies: The cost sharing requirement under the State plan compared to the cost sharing required by competing private plans must not be more favorable to the public plan by more than one percent of the family income, unless the public plan's cost sharing is set at the five percent family cap; the State must establish a minimum of a one year period of

uninsurance for individuals prior to receiving coverage; and monitoring and verification must include information regarding coverage provided by a noncustodial parent.

In addition, to ensure that expansion to higher income populations does not interfere with the effective and efficient provision of child health assistance coordinated with other sources of health benefits coverage, and to prevent substitution of SCHIP coverage for coverage under group health plans, we will ask for such a State to make the following assurances: Assurance that the State has enrolled at least 95 percent of the children in the State below 200 percent of the FPL who are eligible for either SCHIP or Medicaid (including a description of the steps the State takes to enroll these eligible children); assurance that the number of children in the target population insured through private employers has not decreased by more than two percentage points over the prior five year period; and assurance that the State is current with all reporting requirements in SCHIP and Medicaid and reports on a monthly basis data relating to the crowd-out requirements.

We will continue to review all State monitoring plans, including those States whose upper eligibility levels are below an effective level of 250 percent of the FPL, to determine whether the monitoring plans are being followed and whether the crowd-out procedures specified in the SCHIP state plans are reasonable and effective in preventing crowd-out.

CMS will apply this review strategy to SCHIP state plans and section 1115 demonstration waivers that include SCHIP populations, and will work with States that currently provide services to children with effective family incomes over 250 percent of the FPL. We expect affected States to amend their SCHIP state plan (or 1115 demonstration) in accordance with this review strategy within 12 months, or CMS may pursue corrective action. We would not expect any effect on current enrollees from this review strategy, and anticipate that the entire program will be strengthened by the focus on effective and efficient operation of the program for the core uninsured targeted low-income population. We appreciate your efforts and share your goal of providing health care to low-income, uninsured children through title XXI.

If you have questions regarding this guidance, please contact Ms. Jean Sheil, Director, Family and Children's Health Programs.

Sincerely,

DENNIS G. SMITH,
Director, Center for Medicaid and State Operations.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I commend the Senator from Utah for his remarks today, for his work on this bill, his work many months ago when this work began in the Senate, and for his leadership 10 years ago in 1997, when at that time, as today, we had bipartisan agreement on children's health insurance. I commend him and his colleague, Senator GRASSLEY.

On the Democratic side we have a lot of great leaders: Senator JAY ROCKEFELLER and Senator MAX BAUCUS, working mightily with Senator KENNEDY and so many others to get this done. We still have a long way to go. We know we had a resounding 69 votes in the Senate today, but we still have one impediment to getting this done. That impediment is the President of the United States.

I want to talk about some numbers today, but I want to focus initially on the benefits of this program. We are going to continue to have debates within this body and with the President about this issue. I will get to that. But let's step back for a minute and think about what this program means to one single child or what it means to one single family. Here is what it means. I come from Pennsylvania. We have some big cities in Pennsylvania: obviously, Pittsburgh and Philadelphia. But what if this child is born in a rural area. I come from a State where a huge percentage of our population is, in statistical categories, considered rural. The breadth of Pennsylvania, right through the middle of the State, out toward western Pennsylvania, we have a lot of people who live in rural areas. We know the benefits of this program help a lot of our children in cities and towns and also in rural areas. In fact, one-third of rural children get their health care from Medicaid or the Children's Health Insurance Program.

We also know a lot of African-American and Latino children have benefited tremendously in the 10 years this has been part of our law. Let's think about those children. No matter where they live, let's think about what this means to them. It means they can get well-child visits to the doctor during a year. The experts tell us you need at least six of those in your first year of life to be healthy. We ought to make sure every child in America can have six well-child visits in a year, but millions don't get that.

What happens to that child? That child would not grow. Their brains and cognitive development would not proceed as it should. They can't learn as fast. They can't read as quickly. They don't do as well in school. Down the road when they become part of the workforce, they have been short-changed, if we don't do our job. It also means immunizations in the dawn of their lives and all of the preventative care a child should receive.

We should be doing everything we can in this body, not just with children's health insurance but with early learning opportunities and other programs we have to help our children to do a number of things, but principally to make sure children are healthy enough to learn. We know if they learn more in the dawn of their lives, they will earn more down the road. We have to make those investments. I don't see this as just a program, something that we are giving to people.

That is not what it is. The distinguished Senator from Utah said a couple moments ago, this is a capped block grant program and a good investment in that child and his or her future. But it is also an investment in our economic future. We can do a lot with this program to help families. But let's think about a mother. What does every mother want for their child, especially when they are very young? They want to nurture the child. They want to make sure the child has some kind of health care, has nutrition, and they want to shower that child with all the love and care a mother can provide.

One of the benefits to reauthorizing this program and getting the job done is that we can help a mother as she is trying to provide everything she can for her child, whether she lives in a farming community in central Pennsylvania or whether she lives in one of our towns in Pennsylvania or across the country or whether she lives in the inner city. Make no mistake, this comes down to a very simple question—maybe a couple, but one basic question—which is, does the President want to cover 10 million American children? There is only one answer to that question, only one answer we can justify. There is only one answer for which we can go back to our States and say we did the right thing. That answer is, absolutely, the President should want to cover 10 million American children because if he vetoes this and his point of view prevails, 10 million children will not have health insurance. By signing this legislation we are about to send to him, he can make sure 10 million American children have health insurance.

What upsets me about the President—I have been very critical of him, and I will continue to be so when it is warranted—is not just his position on this issue, not just his threat of a veto—that is bad enough. What upsets me and a lot of Americans, frankly, is the President had month after month after month to come to the Congress and say: I think we should have a $5 billion increase over 5 years. That is what he says. There is an overwhelming consensus now in the Congress that it should be a $35 billion increase. When you consider it over 5 years, that is only a billion a year. We spend $7 billion a year on a lot of things. But let's consider what he said. If he was going to take that position all those months ago, why didn't he come to the Congress? If health care for children is such a priority, why didn't he come to the Congress and say: We are far apart. The Congress is at $35 billion, and I am at $5 billion. We will work together.

He didn't do that. He just laid down his number and then he began, frankly, to misrepresent the facts. That has made this argument an unfortunate episode in the debate.

I have another question for the President. The question about 10 million children is very important, but I have a question for the President. What is the choice you are making? You are saying on the one hand, Mr. President, that 10 million American children should not have health insurance at the same time that in 2000 we will give away $100 billion to wealthy Americans. Is that right? I don't think so. That is immoral in my judgment, to give $100 billion to wealthy Americans

and say children who could benefit from this program, 4 million more, that they don't get health insurance.

It is equally immoral when the President of the United States and every Senator and every House Member gets their health insurance paid for. Yet some people say: No, we are going to wait on those children. Those 4 million children will have to wait, even though every Senator gets health care and this President gets health care every day of the week. I think that is immoral. He should recognize that.

This is about numbers and budgets and a program. We will talk about that a lot. That is important. I can justify every one of those numbers. OK. I know a lot about cutting out waste and fraud. I did that for 10 years in State government. I know that subject very well.

But this is a program that works. We have had a 10-year experiment with it, and it works, and everyone here knows that. It works very well to make sure we cover our children. All these other arguments about why we should not do it comes down to politics. The people who are supporting the President on this should answer the questions I posed.

Why shouldn't 10 million children get health care? Why do you get health care in the Senate and those children do not get health care, according to your point of view? They should answer that question when they are supporting this President. Why should every Member of the Senate get health care and these 4 million children—plus the 6.5 million or so we can cover—why shouldn't they get health care? Why should millionaires and multimillionaires and billionaires get tax cuts in 2008 and 2009 and on into the future and these children should not have health insurance?

So when you come to the floor to talk about this program, and when the President goes on television and preaches to us about why we should not do that, I hope you would be honest enough—I hope the President and every Member of this body would have the integrity to stand up and justify why 10 million kids should not have health insurance, why they, as a Member of the Senate, should have their health care paid for, and why all those wealthy Americans should get their tax cut—tens of billions this year—and these kids should not have health insurance.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the leaders of this bill for the time to speak.

I am kind of flabbergasted at the last talk. I am one of the physicians in this country who has cared for kids on Medicaid. I have actually delivered over 2,000 babies on Medicaid. I have actually done well-child exams.

We have the Senate lecturing the President, and we should be lecturing ourselves. The debate on this bill is not about children. There is not anybody in the Senate who does not want to cover and continue the present SCHIP.

What this debate is about is how do we move toward national health care. That is what this debate is. So immoral? Is it immoral to spend $3,000 to buy $1,500 worth of care, like we are going to do in this bill? Is it immoral for the Senate to say it only costs $35 billion and then totally take a program that is costing $12 billion a year 5 years from now and cut it down to $700 million and say we met the budget rules, when in fact we did not? That is immoral. What about the children who are going to pay for the deficit associated with this bill?

I have actually cared for these kids. My practice has been a Medicaid-based practice and a SCHIP-based practice. The holier-than-thou attitude that if you oppose this bill, you do not care about children is completely disrespectful to those of us who happen to disagree, who maybe think a better way to cover children would be the Burr-Corker bill, which gives a tax credit to every kid in this country that covers enough to give them insurance and takes that Medicaid stamp off their head, since only 40 percent of the doctors in this country will cover SCHIP kids and Medicaid kids.

So the debate is not about the President being immoral. It is not about tax cuts. The real immoral fact of this bill is we are winking and nodding again to the American people that we are going to spend $121 billion over the next 10 years—not $60 billion over the next 5 years—$121 billion, and we have no way to pay for that. We had a $444 billion deficit last year. We could have paid for the war and decreased the deficit if this body would have had the courage to eliminate duplicative and fraudulent programs. There is no holier-than-thou attitude to go after those programs because they have an interest. As politicians, we do not want to upset anybody.

So it is easy—the greatest pleasure in the world is to spend somebody else's money and to claim it is in the name of children. I have been on the ground with children. I have taken care of the poorest of the poor. We have a pregnancy component in this bill. Title 19 now is at 300 percent of the poverty level in this country. We have people dropping their insurance to qualify for title 19. We do not need pregnancy covered in the SCHIP bill. It is already covered. But we claim that to rationalize to make the bill better.

I have no disrespect for people in this body who claim they want national health care, government-run national health care. Well, American public—guess what—if you think health care is expensive now, wait till it is free. Wait till it is free. That is exactly what we are doing with this bill.

We can reauthorize SCHIP, and we can make it higher than a $5 billion increase to truly cover those kids who need it. This body rejected an insurance contribution component amendment I offered that would actually expand further the number of kids.

The other point that is not being made is, for every kid you cover who does not have health insurance today, you are going to drop another kid from health insurance that is being paid for by their parents, and they are getting no benefit in terms of a reduction of their health insurance. So what we are doing is shifting taxes to those same parents to pay for a program, twice as much money for the benefit we will get for the kids.

I am not against well-child exams. I am not against immunizations. I give them out of my pocket of my own practice now for free. They cost me an average of $146 a kid.

The claim of superiority that somehow if you do not want to have this bill you do not care for children is gobbledygook. What about the kids in the future who are going to pay for the mistakes we are making? What about the kids who are born today who owe $400,000 on our unfunded liabilities? We have done that. If we care so much about kids, why aren't we fixing that problem? They are never going to get a college education or own a home, and they are never going to have health coverage because we will have bankrupt this country by the way we do not control how we spend money.

So to be lectured and lecturing the President because, finally, he is exhibiting some fiscal responsibility into the future, and us to play games on the true cost of this program, that is what is immoral. It is not the President being immoral. The fact is it is not our money, it is the money of the people of this country, and we are going to decide we are going to spend money and not tell them what it is really going to cost because that is what this bill does in the outyears, the 6th through the 11th year of this bill if we cut this program to $700 million a year.

Now, nobody in their right mind will honestly say we are going to let that happen. So if we are not going to let that happen, how about being honest with the American people about the true cost of what we are doing? It is $121 billion. It is not $60 billion. Even the staff admits that. Both the Democratic and Republican staff admit that.

For us to sit up here and claim it is only a $35 billion increase—well, only a $35 billion increase is a 120-percent increase in the program, just a 120-percent increase in the program.

We ought to have a debate about national health care and how we solve the problems of health care in this country. There is a way to solve it. It is to make sure everybody in this country has access and give them the freedom and the power to choose what is best for them rather than us tell them what they have to have. That is the debate we ought to have.

This is a farce. This debate is a farce. It is a farce about saying we want to

cover more children, when we are really taking children who are already covered and putting them under a government program and then charging those children's kids for the cost of the program. That is what we are doing. It is not about caring for kids. It is about lying to the American public about what this program does.

So I do not have any hard feelings about the fact that people want to have national health care and a government-run program, but let's have the debate about what it really is and not have a debate demeaning the President when he finally stands up and says we have an obligation, for the next few generations, to start doing it right, and finally he is starting to do it right. And now we are saying he is immoral. Of the 10 million kids, 5 million already have coverage. We are going to ask the American taxpayer—in spite of what we are doing, in spite of the fact we borrowed $434 billion—we are going to load that on them.

They already have coverage. They already have immunization. They already have well-child care, and we are going to add that cost to the American taxpayer. Do you know who that taxpayer is? That is that child's child because we are not going to pay for it. We are going to refuse to be responsible. We played the game of pay-go on this, the great pay-go rule, where we now bastardize our own ethics to say we paid for something, knowing we did not. Because nobody in this body believes this is going to go to $700 million 5 years from now. Nobody believes that. Everybody knows that. So everybody knows we are telling an untruth to the American people about the true cost of this program.

I care a ton about my patients. But I also care enough about this country to be able to speak the truth about what we are doing. And what we are doing is absolutely untruthful in how we characterize the spending on this program. You can debate that. I will debate that all day with anybody up here. This body knows I know our numbers, and the numbers on this bill are untruthful.

So what we ought to say is, we think we ought to expand the SCHIP program, and it costs $121 billion. Let's have a debate about what it really costs. That is why the President says we should not do it. And we should not go to 300 percent, and we should not have adults on a program where in many States it consumes 75 percent of the dollars.

I will readily grant you, we have a big problem with health care in this country. One of the major reasons we have a big problem with health care in this country is government-run health care programs that drive the cost and the overutilization in many areas where we cannot function properly.

What is happening today in our country with quality of care is because we have so much government run. We have physicians trying to see too many patients. The one thing we are taught in medical school is, if you will listen to your patients, they will tell you what is wrong. Right now, 8 percent of the cost of health care in this country is associated with tests we order that no patient needs. It is because this body will not look at the malpractice situation we have in this country and the liability situation and fix it to where it truly represents a system where people who are injured are taken care of. What we have is a system that games it. So consequently we are all paying 8 percent more for health care because providers have to order tests to cover their backside.

The other thing we know is another 3 percent of the cost of health care is associated with tests that doctors are ordering because they are not listening well—$50 billion worth of tests that people do not need because we will not take the time to listen to them.

I will summarize and finish my point with this: Washington has an 11-percent approval rating for a very good reason. Because we do not deserve to be trusted, because we do exactly what we are doing on this bill. We are lying to the American people about what it costs, who it will cover, and how it will be delivered.

Now, some other details of the bill are debatable, but those facts are not debatable, and the American people, hopefully soon, are going to wake up to the dishonesty and the farce that we perpetrate on them as we debate those issues.

Let's have a debate about national health care. Let's really debate it. Let's look at the options. Our bill, in several other places—the Burr-Corker bill, the Universal Health Care Choice and Access Act—gives everybody in this country an equal tax credit. Everybody gets treated the same. You want to punish the millionaires? Take away some of their tremendous excess tax benefits from health care. But we would not do that. We do not have one person who will come forward and say: Let's equalize the Tax Code on the other side. Let's equalize the Tax Code so everybody has the same shot. Let's let a market help us access that. Let's make sure it is 100 percent access. If you do not have access, you cannot have care.

This bill is not going to provide that much access. Fifty percent of what it does has to do with people who already have access. Those are not my numbers. Those are Congressional Budget Office numbers.

So let's be honest about what we are doing. Let's talk about health care. If we want to go to national health care, if we have the votes to do it, then let's do it. But let's do not, under the guise of helping children, expand national health care. This Senator will vote to reauthorize a higher level of funding for SCHIP to cover kids who are truly poor—those who don't have access. I will help anytime, any way to do that. That has been my practice. That has been my heritage. That has been my history in caring for poor folks in Oklahoma. But I am not about to go along with a lie, that what we are doing is something different than what we say we are doing.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

VETO THREATS

Mr. BYRD. Mr. President, with 3 days to go before the start of the new fiscal year, there is much inside-the-beltway chatter about continuing resolutions, omnibuses, minibuses, budget showdowns, and Government shutdowns.

Nowhere is that chatter louder than that which is coming from the other end of Pennsylvania Avenue. The President has threatened almost daily that he will veto any appropriations bill that exceeds his budget request. These veto threats include all of the spending bills that provide funding for our domestic programs—programs that, in one way or another, benefit each American and every American. These bills help to educate our children, help to secure our homeland, help to support rural America, and help to promote a competitive economy. These domestic spending bills provide the essential building blocks for the foundation of our great country.

On the one hand, the President is seeking over $190 billion in emergency appropriations to fight the wars in Iraq and Afghanistan. That is $190 billion for the cost of the wars for 1 year—1 year—1 year. At the same time, the President wants to veto critical domestic spending bills because they total $22 billion above his, the President's, budget request—less than 1 percent of our entire budget, and about what we spend in 2 months' time fighting an unpopular war in Iraq. All the chatter from the White House even asserts that the $22 billion for programs here in America means increasing taxes and putting America's economic growth at risk.

This, of course, begs the question of the economic impact of the almost $450 billion we have spent on the war in Iraq, a war which I oppose.

The President characterizes the $22 billion above his request as ''increased'' spending. In fact, $19 billion of the $22 billion ''increase'' simply represents restorations of the President's—the President's—the President's relentless attempts to savage important domestic initiatives.

This week, the FBI announced that violent crime is on the rise for the second straight year. Yet the President proposes to cut State and local law enforcement funding by $1.5 billion.

Hurricane Katrina proved that the Government is not prepared to handle major disasters, be they natural disasters or terrorist attacks. Yet the President—our President—has proposed to cut first responder grants by $1.2 billion. Those grants equip and train our police, our fire and emergency medical personnel to respond to a disaster.

The President—our President—proposes over $3 billion in cuts for education programs, including special education, safe and drug-free schools, and improving teacher quality.

Despite an aging population in this country, the President proposes a cut of $279 million for studying cancer, diabetes, and heart disease at the National Institutes of Health. Under the President's budget, the National Institutes of Health would have to eliminate 700 research grants that could lead to cures for treatments for cancer, diabetes, Alzheimer's, and other diseases.

The President also proposes to cut $2.7 billion for elderly and disabled housing and community development grants.

When the Interstate 35 bridge collapsed into the Mississippi River, it focused the Nation on the need to invest in our crumbling infrastructure. Yet the President proposes to cut over $3 billion from infrastructure programs, such as highway and transit funding, bridge repairs, rural wastewater grants, levees and dams, clean water grants, and airport safety and improvements. The President—our President—even proposes to reduce funding for the highway and transit levels that are guaranteed in the highway law that he, the President—our President—signed in 2005.

The President proposed cuts of $1 billion from health programs such as rural health, preventive health, and mental health grants, as well as over $300 million from the Low-Income Home Energy Assistance Program.

Between 1998 and 2004, disease outbreaks in food produce have almost doubled. In 2003, there were 870 food inspectors at the FDA. In 2006, there were 640. The FDA lost 230 inspectors in less than 4 years. So it is no surprise food inspection dropped by nearly half during that time. Yet the President—our President—does not propose to restore those reductions in the number of inspectors.

All of these foolish cuts have been restored in the bipartisan bills that were approved by the Senate Appropriations Committee by nearly unanimous votes and, regrettably, that the President—our President—has said he will veto. In the 12 bills that have been reported from the committee, we have significantly reduced funding used for congressionally directed spending, and we have added unprecedented transparency and accountability.

As one can clearly see, this White House standoff is not over some irresponsible plan for an expansion of Government or pork-barrel projects. Rather, it is the President's—our President's—effort to prevent cancellation of his ill-conceived and poorly justified proposed budget cuts. Congress wants to support vital core missions of Government, such as the Federal Emergency Management Agency, the Food and Drug Administration, and the Customs and Border Protection Agency. Congress wants to make reasonable choices and set important priorities for our Nation.

There are consequences—yes, consequences—for failing to invest in America's safety and in America's future. Hurricane Katrina proved that. The collapse of the I–35 bridge proved that. Increases in violent crime prove that. Increases in food-borne illnesses prove that. Every headline about unsafe products being imported into this country proves that.

Americans rightly expect their Government to work.

Regrettably, rather than recognizing the consequences of his budget, the President—our President—is spoiling for a political fight. He refuses to recognize the facts, even as those facts evolve in a changing world.

According to the administration's latest National Intelligence Estimate:

> We judge the U.S. homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qaida, driven by their undiminished intent to attack the United States.

Yet the President threatens to veto the Homeland Security bill that passed the Senate 89 to 4 because it is $2.2 billion above his request, with increases for first responder grants, for border security, and for enforcing our immigration laws.

The President—our President—is determined to veto 8 of our 12 appropriations bills over $22 billion. Some have argued that $22 billion is not a lot of money. I don't share that view; $22 billion is a lot of money. That is why we are fighting for the additional funding above the President's inadequate request. This fight is about priorities.

This Congress passed a budget resolution that balances the budget by 2012 and provides for the increase above the President's request for domestic programs.

Consistent with the budget resolution, the Appropriations Committee has reported all 12 bills. Four have passed the Senate, and with passage of the continuing resolution, we will continue to press for passage of the remaining bills. The President's veto threats inevitably—yes, the President's veto threats inevitably slow this process.

In the 12 bills that have been reported by the Appropriations Committee, we invest the $22 billion in America's future. By comparison:

In fiscal year 2008, the total cost of President Bush's tax cuts is $252 billion—11 times the amount of spending in question.

In fiscal year 2008, the cost of the tax cuts for the wealthiest 1 percent of taxpayers is almost $70 billion—three times the amount of spending in question.

In fiscal year 2008, special interest tax expenditures will cost $1 trillion—45 times the amount of spending in question. Corporate tax expenditures will cost $91 billion—over four times the amount of spending in question.

So $22 billion is, in fact, a lot of money; money that, if well spent, can help to make America be a safer, healthier, more prosperous country. We are committed to making those careful choices. We will root out waste. We will cut or eliminate ineffective programs. We will make careful choices.

When President Bush came to town almost 7 years ago, he vowed to reach across the aisle for the common good of our Nation. Now is his chance. This is the President's chance to make good on that pledge. He can continue his purely partisan fight over $22 billion in needed spending, or the President can work with the Congress to confront problems that face Americans here at home.

It is my fervent hope the President will put away his veto pen so we can get on with the business of adequately funding programs that contribute to a safe and prosperous United States of America.

God bless America always.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today, as I did when we started this whole debate on children's health insurance, on behalf of the Nation's children and working families. I wasn't intending to come to the floor, but as I have listened to the debate over the last several days, I am amazed we have to defend a program that I cannot believe actually needs defending.

Today, we rise to protect the Nation's children. In this great Chamber, I often hear Members say our children are our greatest asset, and they most certainly are, but they are also our most fragile asset. And nothing is more important in preserving that asset than preserving their health so they can fulfill their God-given potential.

The issue before us today is a matter of values. It is not just about a law or about a program, it is also about a matter of values. Do we value our children sufficiently to ensure that those who otherwise do not have the ability to insure themselves will have the ability to have health care coverage so no child in America goes to sleep at night worried that they not get ill because their parents cannot afford to take care of them? That is the issue before the Senate, the issue before the country, and the issue that will be before the President.

If our values match our action, then this bill needs to be passed by the Senate and signed into law by the President.

This is common sense to me. The bill before us today will keep 6 million children insured and will cover an additional 4 million children who presently go to sleep at night and, because they have no health care coverage, their parents worry over them; and if they get ill, what happens? They wait longer and their illness gets worse. What do they do? They go to an emergency

room, which is far more costly to their lives, as well as to our collective economic consequence. The deal the Senate has before it is to save children's lives and keep children healthy. Bottom line: It is a deal that will keep millions of American children and families from being pushed into the ranks of the uninsured.

I find it interesting that my colleagues talk about fiscal responsibility—now we are going to be fiscally responsible—when we have supplementals that keep coming here without payment for them and without any limitation whatsoever—a blank check. But now we are going to be fiscally responsible on the backs of children.

I want to take a moment to look at the families who are actually affected by the Children's Health Insurance Program. We are not talking about the poor, because if you are poor in this country, you get Medicaid. If you are wealthy, of course, you have the wherewithal to pay for the insurance. We are talking about children whose families work in some of the toughest jobs this country has. They work at jobs that offer no health care, and they certainly don't make enough money to afford private health care coverage. This program is their last resort. I have been watching the floor this week and I have noticed that my State of New Jersey has quite unfairly become the punching bag by some Members of this body for our successful Children's Health Insurance Program. On behalf of New Jersey families, I simply cannot let that go unnoticed. On behalf of the families that the opponents of this legislation say don't deserve to have a doctor or receive medical attention, I am insulted. On behalf of children who are asking for an eyeglass to see a blackboard or get an immunization shot to ward off illness, I am offended.

I will tell you about one of these families in Keyport, NJ. They earn just over $50,000 a year and they have a 16-year-old daughter. They cannot afford private health insurance coverage in New Jersey, but through the Children's Health Insurance Program they can provide their daughter with the much needed health care—health care that protected her when she came down with a flu that would not go away, and care that provides relief to her parents, who don't have to worry about medical bills if their child gets sick.

Even on New Jersey FamilyCare they pay a premium of $74 a month because they are higher on the Federal poverty level. But that is far less than private insurance would cost them, which they could not possibly afford on that $50,000 income for that family of three.

Talking about premiums, let me take a moment to talk about families at 350 percent of the Federal poverty level in New Jersey, since that is a particular point of contention in this debate. Families at 350 percent of the Federal poverty level in New Jersey earn about $60,000 for a family of three. These families, under New Jersey FamilyCare, are paying $125 each month in premiums and between $5 and $35 in copays. It is not a free ride. In fact, most federally elected officials, including my colleagues in the Senate, pay about $190 each month in premiums for their family coverage and their earnings are well above 350 percent of the Federal poverty level. It is hard to see how it is OK for Members of this body but it is not OK for children in this country.

If the President made the decision, it seems he would say ''tough luck'' to these families, ''go ahead and roll the dice on your daughter's health care.'' That is not an action that I think is dignified by a compassionate conservative. The President doesn't want to cover families above 200 percent of the Federal poverty level—this child and so many others like her. I believe that is disgraceful and it should be embarrassing to even threaten a veto of this bill.

Here is my question to those who oppose this bill: Is the greatest Nation on the Earth going to permit its children to have no health coverage?

The President gets some of the best health care coverage in the world, paid by the taxpayers of this country. He can go, as Members of this body can, to Bethesda Naval Hospital, or Walter Reed, or, in the case of the Members of this body, to the Capitol doctor. That is subsidized by the taxpayer. Talk about socialized medicine. It is good enough for Members of this Chamber but not for these children. The President gets the best health care coverage in the world. He deserves to have it, but so do the children of this country.

When you think about using your veto pen, Mr. President, think about your health care coverage that we all pay for as taxpayers. Do these children deserve less?

In New Jersey there are 130,000 children depending on this program for their health coverage. They, along with 6 million children nationwide, depend on this program to stay healthy and, in some cases, stay alive. Proper coverage is often the difference between life and death, between health and sickness, between compassion and heartlessness.

I urge my colleagues to act wisely as this is not a political game, nor is it time to make a point. This is about one thing only: the health of our Nation's children.

What troubles me is that the President is prepared to turn his back and close the doors but, simply put, if his priorities were different, we could provide health care to all children in this country. If we were to take what we spend in Iraq in one day—$300 million—and spend that on children's health care, we could cover 245,000 children. In the past 41 days, we have spent over $12 billion on the war, and what changed in Iraq during that time? But I can tell you what we can do in the lives of children in this country.

Finally, I bristle when colleagues come to this floor and still bring up the red herring of immigrant children being covered who should not have the right. The law has been clear—the law that exists, the law we are renewing. Undocumented immigrants have never—I underline ''never''—been eligible for regular Medicaid or the Children's Health Insurance Program. This bill maintains that prohibition. It maintains that. So to continue to come to the floor and bring the bogeyman of those who are coming because they want the health care coverage that this program would provide, it is not permitted under the law, has not been, and is not under this law, and won't be under this law.

I will tell you what is incredibly remarkable. During the immigration debate, we heard a great deal that we should differentiate between those who follow law and the rules and came here legally, and did the right thing and are living legally as permanent residents of the United States versus those who do not. Guess what. We don't even cover the children of those legal permanent residents of the United States who have obeyed the law, followed the rules, and ultimately are working hard in our country. Many of them, by the way—over 70,000—are serving in the Armed Forces of the United States. So to say that children are getting covered who are not legal and who are not permitted under the law, that is outrageous. This bill doesn't do it, but we should cover those children of legal permanent residents who have obeyed the law and the rules and are contributing to our society. But we don't do that either. So I hope we stop using children, whether they be those who cannot afford, because of their status in life and because of their parents' hard work but they don't make enough money, to have insurance and ultimately don't get it at their workplace, or those children who, through no fault of their own, find themselves in this country but who are not covered under this provision anyhow under the law—stop using all of these images to try to undermine the very essence of what this bill is all about.

You either stand with children in this country who, through no fault of their own, have no health care coverage whatsoever, or you stand against them. You stand for the proposition that no child in America should go to sleep at night without health care coverage; you stand for the proposition that it is in the societal interest of this country to ensure that the greatest asset we always talk about, our children—they are also the most fragile asset—can be protected; you stand for the proposition that in this great country of ours, among the high and mighty here, who have great health care coverage, well over 350 percent of the Federal poverty level, that we deserve no more than children in this country do.

That is what this debate and vote is all about.

Before I close, there is one part of this bill that is missing and it leaves

this entire bill and mission to increase children's health care unfulfilled. And that is the lack of language to provide health care for legal immigrant children and pregnant women in this bill.

I am a proud cosponsor of the bipartisan Legal Immigrant Chidren's Health Improvement Act, also known as ICHIA, which would have repealed the morally objectionable law that prohibits new legal immigrants from accessing Medicaid and SCHIP until they have lived in the United States for 5 years. This bill today should have included a provision that would have given States the flexibility to provide coverage to this population.

I am proud of my home State of New Jersey. They have taken it upon themselves to use 100 percent State funds to cover over 8,000 legal immigrant pregnant women and children—at a cost of over $22 million. My State has temporarily fixed the problem but it is up to Congress to pass the solution into law.

How can you tell a 7-year-old child with an ear infection he has to wait 5 years to see a doctor? We cannot bar these families from accessing our health care system simply because they haven't lived here long enough.

During the immigration debate, our colleagues emphasized the difference between those here legally and those here illegally, so it is appalling to me that a legal immigrant child, whose family waited their time, came here legally and obeyed the law, are still subject to republican criticism and are denied health care.

These fully legal, taxpaying pregnant women and their children deserve to be covered under our children's health program. I am disheartened that we could not agree to include this language but you have my promise that I will work to pass ICHIA in coming months. This is not a question of if but a question of when it will pass.

In conclusion, a great Republican, Abe Lincoln, once said:

> A child is a person who is going to carry on what you have started. They are going to sit where you are sitting, and when you are gone; attend to those things, which you think are important. The fate of humanity is in their hands. So it might be well to pay them some attention.

I ask my colleagues to now pay attention to our children and support this important bill. I ask this for our children, for our families and for the well-being of our country.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I wish to talk about the Children's Health Insurance Program, known as SCHIP. In Kentucky, it is known as KCHIP.

Several weeks ago, the Senate debated a bill that would reauthorize this program. Now we are debating a bill that looks very much like the last bill. I did not support the Senate-passed bill and, unfortunately, I cannot support this version presently on the floor.

The tobacco tax funding mechanism is an irresponsible way to pay for children's health care. The increased tax is fundamentally unfair, particularly to my State and the States that surround Kentucky.

It pays for a government program intended for low-income kids—one that I support and continue to support—by raising taxes. The bill expands its coverage to middle-income adults and some illegal immigrants in other States. It redistributes income from low-income smokers to States with the highest per capita incomes. It could be called Robin Hood in reverse.

I have a chart that illustrates what this bill really does. It is compiled from data drawn from a CDC database on tobacco consumption and projections by Family USA concerning SCHIP spending.

As we can see, the States in red will pay more in tobacco tax over the next 5 years than they will receive. In my State of Kentucky, we will pay $602 million more in tobacco taxes than we will receive in SCHIP money under the same 5 years.

Virginians, our good friends from Virginia, will pay $576 million more, and the citizens of Florida, our good friends down in the panhandle, will pay $703 million more than they receive.

California, our good friends out on the left coast, will receive a net benefit—in other words, more than they pay—of $2.5 billion. How fair is this?

New taxes paid by low-income smokers in my State will go to pay for an extravagant expansion of SCHIP in California, New York, Texas, and all the States in light and dark green, and that includes New Jersey, New Mexico, Arizona, California, New York, and many others.

Many people predict that the new Federal tobacco tax needed to pay for this expansion of SCHIP is likely to cause the States to increase their own tax cigarette taxes to avoid State revenue shortfalls. This will lead to artificially high-priced cigarettes that are irresistible targets for foreign cigarette counterfeiters and bootleggers in the United States.

This is not just somebody's dream. There is new evidence of the absolute folly of this plan to increase tobacco taxes by over 150 percent. We will not see the revenue projected, but you can be sure organized crime will profit from this situation.

In August of this year, the New York Police Department and Federal authorities found 600,000 cartons of counterfeit cigarettes made in China in a warehouse in Queens. In the same raid, the NYPD found 125,000 phony revenue stamps. The counterfeiters planned to use these phony stamps to evade taxes in Virginia, New York, and Kentucky, passing them off as real stamps so that cigarettes can be sold in ordinary stores.

This was not an isolated incident. There are many other similar incidents of fake cigarettes in the United States from countries such as China and Russia.

If you are concerned about lead in toys made in China, you should also be concerned about this SCHIP bill because it will almost certainly expose smokers, including some children, to the toxic substance in counterfeit Chinese and Russian cigarettes.

According to an article last week in the New York Times, chemical studies of counterfeit cigarettes have shown that they contain high levels of lead. Unlike the lead paint on toys, this lead will certainly be consumed by smokers. It is much more dangerous. So much for improving health care.

In addition to all the other problems, this new tax is a poor foundation for the proposed expansion of SCHIP. We are matching a declining source of revenue with a growing Federal program. It doesn't make any fiscal sense.

If we were honest and truly wanted to fully fund SCHIP spending with a tobacco tax, the Federal Government would have to encourage people to smoke. As a matter of fact, the Federal Government would possibly need an additional 22.4 million smokers by the year 2017 to pay for this bill.

Expanding SCHIP to cover adults, as well as kids, will lead to even more tax increases in future years because no one will pay these tobacco taxes if smuggled cigarettes and cigarettes from Internet Web sites are freely available.

I also don't believe this bill focuses on those who need health care insurance the most. When richer families are made eligible for SCHIP, kids will move from private coverage to Government health care. In fact, the Congressional Budget Office tells us that this bill will result in 2 million children moving off private coverage. It is absurd to me that children above the 300 percent poverty level will be added to this program.

New York still has the possibility of covering families that will make over $82,000 a year. It is not a fact, it is a possibility. These are families paying AMT taxes, a tax which is supposedly only affecting the wealthy. This expansion of the bill is a push for Government-funded national health care which is not the original intent of SCHIP.

The way the bill is funded also should raise great concerns to anyone if they care about fiscal responsibility. The budget gimmick used to fund it is irresponsible. It jeopardizes coverage under the program and basically guarantees another tax increase 5 years from today or when we pass this bill.

Under the bill, SCHIP spending from 2008 to 2012 totals over $27 billion. However, for 2013, spending drops to $2.3 billion and falls to negative amounts in each year after that until 2017, representing projected cuts—I say that again, projected cuts—to the SCHIP program.

So what we have here is a 10-year tax for a 5-year program. Does anybody really think we will kick millions of kids off this program in 2013 to accommodate this lowered spending? Of course we won't. However, we will have

to find a new way to pay for it. If a private company ran its books like this, the CEO would be fired or end up in the big house, in jail.

Another stunning example of how this bill undermines the original purpose of SCHIP is that it makes it easier for illegal aliens to get health care intended for poor children. This bill guts existing protections put in place to stop illegal immigrants from getting taxpayer-funded SCHIP and Medicaid benefits. Earlier this year, we spent nearly a month debating immigration reform. This bill is a step backwards, and it certainly sends the wrong message. It takes money that is supposed to go to our poor children and gives it to others who have come to this country illegally.

Let me make it clear that I want to see the SCHIP program continued as it is, and I want to see it reauthorized. However, I want to see it done responsibly. This bill does not do that. So I must oppose it and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise for a few moments because I know there are other people in this Chamber who have worked for many years on this bill who wish to speak. Senator KENNEDY is here. I wish to take a few moments to rebut what was said about a half an hour ago. Our colleague from Oklahoma was making some arguments, and I want to rebut some of them. I know this has been a long debate, but it is important.

He and others have made the claim about government-run health insurance over and over, and I think that is a White House talking point. I understand where they get the line. This is a program which uses private insurance carriers to provide the services especially to do the administration. So that argument really does not make a lot of sense.

Secondly, he talked about shifting costs and people paying more taxes. It is very clear, just as the argument of our colleague from Kentucky made clear, that the increase in this program, the $35 billion to cover 4 million more children, comes from tobacco tax increases. We can have debates about whether it is right or wrong, but most people in America support an increase in the tobacco tax to pay for this legislation. We are not talking about an income tax or any other kind of tax.

Thirdly, fiscal responsibility. We heard people talk about that issue today. No one on this side of the aisle needs a lecture from that side of the aisle or anywhere else about fiscal responsibility. This administration is the administration that brought us to a $9 trillion debt level and huge deficits. I think that is disingenuous.

I want to read a quotation from a recognized expert from MIT, Professor Jonathan Gruber, on private versus public:

> I have undertaken a number of analyses to compare public sector costs of public sector expansions such as SCHIP to alternatives such as tax credits. I find that the public sector provides much more insurance coverage at a much lower cost under SCHIP than these alternatives. Tax subsidies mostly operate to ''buy out the base'' of insured without providing much new coverage.

That quote is from a recognized expert.

We heard discussions about the cost over 5 years. This is a 5-year reauthorization. The cost is not, as it was alleged before, some lie. The cost over 5 years is very simple: $25 billion is in the program now. We want to add $35 billion, so it is a $60 billion cost over 5 years. It makes all the sense in the world to spend $12 billion a year on health insurance when billionaires get $100 million in 1 year, or I should say over $200,000 of income. They get $100 million a year if they make that kind of money.

My last point is, he and others talked about this being a debate about national health insurance. We can have that debate. We agreed on that. That is one thing we all agree on, both sides of the aisle. We should have a debate about health insurance. This is not national health insurance. This is not the debate about health insurance generally. This is a very focused debate about whether the President of the United States is in favor of providing health care for 10 million children and whether he is going to make that commitment. It is very simple. If you are supporting the President, then you are supporting a policy which will lead to the failure of this country to provide health care for 10 million children, and that would be a terrible mistake for those kids, for their communities, but especially, over the long term, for our economic future. We can't compete around the world unless our kids are healthy and they learn more now and earn more in the future.

Mr. AKAKA. Mr. President, I support the Children's Health Insurance Program Reauthorization Act of 2007.

The Children's Health Insurance Program is a successful program that has improved the quality of life for our Nation's children. According to the Center on Budget and Policy Priorities, the Children's Health Insurance Program has reduced the number of uninsured children by one-third since its enactment in 1997.

The Children's Health Insurance Program Reauthorization Act will preserve the access of health care for the 6.6 million children currently enrolled in the Children's Health Insurance Program. It will also expand health care access to an estimated 4 million children.

An estimated 5 percent of children in Hawaii do not have health insurance. This is approximately 16,000 children. My home State of Hawaii has continued to develop innovative programs to increase access to health insurance. The Hawaii State Legislature established the Keiki Care Program this year. The Keiki Care Program is a public-private partnership intended to make sure that every child in Hawaii has access to health care.

It would be irresponsible to reduce Federal resources to States for children's health care. Without access to insurance, children will not be able to learn, be active, and grow into healthy adults.

I greatly appreciate the inclusion of a provision to restore Medicaid disproportionate share hospital, DSH, allotments for Hawaii and Tennessee. Medicaid DSH payments are designed to provide additional support to hospitals that treat large numbers of Medicaid and uninsured patients.

I developed this provision as an amendment with my colleagues, Senators ALEXANDER, INOUYE, and CORKER. I am proud that we were able to have this bipartisan amendment included in the Children's Health Insurance Program Reauthorization Act. Hawaii would be provided with a $10 million Medicaid DSH allotment for fiscal year 2008. For fiscal year 2009 and beyond, Hawaii's allotment would increase with annual inflation updates just like other low DSH States.

We must enact this legislation so that Hawaii and Tennessee can receive Medicaid DSH allotments in fiscal year 2008 and beyond. In The Tax Relief and Health Care Act of 2006, DSH allotments were provided for Hawaii and Tennessee for 2007. The act included $10 million for a Hawaii Medicaid DSH allotment. The Hawaii State Legislature enacted legislation to provide the necessary matching funds required to utilize the Federal resources.

Hawaii and Tennessee are the only two States that do not have DSH allotments. I will explain some of the history behind the lack of the DSH allotment for Hawaii and why it is so important that this legislation be enacted. The Balanced Budget Act of 1997, BBA, created specific DSH allotments for each State based on their actual DSH expenditures for fiscal year 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH program, which included the establishment of a floor for DSH allotments. However, States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made additional changes in the DSH program. This included an increase in DSH allotments for low DSH States. Again, States without allotments were left out.

Hawaii and Tennessee should be treated like other extremely low DSH

States and be provided with Medicaid DSH allotments every year. Other States that have obtained waivers similar to Hawaii's have retained their DSH allotments.

Hospitals in Hawaii are struggling to meet the elevated demands placed on them by the increasing number of uninsured people. DSH payments will help Hawaii hospitals meet the rising health care needs of our communities and reinforce our health care safety net. All States need to have access to resources to ensure that hospitals can continue to provide services for uninsured and low-income residents.

The President's expected veto of this legislation is detrimental to the health of our Nation's children. It also will be very harmful to Hawaii. The resources necessary to ensure that children have access to health care.

This administration fails to understand the health care needs of the country and especially Hawaii. This legislation will help the State of Hawaii provide essential health care access to children that currently lack health insurance. It will also provide much needed assistance to our hospitals that care for Medicaid beneficiaries and uninsured patients.

Mr. LEVIN. Mr. President, I strongly support the Children's Health Insurance Program Reauthorization Act of 2007, a bipartisan bill that would provide health care insurance to millions of children who are not now covered.

I hope the President will reconsider his position and sign the bipartisan compromise when it reaches his desk.

Currently, 6.6 million children are enrolled in CHIP. There are still 9 million uninsured children nationwide, 6 million of which are eligible for either Medicaid or CHIP. In Michigan, while 55,000 children are covered under CHIP, 90,000 Michigan children are currently eligible for Medicaid or MIChild, Michigan's CHIP program, but are not receiving services. In addition, according to the Robert Wood Johnson Foundation, the recent decline in employer-sponsored health care coverage is threatening the access to private health care coverage for many more children. In fact, the Census Bureau has reported that, between 2004–2006, the number of uninsured children has increased by approximately one million children.

Although the existing CHIP has been successful, it still fails to address the problem fully. Too many children qualify for the program but are unable to receive insurance because of inadequate funding.

Much like the Senate bill to reauthorize this successful children's health program, the bill we will pass today will reauthorize CHIP and increase funding for the program by $35 billion over 5 years. The Children's Health Insurance Program Reauthorization Act of 2007, a compromise worked out between the House and Senate, would ensure that there is sufficient funding to cover the children currently enrolled and to expand the program to additional children in need.

The Congressional Budget Office estimates that 3.8 million uninsured children would gain health coverage under this plan and according to a study done by The Urban Institute, 80 percent of the children covered under CHIP will come from families under 200 percent of the Federal poverty level.

We have a moral obligation to provide Americans access to affordable and high quality health care. No person, young or old, should be denied access to adequate health care, and the expanded and improved Children's Health Insurance Program is an important step toward achieving that goal.

Mr. DOMENICI. Mr. President, I rise today in support of the Children's Health Insurance Program Reauthorization Act of 2007, H.R. 976. Reauthorizing the State Children's Health Insurance Program, SCHIP, before it expires is critical to ensure health care access for millions of our Nation's children.

My home State of New Mexico has a terrible problem with uninsured children. Recent reports have New Mexico at the bottom in the Nation for coverage of children. In 1997, while I was chairman of the Senate Budget Committee, I helped to create SCHIP as part of the Balanced Budget Act. The program has been a success. Over the past decade, SCHIP has helped reduce the number of children without insurance.

The bill we are voting on today is a compromise. In August, both the House and the Senate passed two very different versions of an SCHIP reauthorization. At that time, I came down to the floor and I said I did not like what the House of Representatives was doing. I did not support the massive increases in spending and eligibility proposed by the House and I did not want a reauthorization that included revisions to the Medicare Program. The conference committee listened to these concerns, and I am pleased that the bill before us today closely resembles the SCHIP bill passed by the Senate 68–31 in August.

My comment to children's health care remains firm today. I support the passage of the compromise SCHIP reauthorization. It is a good bill. It provides $35 billion in new resources to provide health coverage for millions more children in working families. It will strengthen outreach and enrollment efforts to make sure that all children who are eligible for the program get the services they need. It also makes improvements to the program by including language on mental health parity and dental health coverage.

Mr. JOHNSON. Mr. President, I rise today to express my support for legislation that is critically important to more than 6 million children in the United States, including more than 14,000 South Dakota children, who are covered by the State Children's Health Insurance Program, or CHIP.

I voted for this program when Congress created it 10 years ago and I have watched with great satisfaction as the number of uninsured children in our country dropped. More children have health insurance coverage today, which ensures that they have every chance to do their best in school and live long, healthy, productive lives.

Congress originally authorized this program for 10 years in order to provide an opportunity to evaluate the program and make sure that we are doing right by our children. Well, the studies are in with impressive results: while the number of uninsured adults has steadily risen since CHIP was enacted, the number of uninsured low-income children has dropped by nearly one-third.

Yet there is much more work to do. In my State alone, more than 12,000 children are eligible for health coverage through either Medicaid or CHIP but remain uninsured. These uninsured children don't receive their vaccinations, miss screening and other preventive measures, and access health care at much later stages of their illnesses than insured children. The fact that so many children, through no fault of their own, face these struggles with health care is something about which our Nation should be ashamed.

The President says he will veto this bill, which he calls ''an incremental step toward the goal of government-run health care for every American.'' Nothing could be further from the truth. If the President's plan of providing private health insurance worked, we wouldn't have 9 million uninsured children in the United States today, including 18,000 South Dakota children. But the bottom line, as an editorial in one South Dakota newspaper put it, is this:

> The uninsured children of families struggling to get by do not need lectures about the encroachment of socialized medicine or the virtues of personal responsibility. They need health coverage.

During the past 9 months, I have received a personal lesson in the great value of health insurance. Our Nation's children shouldn't have to learn this lesson the hard way. I urge my colleagues to support the Children's Health Insurance Program Reauthorization Act, and I hope the President will do right by our Nation's children and sign this bill into law.

Mrs. BOXER. Mr. President, I rise today to continue my support for the reauthorization of the Children's Health Insurance Program—an essential effort to ensure the health of our Nation's children. Since the inception of this program, I have agreed with the goals of this program and strongly believe that it is necessary to meet our responsibilities and fulfill our commitment to children.

Although I wholeheartedly support the compromise agreement on the reauthorization of this program, it is exactly that: a compromise.

For the past 10 years, the Children's Health Insurance Program has helped

provide health care for millions of children from working families that do not qualify for Medicaid, but can't afford private insurance. These are the children of working families whose companies do not offer health insurance to their employees.

As the cost of health insurance rises and an increasing number of employers are unable or unwilling to provide health insurance to their employees and their families, the number of families who do not have health insurance has continued to rise.

While the number of the uninsured continues to rise, the percentage of low-income children without health insurance has dropped more than one-third since the creation of the Children's Health Insurance Program.

Currently the Children's Health Insurance Program provides coverage for 6.6 million children nationwide. This reauthorization would provide health care coverage for an additional 3.2 million children who are uninsured today. In California, an estimated 250,000 children will be added.

The Children's Health Insurance Program has always enjoyed the bipartisan support of our Congress, our Governors, and our President—and the legislation we are voting on today reflects that spirit of cooperation.

I am glad to see that we have worked with many of our Republican colleagues on an issue so critical to the health of children across this Nation.

This bipartisan, bicameral agreement is largely based on the legislation passed by the Senate in July, which would fund outreach and enrollment efforts, allow States to use information from food stamp programs and other initiatives for low-income families to find and enroll eligible children, and give States the option to cover pregnant women for prenatal care vital to healthy newborn children.

In desperation and defiance, opponents of the Children's Health Insurance Program have made outrageous allegations maligning the effectiveness and success of this program.

Critics have claimed that this program extends to eligibility to wealthy families in America—this could not be further from the truth. In my own State of California, the average family income of children covered by this program is just 163 percent of the Federal poverty level—less than $34,000 a year for a family of four.

There have been claims that Children's Health Insurance funding goes to illegal immigrants—this is completely false. The reality is that undocumented immigrants have never been eligible for Medicaid or the Children's Health Insurance Program. Actually, there are restrictions within this program which deny health insurance to low-income children who are legal immigrants.

The President is spending $10 billion each month in Iraq, but has threatened to veto a bill that will provide 10 million children with access to health care. Under the President's proposal, he is willing to fund the Children's Health Insurance Program with an increase of $1 billion a year—the cost of 3 days in Iraq.

If we fail to renew this program or if the President vetoes this bill as he has threatened to do, it is the children who will pay the price.

As we near the September 30 deadline to reauthorize this program, I strongly urge and implore that the President reconsider his position on this bill. The need of children knows no partisan or political barriers, and should not have to overcome the obstacles created by the President.

There is not a man or woman in this chamber who wouldn't do everything within their power to ensure the health of their own children—we should do no less for the children of our Nation.

The Members of this Congress have overwhelmingly expressed a commitment to children's health. Earlier this year, we passed a budget resolution which set aside $50 billion for the Children's Health Insurance Program, reaffirming our commitment to the continued success of this program.

We can still do more and we will, but this bill is a step forward in the right direction.

I would like to thank Senators BAUCUS and ROCKEFELLER, Senators GRASSLEY and HATCH and the members of the Finance Committee who worked so tirelessly to bring this legislation forward in a bipartisan way, and keep the focus of this bill where it should be—on the children.

Mr. FEINGOLD. Mr. President, today we are voting on the reauthorization of a program that has wide support in our country and that has reduced the number of uninsured children nationwide by over 6 million. In fact, CHIP has helped lower the rate of noninsurance among low-income children by one-third since its enactment in 1997. That is a huge accomplishment, and has helped address a problem in our country that is unacceptable—the millions of uninsured families.

In my home State of Wisconsin, CHIP, known as BadgerCare, provides health insurance for over 67,000 families. Wisconsin has done an incredible job of covering uninsured children as well as their parents, and the positive effects of this program are felt at schools, in the workforce, and at home. This bill helps support Wisconsin's efforts and provides low-income families in my State with better access to preventive care, primary care, and affordable care. The end result is healthier families. BadgerCare is vital to the well-being of many families in Wisconsin and I am very pleased that this bill supports the program in my State, including Wisconsin's choice to cover parents of CHIP and Medicaid children.

We know from numerous reports that when we cover parents, we bring more uninsured children into the program as well. States like Wisconsin have proven time and again that covering parents means covering more kids. I worked hard with my colleagues and the Senate Finance Committee to make sure that Wisconsin could keep families in the CHIP program, and I am very pleased that those efforts have paid off.

This legislation is not perfect. I would like to be voting on a more expansive package today that would offer health care access to more children and families. I am very disappointed that this legislation does not include language that would allow access to the program for legal immigrants. Unfortunately, it appears that, because of Republican opposition to this policy, legal immigrant children will continue to have to wait five years before they become eligible for CHIP and Medicaid. I will do my best to help change the discriminatory policy in the future.

Despite the flaws in this legislation, the CHIP reauthorization bill marks an important step forward in getting coverage to those who need it. I will support this bill's final passage, and I hope the President will reconsider his ill-advised decision to veto it. I look forward to the day that everyone in our country has access to the basic right of health care.

Mr. DODD. Mr. President, I rise today in strong support of H.R. 976, the Small Business Tax Relief Act. This is a bipartisan agreement to do what is right for our nation's children. There are few more important issues facing the senate than the health and well-being of our Nation's youth. The vote to pass this legislation is a vote for children.

As the father of two young daughters, I keenly understand how important it is to know that if one of them gets sick they have the health insurance coverage that will provide for them. For millions of parents, every slight sniffle or aching tooth could mean the difference between paying the rent and paying for medical care. Today we have an opportunity to help give those parents peace of mind about their children's health.

It is our national shame that 9 million children wake up every day lacking any form of health insurance. Every day, this means millions of regular checkups are sidelined, dental exams go unscheduled, and early diagnoses of chronic conditions such as asthma or diabetes are postponed. For families, such delays set the stage for children to grow up underperforming in school, developing preventable or treatable conditions, or worse, permanent disability or even premature death.

The lack of health insurance causes more than poor health outcomes. Access to affordable health care is essential to alleviating child poverty. Low-income families without insurance often get stuck in an endless cycle of medical debt, a primary cause of bankruptcy filings in this country. Parents already struggling to make ends meet

should not have to choose between providing their children needed medications and putting a roof over their heads or food on their table.

I commend the chairman and ranking member of the Finance Committee for working so hard with our colleagues in the House of Representatives to put together a bill that will benefit the lives of millions of children and their families. Their leadership over the years, and that of Senators HATCH, ROCKEFELLER, KENNEDY and many others, helped create the Children's Health Insurance Program, CHIP, and reduce the number of uninsured children by one-third. Their persistence now to expand this bill in the face of considerable opposition shows their commitment to children's health. This bill is a tremendous investment in the health and future of our children.

Specifically, the bill continues providing coverage for 6.6 million children currently enrolled in CHIP and provides coverage for 3.1 million children who are currently uninsured today. It gives States the resources they need to keep up with the growing numbers of uninsured children. It provides tools and incentives to cover children who have fallen through the cracks of current programs. And it will prevent the President from unfairly and shortsightedly limiting States' efforts to expand their CHIP programs to cover even more children. All together these efforts will reduce the number of uninsured children by one third over the next 5 years.

In my own State of Connecticut, our CHIP program, commonly known as HUSKY B, has brought affordable health insurance to more than 130,000 children in working families since its inception in 1998. H.R. 976 is essential to States like Connecticut so that they may continue to operate programs like HUSKY B and build on their proven success to insure even more children.

I am additionally very pleased that my Support for Injured Servicemembers Act amendment was included in the final SCHIP bill. This amendment provides up to 6 months of Family and Medical Leave Act, FMLA, leave for family members of military personnel who suffer from a combat-related injury or illness. FMLA currently allows three months of unpaid leave. Fourteen years ago, FMLA declared the principle that workers should never be forced to choose between the jobs they need and the families they love.

If ordinary Americans deserve those rights, how much more do they apply to those who risk their lives in the service of our country? Soldiers who have been wounded in our service deserve everything America can give to speed their recoveries but most of all, they deserve the care of their closest loved ones. That is exactly what is offered in the Support for Injured Servicemembers Act.

Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala have been instrumental in this effort through the President's Commission on Care for America's Returning Wounded Warriors. It's not surprising that the Commission found that family members play a critical role in the recovery of our wounded servicemembers. The commitment shown by the families and friends of our troops is truly inspiring. According to the Commission's report, 33 percent of active duty servicemembers report that a family member or close friend relocated for extended periods of time to help their recoveries. It also points out that 21 percent of active duty servicemembers say that their friends or family members gave up jobs to find the time. Last week in a hearing of the Subcommittee on Workforce Protections, we heard from one of those families and there are thousands more to be heard. The House is moving forward with companion legislation and I am grateful to my colleagues Congresswoman WOOLSEY and Chairman MILLER and their cosponsors.

I am pleased that Senator CLINTON is the lead cosponsor of my amendment. In addition, I am pleased that Senators DOLE, GRAHAM, KENNEDY, CHAMBLISS, REED, MIKULSKI, MURRAY, SALAZAR, LIEBERMAN, MENENDEZ, BROWN, NELSON of Nebraska, and CARDIN are cosponsoring this amendment. I thank Senator BAUCUS and Senator GRASSLEY for accepting this important amendment and appreciate the support of all of my colleagues in this effort.

I am troubled by the comments by President Bush and members of his administration about this bill. This legislation is vital to the health and well being of our children. The CHIP program is a model of success and this bill provides sustainable and predictable health care coverage for low income children regardless of their health status. It represents the hard work and agreement of an overwhelming majority of Members on both sides of the aisle. It is a testament to how important issues like children's health care can be addressed in a bipartisan manner by a united Congress. The President's policy of block and delay would mean Connecticut and other States would have to take away existing health coverage for hundreds of thousands of children when they should be covering more kids.

But despite the bipartisan agreement of this Congress, the President threatens to veto this legislation. If he does, all Americans will know whether the President stands for children or would rather stand in the way of children's access to critically needed health care.

I urge my colleagues to support this critical legislation and I urge President Bush to do what is right and sign it into law.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 301 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children's Health Insurance Program, SCHIP. Section 301 authorizes the revisions provided that certain conditions are met, including that the legislation not result in more than $50 billion in outlays for SCHIP over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that H.R. 976, the Children's Health Insurance Program Reauthorization Act of 2007, satisfies the conditions of the deficit-neutral reserve fund for SCHIP legislation. Therefore, pursuant to section 301, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008–S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

In billions of dollars	
Section 101.	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,022.051
FY 2009	2,121.498
FY 2010	2,176.937
FY 2011	2,357.666
FY 2012	2,495.044
(1)(B) Change in Federal Revenues:	
FY 2007	–4.366
FY 2008	–28.745
FY 2009	14.572
FY 2010	13.216
FY 2011	–36.884
FY 2012	–102.052
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,504.975
FY 2009	2,523.486
FY 2010	2,579.022
FY 2011	2,697.385
FY 2012	2,734.795
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,469.884
FY 2009	2,570.685
FY 2010	2,607.628
FY 2011	2,703.144
FY 2012	2,716.346

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

In millions of dollars	
Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	9,098
FY 2008 Outlays	2,412
FY 2008–2012 Budget Authority	47,678
FY 2008–2012 Outlays	34,907
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,088,003

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION—Continued

In millions of dollars	
FY 2008 Outlays	1,082,326
FY 2008–2012 Budget Authority	6,065,057
FY 2008–2012 Outlays	6,056,617

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my colleague from North Carolina for extending the courtesy of my being able to proceed. We have been moving back and forth. I understand there is 20 minutes left for the Democrats, and the Senator from Pennsylvania has taken 5; am I correct? How much time remains?

The PRESIDING OFFICER. Fifteen and a half minutes remains.

Mr. KENNEDY. I yield myself 7 minutes, and I ask the Chair to remind me when there is 1 minute left.

Mr. President, I think this debate over the course of the day has been enormously constructive. I think the American people have been watching it, and they have a much clearer idea about the alternatives that are before us. They should know by this time that when all is said and done, this program, the SCHIP program, was fashioned to try to look after the working poor, recognizing that Medicaid dealt with the very poor but that the working poor were finding increasing pressure and were, in increasing numbers, unable to get any kind of health insurance. That was basically the targeted area.

As we reviewed earlier in the course of the discussion, this was basically a State-run program. Using the private sector, it has guidelines as to what the health care coverage should be in various areas, but the States make those judgments and decisions—quite a bit different from Medicaid. So the origin of it, having listened to some of this debate, it is important to note this is very different from other kinds of Federal programs but not greatly dissimilar from what the President has indicated that he supported in the prescription drug program. It was initially using the cigarette tax money that was a part of the settlement earlier, where we were using it, and therefore the relationship with the increase in the cigarette tax at the present time.

Now, Mr. President, I only have a few minutes here, and we have gone through these charts about how this is covering 6 million and we expect that to go to 10 million. We have also reviewed the fact that when we look at the comparison with adults and children, we can see under this program that uncovered children have gone down dramatically and the adults have gone up. So this has been an extraordinary success. CBO has indicated this is the best way. If we are interested in covering children, CBO has indicated this is the way.

The point I wish to make in the time I have remaining is that when all is said and done, when we vote—and we are going to vote in just a little while—the American families ought to realize a very important fact; that is, every single Member of the Senate, with the exception of one, has comprehensive health care and our children are all covered. Understand that, America? All of our children are covered. All of our children are covered. The next thing to know, Mr. And Mrs. America, your taxpayer money is paying for 72 percent of our health care coverage cost. Do we understand that now?

For those who are saying: Well, I am not going to support this because it costs too much; I am not going to support this because it may be 300 percent of poverty, we get paid $160,000. We are well above the 200, the 300, the 400 percent of poverty level. Yet we are going to have Members on the floor of the Senate this afternoon who are going to turn thumbs down to American families who are watching this debate and knowing that our premiums, our health insurance is being paid for by the American taxpayers. I wonder how people do that. I wonder how they do it. You would think, if they are so offended about Federal Government spending or a Federal Government program, they wouldn't use it themselves. But, no, they do. They will take it. But when it comes to looking out for working families, there are going to be many in this Chamber who will say: No, we are not going to look out for working families. You can go ahead and pay for mine—I get my children covered—but we don't think the Federal Government ought to be tampering with this issue. We don't think the Federal Government ought to be looking into whether it is going to have a program to provide coverage for the sons and daughters of working families who cannot afford a $10,000 health insurance program that would cover themselves and their families although the taxpayers are paying for ours.

Mr. President, this is extraordinary hypocrisy we are about to see here on the floor of the Senate. How can people in good faith do this and still accept the Federal Government help? How can they be complaining all afternoon about a Federal Government program and then have a better Federal program paying for their own—paying for their own. It is just hypocrisy of the greatest sort, and I think that is something that is important.

The most important point has been mentioned eloquently by many of my colleagues; that is, the importance of covering those children. The most important point is that too many parents will cry themselves to sleep tonight wondering whether their child is $200 sick because they may have to go to the emergency room. That is the heart of this.

Before we all get worked up, Mr. President, it is important to note what the financial bottom line on this is too. What has been pointed out over the course of the past days, again, is the question of priorities. We see in this chart here what we are talking about—priorities. That is what this vote is. Do we want to say we can cover, for 1 day in Iraq at a cost of $300 million, 246,000 children; for 1 week in Iraq at $2.5 billion, 1.7 million children; or for 41 days at a cost of $12.2 billion, 10 million kids?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. KENNEDY. Mr. President, this is a choice. There are those who want to continue the ongoing flow of resources to Iraq when we have asked our military to do everything they could, and they have done it with great valor, and yet still the Iraqi politicians cannot get it together. They are holding American service men and women hostage—hostage. The blood of American servicemen is flowing in Baghdad, and this is wrong.

This is an issue of priorities. I believe we ought to invest in the children, and I think we have benefited enough here in the Senate from our own largess from the Federal taxpayers in terms of supporting ourselves that we should be ashamed if we cannot see the responsibility we have to look after children of working families in this country.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, it is my understanding I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BURR. I would ask the Chair to notify me when I have 2 minutes remaining.

Mr. President, I heard my good friend from Massachusetts talk about the Federal system. Let me take a minute to talk about the Federal system.

I have been here for 13 years. The coverage I have is less and the cost is more than when I was in the private sector working for a company with 50 employees, but I accept that.

Last year, I learned something new, though. When my oldest son became 22, I got a notice that under the Federal plan he automatically falls off our insurance. Well, it happens for every Federal employee, but what was my experience? That is what I wish to share with you.

I called to find out what the Federal Government had negotiated so that my child could have health insurance. They said the exact same coverage would now be $5,400 for that individual—a 22-year-old college student, healthy as a bull. I decided I would go to North Carolina and I would negotiate to see if I couldn't find similar coverage. Not only could I find similar coverage, but I found the same coverage, and I found it with the same company. I now pay $1,500 a year for the same coverage with the same company my son was covered by under the Federal health care plan. Now, here is

the glaring difference. From a standpoint of my insurance, the Federal Government still pays the same amount and I still pay the same amount. When you take a healthy person off insurance, the premium doesn't go down.

So for the 6 million kids who are targeted in SCHIP expansion—and everybody agrees 3 million are uninsured and 3 million are currently insured—I don't want anybody to walk away and believe we are reducing the premium cost of the families who are currently privately insuring these kids. As a matter of fact, the CBO statistics prove exactly what happened with my son, in the fact that we will now transition to a private sector program for him. For those 3 million SCHIP kids, we could access health care coverage for an average of $1,130 a year. But in this legislation, it says we will be paying $3,950 a year for the same level of coverage for those kids. We will pay it for those who weren't insured and we will pay it for those who were insured. Their family insurance won't go down, and we will pay three times as much for the coverage than if we went to the private sector and we negotiated that coverage.

To some up here, that makes unbelievable sense. To those of us who come out of business, to those of us who understand what the people in our States whom we represent struggle with day in and day out, it makes absolutely no sense.

Forget the fact that adults will still be covered under this Children's Health Insurance Program; that private coverage will be replaced with government-run coverage; that within this bill, this children's health care bill, are hidden earmarks—earmarks that create a health care center in Memphis and earmarks that deal with the pension system in Michigan. My God, is this about kids and health care or is it about what we can hide in a bill and disguise and cover as a benefit to children? It overturns an administration rule targeting SCHIP for low-income children. The bill would overturn an HHS directive that requires States to focus first on covering low-income kids, thereby eliminating any State accountability to cover the neediest kids first.

Well, most of us have done oversight work. If we could trust the States or people we give money to, we wouldn't need oversight committees. But they meet every day, all day long, because we can't trust any single entity to follow the rules. We are basically taking the rules and throwing them away. Will we cover adults? Sure, States will make decisions to cover adults. States will make decisions that will go far outside of low-income children.

Now, the speaker prior to Senator KENNEDY said this was not a debate about health care reform. He is right. It is one of the few things I have heard on the floor today that is accurate. But it should be. This should be about health care reform.

It is the belief of some that we should feel good about overpaying for a program that will cover 3 million uninsured in this country and reassign 3 million who are insured to now be under the dole of the Federal Government and the American taxpayer when, in fact, we have 47 million uninsured in this country. That is exactly what we should be debating on the Senate floor today—how do we reform health care to where we cover the 47 million who are uninsured in this country.

Well, when we debated SCHIP before it was conferenced, we talked about this incredible new plan that had been introduced by a number of us—the Every American Insured Health Act—a plan that covered 47 million uninsured. It did it in a budget-neutral way. It eliminated the cost shift that exists in our system today. We estimate saving $200 billion a year. That is for a plan that I suggest is very much targeted for 47 million uninsured, and the CBO will verify that it is budget neutral. For those who might not be one of those 47 million individuals, who might say I don't have skin in this game: If we are able, through the elimination of cost shifting because we are now providing primary care for people who today do not have insurance, who will not be in the emergency room accessing care at the most expensive, most inefficient place—who actually have preventive care, who have wellness access, who have a medical home, who have a doctor for the first time, and we are able to squeeze out $200 billion of waste that we can pump back into health care—an amazing thing happens. It brings everybody's premiums down.

For a person in the country who might be sitting there saying, I have insurance, I am covered, I am OK; it doesn't make any difference to me whether they have this debate about insurance reform—it should matter to you because it is unsustainable to continue the inflation rate of health care at the rate it is going. If you want to see that end, if you want to see your premium come down, we have to reform health care, and I tell you it starts with insuring 47 million Americans, not 3 million kids. We should provide the resources so those 47 million can access their care in their State with the most competitive products they can find for the scope of coverage.

This plan is out there. We introduced it. We didn't ask for a vote. We should have. But we have another opportunity and that opportunity is, let's reauthorize the current SCHIP plan, let's put the dollars in that are needed to make sure nobody falls off the system, but let's choose not to expand it to include, at three times the cost, 3 million kids and take 3 million kids off their parents' insurance and put them over on the Government insurance for the taxpayers to pay for.

Rather than do that, why not engage in an honest, real debate on the floor and let's come up with a reform package that covers the 47 million. Let's come out with a bill on the Senate floor that doesn't leave anybody behind. If we are going to cover 3 million uninsured kids, what about the other millions we are not covering? The reason we do not go higher is because the higher you go, the larger the percentage of kids you are pulling off of their parents' insurance.

What we have learned from my experience, and I think nobody would disagree with me: It saved me no money. The Federal Government's share of my health care today is more than it was when my first child was on my insurance plan. And in December, I have the great fortune that I am going to go through this again. I am going to have my second child who will become 22, and this arcane Federal guideline, statute, whatever it is at OPM, will kick in and they will say we will no longer cover your healthy 22-year-old son.

I will go to North Carolina and I will access insurance, probably at $1,500 like his brother has. I will now have $3,000 a year in additional coverage, only to find out that the Federal Government, for my plan for me and my wife, is paying more money than we were before.

There is a reason. It is because when you take healthy people out of the pool, the actuaries look at us old folks and say: You know, they are a greater risk to us.

The reverse is true, too. If over time we allow adults to infiltrate, which we already have, the children's insurance program, amazing things are going to happen. The premium is going to go up because we are putting older folks, who are less healthy, in the pool.

This makes a lot of sense to me because it works the same one way as it does the other. I think the sad thing today is I have to stand up and say I am not going to support an expansion of SCHIP, but I will support reauthorization of SCHIP with dollars that say nobody falls off.

I will also commit today to be the most engaged Member of the Senate if we will come down here and have a health care reform debate. Bring the proposals to the floor. But don't come if you are not willing to prove you are going to insure 47 million uninsured in the country. Don't come unless you are willing to get all the cost shift out of the health care system. Don't come unless you are willing to take $200 billion and have that impact positively on everybody's premium in this country. Don't come to the floor unless you are willing to extend wellness and preventive care through the policies we are able to create. Don't come unless you are willing to reform insurance products so they are truly market based. Don't come if you don't want insurance products to be portable, when employees can take them from job to job just like the retirement benefits we have and that we fought so hard for.

Today I am disappointed because we have an opportunity in this program.

We can't extend this program, though, if in fact passing a bad bill is the result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I say to the Senator from North Carolina who just completed, I am willing to work with him on all the goals he wants to do. Earlier in the writing of this legislation, back during the months of March, April, and May, we tried to get the White House to get some other Democrats involved and helping Senator WYDEN, who wanted to go in that direction, and the White House couldn't deliver.

When it comes down to doing something all at once, or doing it in two separate pieces, sometimes you have to do it in two separate pieces. This is one of those issues. We have to do the Children's Health Insurance Program first and then I am going to join people like Senator BURR. Only I am going to be working in a bipartisan way with Senator WYDEN, to see what we can do to take care of all of the uninsured in America.

We can do that. The President wants to do it. There are Democratic leaders who want to do it. Senator CLINTON has come out with a program doing it through private health insurance. But we cannot do it on this bill. The people who have been talking for 6 months about doing it on this bill had an opportunity, when it was up in the Senate, to offer an alternative. For all their talk, for months, nothing was offered along the lines of what they wanted to do.

Don't come back complaining after we get a compromise between the House of Representatives and the Senate, and still complain, when you had a debate on this 2 months ago and you didn't have a plan to offer. You can't get anything passed in this Senate if you don't have it down on paper and offer it to us for consideration. But now, after this job is done, let's all get together and do it right. And we will do it right.

I want to spend my time talking about some of the misinformation that was spread about this bill when it was first considered in the Senate 2 months ago and is still being considered today, just as if the debate and all the explanations we gave two Mondays ago didn't make a bit of difference. So let's go through it again. Let's get very basic and let's say where the misinformation is wrong.

I am not here to embarrass any of my colleagues so I am not going to use any names. But yesterday a Member of my party took to the floor talking about this bill pending before the Senate. I wish to address some of those issues that were raised by my friend and colleague.

This colleague repeatedly referred to the Children's Health Insurance Program as leading to a national system of health care.

> The goal here is to radically expand the size of a public insurance program to families that are really doing quite well, families making up to $80,000 that may not have children, or the children may already be insured by the private sector because you want to move more people onto the public insurance system because you want to have a nationalized system.

I have one simple question to ask all the critics of this bill who, when confronted with the actual policies in this compromise, respond by shrieking: 80,000 income, $80,000 income; and that question is: If this bill became law tomorrow, how many families earning $80,000 a year would be eligible for this Children's Health Insurance Program? And the answer is: None. None.

As they say in baseball: You can look it up.

I have one simple question to critics who, when asked to respond to what is actually in the black and white of this bill, react by screaming, as we heard in that quote I just gave: National health care, socialized medicine. And that question I ask those folks is this: Under what contorted reasoning is a capped block grant inclusive of policies that prohibit new waivers for parents, phase childless adults completely off of this children's program, and limit matching funding for higher income kids, nationalized health care? That is what this bill does. It takes care of problems that have developed over the last 10 years. There have been legitimate criticisms of it. It fixes those problems and doesn't do any of the things that people say are going to happen, such as families of $80,000 being able to put their kids on this program.

You can call all of this rhetoric something. You can call it anything you want. But in Iowa you can't call a cow a chicken and have it be true.

I have some charts here I want people to see. This colleague of mine also referred yesterday to what is ''budget gimmickry'' about this legislation. I have this response to that colleague of mine. He said this yesterday, ''There is the problem.''

He was pointing to this chart that he had up at that time. Let me start the quote over again.

> For example, there is the problem that there is a scam going on, a scam in this bill as to how it is paid for. You can see this chart I have in the Chamber. This reflects the increased costs of the bill as it goes forward. But, in order to make their own budget rules, which they claim so aggressively to be following, such as pay-go—

meaning pay as you go—

> they have to take the program, in the year 2013, from a $16 billion annual spending level down to essentially zero. In other words, they are zeroing out this program in the year 2013 . . . that is called a scam.

I end the quote of my colleague.

I am a proud member of the Budget Committee. I think I know how the budget process works. I believe in fiscal discipline and spending restraints. I agree that even under a Republican-controlled Congress, spending got out of control. Part of the reason why Republicans lost control of the Congress last election is because we didn't show concern enough to control spending.

I believe part of the reason the President is threatening a veto of this bill is he is trying to play catchup for failing to veto 6 years of spending bills when Republicans controlled the Congress. I agree that fiscal discipline ought to be applied to spending bills and we should pay some attention to the level of spending and how spending is financed.

From that standpoint, let me focus on the criticism that has been made about how this Children's Health Insurance bill is financed. We need to step back, and in stepping back we need to look at the whole picture. The Children's Health Insurance Program is a pretty small part of that picture. The thing about the Children's Health Insurance Program is that it is not like Medicaid or Medicare. It is not a permanent program. This program expired after 10 years. We are working on it now to reauthorize it. It will expire after 5 years. You never hear of Medicare or Medicaid expiring, sunsetting, so it has to be reenacted. It has been going on for 43 years.

SCHIP, then, is not an entitlement and I have heard my colleagues recently refer to it as an entitlement.

Now, there were some who wanted to turn this Children's Health Insurance Program into an entitlement program. So it has been discussed, I admit. I am not one of those. And nobody in the Senate that I know of spoke that way. But the House bill would have lifted the cap on the national allotment for the Children's Health Insurance Program and extended the program forever.

The word ''entitlement'' may be applicable. I fought hard to maintain the block grant concept, the sunset concept—as has been the case since the program was started 10 years ago—and to ensure that the program did expire so that in the future, Congress would be forced to reevaluate it and maybe improve or cut back, whatever the situation is 5 years from now, just as we have been doing this year with the sunset program.

So despite the best efforts of House Democrats, because in the House it is more partisan than the way we do business in the Senate, this is a bipartisan bill. Regardless of the best efforts of House Democrats under the compromise bill when the program expires, it truly ends. The day after the authorization ends, poof, no more Children's Health Insurance Program unless Congress reenacts it.

The Children's Health Insurance Program before us is an expiring program. So let me say that again. It is an expiring program. It is not an entitlement. Why do colleagues keep trying to fuzzy the debate by using words that are not applicable?

Well, I know most of us in this Chamber would no sooner let the Department of Defense expire then we would

let the Children's Health Insurance Program expire. That is a simple fact. But that does not make it an entitlement any more than the Department of Defense programs are entitlements. Because it is an expiring program, it is subject then to a very particular budget rule that makes this chart not exactly intellectually honest.

The budget rule says the Congressional Budget Office must score future spending for programs based upon last year's program current authorization. So the baseline for the Children's Health Insurance Program right now, and for next year and next year, is $5 billion. For the next 5 years, the baseline each of those years is $5 billion, and also for the next 10 years. If you want to go beyond 5 years, and we do not do it in this bill, but sometimes the Congressional Budget Office does it, the baseline is still $5 billion. It is actually $5 billion a year forever as far as the Congressional Budget Office is concerned.

Does anyone in this Chamber think the budget rule governing the Children's Health Insurance Program is realistic? Well, it is obviously not. But that is the way the Congressional Budget Office does business around here. So let's not kid ourselves.

According to the Congressional Budget Office, over 1 million children would lose coverage if we simply reauthorized the Children's Health Insurance Program at the assumed baseline of $5 billion a year. Now, I have never heard anybody around here saying they want to throw a million kids off of this program. So what do you do? You provide for where you are.

Well, you can throw them off if you want to, but I have not heard any of my colleagues, even the ones complaining about this bill, I have never heard them complain that we ought to throw 1 million kids off the program.

Who would go home and tell their constituents that they voted to do that? But over 1 million kids would lose coverage. That is not politically viable.

During the consideration of this Senate Finance Committee bill, there was a children's health insurance alternative that included an increase in the Children's Health Insurance Program by spending $9½ billion over 5 years.

Now, understand, the White House ought to hear that. Even Republicans in the Senate are telling the President: Your $5 billion will not do what you want it to do. Those are even the Members who oppose the Finance bill, acknowledging that $5 billion was not enough. Everyone knows the current baseline is not realistic, that it created a hole in the budget that had to be filled.

So what do we do? If you do not want to throw kids off, you fill that hole. It is that simple. We had to comply, though, with the budget rule. That is the way you have to do business around here. You get a point of order against your bill, and you have to have 60 votes to override it. So we did.

Do those budget rules make sense? Well, that is a question for the Budget Committee, not for our Finance Committee. The Budget Committee sets those rules, and they are not for the Finance Committee to change.

There is another budget rule the Finance Committee was required to follow. That rule is called pay-go, pay-as-you-go, which means that you raise revenue or cut spending someplace else to pay for the new things you are doing. It means the bill needs to cover its 6-year cost, and that makes sense. After all, this bill proposes new spending, and we should pay for it. And this bill does it. This bill complies with those budget rules. It complies with the pay-as-you-go requirement.

Now, the children's health reauthorization that we are debating is only a 5-year authorization. And, as I think everyone knows, the bill is paid for by an increase in the tobacco tax, just like the original CHIP bill was paid for when it was created by a Republican-controlled Congress 10 years ago.

Now, just like in 1997 when the Republicans did it, we had a problem with how the tobacco tax worked. The revenue from the cigarette tax is not growing as fast as health care costs grow. So that means the revenue raiser is not growing as fast as the costs of the program. So the Finance Committee did what it was required to do to comply with pay-go budget rules. The Finance Committee bill reduces children's health insurance funding to just below the funding that is in the current baseline.

That means the Finance Committee, in 5 years, will have the same problem we faced in putting this bill together today. They will have to come up with the funds to keep the program running, if that is what they decide to do 5 years from now.

We are covering even more low-income kids in this bill. That is a good thing. Assuming that Congress does not tackle the increasing problematic issue of health care costs across the board, as Senator BURR was begging us to do, the Finance Committee, in 5 years, will have a bigger hole to fill. They will have more kids to keep covering, and health care costs will be even higher than they are today. That is for the Finance Committee to face down the road 5 years.

That is just like the job the Finance Committee had today if we were going to continue the Children's Health Insurance Program beyond the 10-year sunset. So what I am saying is, this is really nothing new. Now, my friend and colleague whom I have been quoting all the time, a person for whom I have great admiration, has once again distorted the so-called cliff that he referred to on this chart. That is where the line goes down after the year 2012.

He has, once again, produced a chart that shows a dramatic decline in funding of the program. Here is the chart used to raise the issue about financing the compromised bill, which is largely the Senate Finance Committee bill. It shows only the funding in our bill.

The approach that this chart takes reminds me of the story of the seven blind men trying to describe an elephant. Each described different parts of the elephant: one the tusk, another one the tail, another one the ear, another one the leg, and none could describe the whole elephant. They could not see the whole picture. So we have to look at the whole picture.

As we all know, this program was created to supplement Medicaid. So I am going to show you the whole picture. You have to involve Medicaid. The goal of the program was to encourage States to provide coverage to uninsured children with incomes just above the Medicaid eligibility: Medicaid for the lowest income people, SCHIP to help lower income people who maybe could not afford private health insurance or their workplace did not have it.

So to put my colleague's concerns into perspective, we need to look at the whole picture. We need, and we should, look at SCHIP spending as it relates to Medicaid spending. I would like to draw your attention to this chart so everyone can fully appreciate the consequences of our SCHIP program that is a fiscal disaster to some of my friends, as you listen to the debate, the consequences of the SCHIP program in the context of the Medicaid Program which it supplements. So I want you to take a closer look.

Let's start with this tiny green line down to the bottom. That is the Children's Health Insurance Program under current law, the straight line across the bottom. I know we have to squint to see it. But that green line represents the Children's Health Insurance Program baseline under current law.

As I have already discussed, it is $5 billion each year for the next 10 years, and maybe forever, depending on what Congress does in the future.

Now, let's look more closely and honestly at the actual problem we are facing. This massive orange area above that green line I just referred to is Medicaid for several years into the future, 10 years into the future. It is a lot bigger, isn't it, than the Children's Health Insurance Program?

Then, on top of that, we are looking to add what is in this bill, new spending for the Children's Health Insurance Program. The new spending is represented by that narrow blue line across the top there labeled ''funding in the compromise agreement.''

Again, you almost have to squint to see that blue line. And as you can clearly see then, costs are growing at a rapid pace overall. The overwhelming driver of the cost is not the relatively small increase of the blue line. And then the decline, you see a decline in that blue line on top in CHIP spending. That is just kind of a blip on the radar compared to the massive increase we see in Medicaid spending.

We have a big problem. It is not going to go away. But it is not the

Children's Health Insurance Program. It is the entitlement program that SCHIP is not a part of because I made a point—10 times in the last 2 days—that this is not an entitlement, even though my colleagues still talk about entitlement. Where are they coming from? What planet? I don't know.

But entitlement spending is, in fact, ballooning out of control in future years if we do not act. We are going to struggle to keep these programs afloat. When you look at the whole picture, this whole picture, it puts things about the SCHIP program and the criticism of the SCHIP program in perspective. But the criticism is not justified.

Now, remember all of the fire and brimstone about the awful cliff on the chart that we had before, the awful cliff of this compromise bill? The way that it continues to be described, you would think the world is about to end. And now looking at the big picture, where exactly is that cliff, you might ask? Again, you will have to squint to see that cliff. That cliff starts downward after the year 2012. So you saw on the previous chart, you see that big dropoff. That is what I raise about the intellectual accuracy of that chart. OK?

If we go back to the other chart and look at the real program, that is how it goes down a little bit after 2012. It is not that dramatic compared to what we are doing on Medicaid. You can see how this debate has tried to distort what we are accomplishing.

So this little blue line is what this debate is all about. This little blue line is the funding in the compromise agreement. This little blue line is what all the fuss is about. It seems like a whole lot of hollering is going on over a dip that is hard to even see.

Let me tell you what the compromise agreement and this little blue line is not. This is not, as some people want us to believe, a government takeover of health care. This little blue line is not socialized medicine or nationalized medicine or anything like that. This little blue line is not bringing the Canadian health care system to America. That little blue line is not the end of the world that we know. To suggest that this little blue line and this tiny dip we see after the year 2012 is the dismantling of the U.S. health care system borders on hysteria.

While I concede that allotments under our bill in the years beyond the 5-year reauthorization in this legislation do behave as described in my friend's chart, the one with the big dropoff, I don't think it warrants the heated rhetoric we are hearing today and yesterday. SCHIP is not a real fiscal problem. The problem is that issue nobody wants to talk about. What are we going to do about entitlements? Nobody has political guts enough to agree with it, but they want to put this Children's Health Insurance Program on the same par as those Medicaid issues.

My friend I have been quoting all day and I worked together a year ago, now maybe 2 years ago, on the Deficit Reduction Act, to try to rein in this egregious Medicaid spending. I am proud of the work we did. He praised me so much 2 years ago for the heavy lifting I did for the entire Senate on saving some money—I should say Senate Republicans for saving some money—but how times have changed. We also found out how hard it is, at the time of the Deficit Reduction Act, to dial back entitlement spending. Even in a Republican-controlled Congress and even with the special procedural protections of reconciliation, we only succeeded in shaving $26 billion off that orange part of the chart. The problem of entitlement spending is still out there, and SCHIP is like a pimple on an elephant compared to the elephant that Social Security, Medicare, and Medicaid are.

I am very hopeful that once we are done with the CHIP debate, we can roll up our sleeves and get down to the business of tackling health care reform on a much larger scale, as Senator BYRD referred to, and I have referred to Senator WYDEN from Oregon working on it over a long period of time. I know Senator WYDEN wants to take this on, and I am going to join him in that bipartisan effort.

As I have said many times, I had hoped we could have used this debate on SCHIP to focus on these larger issues of health care reform and helping the uninsured. I tried to engage my colleagues on the other side. I was repeatedly thwarted in that effort and told that SCHIP had to get done first. Well, hopefully we can get SCHIP done and then turn to the bigger issues so the next time the Congress has to tackle the Children's Health Insurance Program, this big orange block would not be so huge.

Before closing, another criticism we had of this bill in the last debate 2 or 3 months ago was this. I will quote Senator LOTT. I don't think he will mind my using his name. He was quoted on July 31: The House is going to pass a bill at what, maybe $80, $90, $100 billion, paid for by taking money away from Medicare beneficiaries. We go on conference, what will happen? What always happens. You split the difference. We are at 60. They are at 90. How about $75 billion. How is that going to be paid for? Is it going to be paid for by cutting benefits for the elderly or raising taxes of all kinds?

Well, it is paid for the same way we paid for it on July 31, 2007, with the tobacco tax, not by Medicare money.

He went on to say: I fear what is going to happen in conference. I don't know. Maybe the Senator from Montana and Senator GRASSLEY can sit there and say: Oh, no, no, no, we are not going above what we passed in the Senate. But I think the reverse is going to be true. This is the base. The $60 billion is the beginning.

Where did we come out? Exactly where Senator BAUCUS and I told the Senate we were going to come out. We came out with the $35 billion that passed this body. So all those people who are worried about the position of the Senate being lost in conference by Senator BAUCUS and I representing the Senate—and let's say Senator ROCKEFELLER and Senator HATCH as well—would you please tell me you were wrong?

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). Who yields time?

The Senator from Maryland.

Mr. CARDIN. Mr. President, I yield myself 2 minutes.

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

Mr. CARDIN. Mr. President, today is truly an important day for America's children. On Tuesday, the House passed the Children's Health Insurance Bill, and very soon, the Senate will vote. We will provide $35 billion over the next 5 years to expand health insurance coverage for the children of America's working families.

We know that there is a crisis in health care in this country. More than 46 million Americans don't have any health insurance coverage; 9 million of them are children, and most of them are in working families. That is a disgrace.

Now there are many proposals out there to increase the number of Americans with health insurance coverage. As Congress begins to consider these proposals, there is something we can do today to decrease the number of uninsured children by nearly 4 million.

Earlier this year, in February, I introduced to the Senate Finance Committee a Baltimore family that has benefited from CHIP. Craig and Kim Lee Bedford are working parents who own a small business and simply cannot afford health insurance for their 5 children through the commercial market. Through the Maryland MCHP program, the Bedford Family's 5 children receive affordable, quality health care.

We have the evidence that enrollment in the CHIP program improves the health of the children who are enrolled, their families, and the communities in which they live.

When previously uninsured children are enrolled in CHIP, they are far more likely to receive regular primary medical and dental care, and they are less likely to use the emergency room for visits that could be handled in a doctor's office.

They are more likely to get necessary immunizations and other preventive care, and to get the prescription drugs they need.

But there are still millions of children who have not enrolled in the programs offered by their States.

Our States are making progress—simplifying their enrollment procedures, expanding outreach efforts, and using joint applications for Medicaid and CHIP so that families can enroll together.

But this reauthorization bill, with $35 billion in added funding, is needed to help them make real progress.

I want to talk for a moment about Maryland's program.

It has one of the highest income eligibility thresholds in the Nation, and this is important because of the high cost of living in our State.

It is at 300 percent not because our Governor wants to move people from private insurance to public insurance plans. It is at 300 percent because working families at this income level do not have access to affordable health insurance policies. Those families need CHIP.

Children under the age of 19 may be eligible for MCHIP if their family income is at or below 200 percent of the Federal poverty level, or up to $34,000 for a family of three.

We also have an MCHIP Premium program, which extends coverage to children at moderate income levels—between 200 and 300 percent of poverty, or up to $51,500 for a family of 3.

The premiums, which are paid per family, regardless of the number of eligible children, are between $44 and $55 a month.

Our program has been a true success. Enrollment has grown from about 38,000 enrollees in 1999 to more than 101,000 today.

In my State of Maryland, the need has always exceeded the available funds. The Federal match through the CHIP formula established in 1997 is not enough to meet all of the costs of the MCHIP program.

Some States do not use their entire allotment, while other States, like Maryland, have expenditures that exceed their allotments. Congress has addressed this problem by redistributing the excess to the shortfall States.

The 109th Congress passed provisions to address the Fiscal Year 2007 funding shortfalls.

That bill didn't include any new money, but it allowed the redistribution of $271 million already in the program, and that was important for thousands of Maryland families.

Without that legislation, Maryland would have been forced to either freeze enrollment or reduce eligibility for CHIP.

Now, we must move forward for future years. That is what we are doing on the floor of the Senate today.

This conference report increases the allotment for Maryland for next year from its current projected level of $72.4 million for fiscal year 2008 to $178.8 million.

It also allows us to continue to cover children in families with incomes up to 300 percent of poverty. Maryland would also have access to a contingency fund if a shortfall arises and additional funds based on enrollment gains. With this new money, Maryland can cover as many as 42,800 children who are now uninsured over the next 5 years.

There is another vitally important part of this conference report that I want to talk about. Title 5 ensures that dental care is a guaranteed benefit under CHIP.

According to the American Academy of Pediatric Dentistry, dental decay is the most common chronic childhood disease among children in the United States.

It affects one in five children aged 2 to 4; half of those aged 6–8, and nearly three-fifths of 15-year-olds. Tooth decay is five times more common than asthma among school age children. Children living in poverty suffer twice as much tooth decay as middle and upper income children. Thirty-nine percent of black children have untreated tooth decay in their permanent teeth; 11 percent of the Nation's rural population have never visited a dentist; an estimated 25 million people live in areas that lack adequate dental care services.

I want to say a few words about a young man named Deamonte Driver. He was only 12 years old when he died last February from an untreated tooth abscess. It started with an infected tooth. Deamonte began to complain about a headache on January 11. By the time he was evaluated at Children's Hospital's emergency room, the infection had spread to his brain, and after several surgeries and a lengthy hospital stay, he passed away.

For want of a tooth extraction that would have cost about $80, he was subjected to extensive brain surgery that eventually cost more than a quarter of a million dollars. That is more than 3,000 times as much as the cost of the extraction. After Deamonte's death, the public took note of the link between dental care and overall health that medical researchers have known for years.

His death showed us that, as C. Everett Koop once said, ''there is no health without oral health.''

Deamonte's brother, DaShawn, is still in need of extensive dental care, and, like him, there are millions of other American children who rely on public health care systems for their dental needs.

No child should ever go without dental care. I have said before that I hoped Deamonte Driver's death would serve as a wake-up call for the 110th Congress. I believe that it has.

Earlier this year, I brought Deamonte's picture down to the floor. I have it with me again today.

It is here because we must never forget that behind all the data about enrollment and behind every CBO estimate, there are real children in need of care.

When I spoke about Deamonte right after his death, I urged my colleagues to ensure that the CHIP reauthorization bill we send to the President includes guaranteed dental coverage.

This bill would make guaranteed dental coverage under CHIP the law of the land, and I want to take this time to personally thank the members of the conference committee for ensuring that a dental guarantee is in this bill.

One other tragic piece of Deamonte's story is that, once his dental problems came to light, his social worker had to call 20 dental offices before finding one who would accept him as a patient.

The conference report includes a provision that will make it much easier for parents and social workers to locate participating providers.

It requires the Secretary of Health and Human Services to include on its Web site *www.insurekidsnow.gov* and the HHS toll free number, 1–877–KIDS–NOW, information about the dental coverage provided by each State's CHIP and Medicaid programs, as well as an up-to-date list of providers who are accepting CHIP and Medicaid patients.

Parents will be able—with one phone call or a few mouse clicks—to find out what their child is covered for and where they can receive care. There is more work to do, as I have learned from working with my dedicated colleagues here on this issue, particularly Senators BINGAMAN and SNOWE.

We still have to improve reimbursement for dental providers, and get grants to the states to allow them to offer dental wraparound coverage for those who may have health coverage, but no dental insurance. But these provisions are a very good start.

I am deeply disappointed by the President's statements about CHIP. When he says that this is Government-run insurance, he is mistaken.

This program is administered by our States, with help from the Federal Government, to ensure that working families who cannot afford private health insurance, can enroll their children in private health insurance plans.

I would hope that after today's vote in the Senate, he will reconsider his position on this bipartisan, responsible, and paid-for bill.

CHIP covers urban and rural children, who live in every state, whether Democratic or Republican.

Congress has come together after months of work to reauthorize a program that's been a proven success and has served the needs of America's working families. I urge the President to join us in this truly bipartisan effort and sign this bill into law.

I thank the leadership for bringing forward this bill. We have talked about the fact that we have 46 million people without health insurance, 9 million children without health insurance. We can do something about it today. This bill will cover 4 million uninsured children. We can do something about the uninsured. During the course of the hearings in the Senate Finance Committee, I brought Craig and Kim Lee Bedford, constituents from Maryland, to testify before the committee. These are working parents with five children. They simply could not afford health insurance. But the CHIP program has allowed us in our State to cover these children. Mrs. Bedford said: I no longer have to decide whether my child is sick enough to go to a doctor. That is the practical effect of this legislation. It is going to help families in our State.

I heard the arguments about over 200 percent of poverty. In our State, we cover up to 300 percent of poverty. That is $51,500 a year. You have to pay a premium. The premium is between $44 to $55 a month for the entire family. But in Maryland, you can't afford health insurance if you make that type of income for a family. This bill will allow us to cover those children. For my own State of Maryland, bottom line means we are going to be able to cover 42,800 more children. In Maryland, we had the tragic circumstances of Deamonte Driver, a 12-year-old who died as a result of untreated tooth decay. That should never happen in America. This bill will help us to cover American families and our children.

I urge my colleagues to support the bill and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I am encouraged that the Senate is taking up the whole issue of health care in America. We know this is one of the most important issues to the American people. We know a number of Americans don't have access to health care, and it is very important that we debate this as a Senate, not just children but the American goal of how do we get every American insured. How do we make sure every American has access to good health care throughout their life and their children do as well? We can agree on that goal. It is not just about children, it is about health care in America and figuring out as a Congress how do we make sure every American has access to good health care.

The question today and the question we need to continue to debate is: Do we want the Government to provide that health care or do we want to figure out how to make sure that individuals have access to a health insurance policy that they can own and keep? Because we know the best and most efficient delivery of health care is going to come through individually owned policies that people don't lose when they change jobs, they don't lose when they retire. I hope our focus will turn from Government health care to helping individuals have a policy that they own and can keep. We should all question, do we want the Government that ran the Katrina cleanup or runs the Post Office or spends $1,000 for a hammer at the Pentagon and wastes billions, literally hundreds of billions of dollars in waste, fraud and abuse every year, do we want that Government to take care of our children, to take care of our seniors, and to run the health care system today?

We are talking about health insurance for children. A number of people are saying individuals cannot afford to buy it. Before we consider that, we need to realize this Congress has made it very hard, if not virtually impossible, for individual Americans to have a health insurance policy they can own and keep. We need to be reminded that this Congress has created a Tax Code that gives tax breaks to businesses who provide health insurance but not to individuals who want to buy it. That means the cost of individual insurance is higher and many times unaffordable. We have proposed in Congress—unfortunately, my Democratic colleagues have fought back—to allow small businesses to come together and pool their resources so they can buy health insurance and make it available to their employees when they cannot afford it as individual companies. But this Senate killed that idea. It would have made it more affordable for individuals. Yet we complain about the uninsured.

We know a number of States have added so many mandates onto their insurance policies, it is too expensive for citizens to buy it. Yet this Congress will not allow Americans to buy health insurance anywhere they want in the country. We have allowed individual States to create monopolies, where someone in South Carolina can't buy a policy from New Mexico unless it is certified in South Carolina. We know we could create a national market and make individual policies much less expensive, but this Congress would not do it.

The fact is, this Congress has made individual health insurance unaffordable and unaccessible to Americans and now, today, we are going to ride in on our white horse and save the day with Government health insurance.

Children should have health insurance. This whole plan of children's health insurance started for poor children whose families make too much for Medicaid but were still under 200 percent of poverty. Today we are proposing not just to reauthorize and continue this program for poor children but to raise it so children and families with incomes up to $82,000 are going to get free Government health care. When this plan is fully implemented, about 75 percent of the children who live in America today will be on Government health insurance, which means we as a Congress have made a decision that we want America to have Government health plans and not to have individual plans they can own and keep. Because if 75 percent of the children are on Government plans and our seniors are on Government plans and many of our military are on Government plans, there is no more room for private market health insurance policies to work. In effect, what we are doing is deciding today that we want national health care in America when we vote for this.

I have heard this bill talked about as a compromise and that we can split the difference. But colleagues, you can't split the difference between freedom and socialism. You can't split the difference between Government health care and individuals owning their own health plans. We are talking about something that doesn't exist. What we have split the difference between is spending $80 or $90 billion more than we need for poor children, and we have brought that down a little bit. We have funded it with some bogus funding, and we think we are doing something to help America.

This bill is not for children. This bill is selling out the future for every child in America because we are turning this country into a socialistic style of government, taking away people's freedom. We are here, once again, pretending we are doing something we are not. We are not taking care of children. We are selling their freedom away under the pretense of children. We have learned in this body that all we have to do is do it for the children and come down and say it applies to children, and we dare anyone to vote against it. I am going to vote against it because this is not for our children, and it is not for our country.

We are selling out our future. If we would focus ourselves on helping individuals access private policies, we could get every American insured. If we made our Tax Code fair for everyone, if we allowed States to partner with us, we could have every American with a health insurance policy without the Government running this. We should not even pretend we expect this Government to run the health care system in an efficient way.

Colleagues, I appreciate the debate on health care. We need to have it. We need to have an American goal that every citizen is going to have access to good health care and health insurance. This is not the way to do it. This is a decision to become more like socialized Europe, to sell out our freedoms, and to give Government control of our health care.

I encourage all of my colleagues to rethink this decision to vote for this bill, and to vote against it.

I yield back.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Chair. I believe I have up to 10 minutes, and I yield myself that time.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, I have heard my distinguished friend from South Carolina, and have great respect for his thought process, for the way he presents things. Frankly, I do not mind listening to him, so I was here early, and I got to hear what he had to say.

But we have been working on this issue of SCHIP for more than a few months, in fact, for more than a few years. So some come in at the end and have a whole new theory about it, and others, like myself, who happened to be the Budget chairman back a few years ago, when this program was born—and I remember making room for it in a budget resolution so it could be a reserve fund, and we could end up with this amount of money. It kind of lived through 2 or 3 years of getting knocked around and not doing its job, and doing part of it, and as things progressed I ended up supporting a proposal that involved SCHIP.

This Children's Health Insurance Program Act of 2007 is now before us. I indicated my support for it when Senator CHUCK GRASSLEY and his cohort, the chairman of the Finance Committee from Montana, were putting together a compromise bill using this money that had been allocated for health care some 3 or 4 years ago. So I supported it as Senator GRASSLEY and others put together a program.

New Mexico has a terrible problem with uninsured children. Nearly 25 percent of the children have no insurance—worst in the country. SCHIP will help this problem, no doubt about it.

The bill we are voting on today—whether my good friend who spoke just before me agrees with the terminology—is a compromise. Many on the other side of the aisle wanted $50 billion to $70 billion more in spending. On my side of the aisle, they wanted much less. Some wanted as low as $5 billion. This bill gave us $35 billion—right down the middle. Whether that means anything, it does to me. It means some people worked very hard to try to get a bill we could support, that would begin to get us somewhere with reference to changing the direction of health care for children who might see light someday. The bill gave us $35 billion, I repeat.

In August, I came to the floor and made a statement. I said I did not like what the House of Representatives was doing. I said I did not support massive increases in spending and eligibility proposed by the House. I made it very clear I did not want a reauthorization that included revisions to the Medicare Program.

Now, I am just one Senator, but it turns out that five or six or seven Republican Senators somehow or other all thought the same way. They were thinking just as I was, that we were not going to let ourselves get used so that this SCHIP was opening a crack in the door, and we did not know what we were talking about, and we would open the door, and we would spend three times what we had in mind.

Well, that was not going to happen. Senator GRASSLEY came around and asked, and I said: $35 billion. That is it. If you put any more in, I am out.

I remember him coming to me and saying: Is that it?

Twice I said: That is it. Don't bother me anymore. I am your friend, but anybody can understand $35 billion is $35 billion. It is not $38 billion. It is not $50 billion. If you want to do any more, go look for somebody else to make your majority.

He said: No, I don't want to do that. I want you. Is that all you will do?

I said: Yes, that is all I will do.

So everything I did is not part of the record, but I am reflecting for the Senate and for those on my side of the aisle who do not understand why I am doing what I am doing and want the President to veto this bill. I do not want him to veto it. I think it is a mistake, and I am saying it right now, and I will say it again.

But I did say I did not want massive increases in spending and eligibility proposed by the House. I did say I did not want a reauthorization that included revisions to the Medicare Program. Clearly, I made that point. I made it not only to Senator GRASSLEY, but I made it to the chairman of the committee, Senator MAX BAUCUS of Montana.

We got to where Senator BAUCUS would speak to me every 2 or 3 days and report to me what was going on. I was not on the conference. But the reason he did that was he understood if he went to conference and changed that $35 billion, which had become a very important number, he would start losing me.

So I was just as effective as being at the conference, but so were about seven or eight others who were still on board and who still think $35 billion is enough because the cheapest insurance around is insurance to cover children. We all know that. Now, that is not degrading. It is a fact. You can buy more insurance for children per dollar than for any other class of people. That is logical. Children do not get sick as much as old people. They do not get sick as much as middle-aged people. So they are healthy. The insurance is cheap.

Now, the conference committee listened—the one that Senator GRASSLEY and Senator BAUCUS were part of—they compromised the bill before us, and they did it in a fair way. What was fair? Thirty-five billion dollars—no more, no less—the amount we had agreed to that we said we would help them with. If they wanted to dream about big dreams for this small program—that I remember vividly we started in the Budget Committee, and it languished around. We started it some 4 years ago, or 5. I have not been back as chairman of that committee for quite a while, so it was not done yesterday.

The conference committee, as I said, listened, and they did exactly what Senator GRASSLEY and Senator BAUCUS had told us would happen. They provided $35 billion in new resources to provide health coverage for millions more children in working families.

Here we get into an argument: Who is working in families and who is not? Well, I understand we could have that argument and extend it beyond 8 o'clock. We could be here until morning. But we are not going to do that. It is established.

It strengthens outreach and enrollment efforts to make sure all children who are eligible for the program get the services they need. That has always been a problem with children. The Presiding Officer knows that. We cover children, and then in 2 years they come back and say: Yes, we covered them, but they did not get covered.

What do you mean?

Well, we did not find them.

Well, how do we find them?

Well, the best way is to wait until they go to the emergency room, and then you find them in the emergency room and you sign them up.

I thought: My, is that the best way we can do it? It turns out it is very difficult, especially among our poor people, to get them to round up their children and come and get them lined up. The best way is if they happen to go to a hospital. You get them then. You don't want them to go to a hospital, but I am telling you what it turns out to be. Maybe it has changed since I last worked on this. Years do go by. But I think what I said is still right.

It also makes improvements to the program such as mental health parity, which I know a little bit about. I am glad this legislation ensures plans that offer mental health services provide benefits that are equivalent to other physician and health services. This is one of the most difficult areas of unfairness for American coverage we have had, and we are making big strides toward resolving it. This bill makes its little contribution to resolving that problem.

The administration has issued a statement indicating the President will veto this legislation. Mr. President, that is a mistake. Maybe you will win; maybe you won't. I guess in the Senate you won't win, Mr. President. Maybe you will win in the House. I don't know. But this will not go away. It is solved. It ought to be done. We ought to go on and look somewhere else if we are going to try to find money to save. Those who think this is a great veto item, I think what I have just explained is, it is not a very good one. We ought to go ahead and take care of some of the children and get on to some other issues.

A majority of my colleagues have said they support this bill. Sixty-nine Members voted for cloture this morning—cloture meaning to cut off debate and get on with the vote.

My commitment to children's health care remains firm today. It remains as firm as when I agreed to the first use of SCHIP money in a new and different, innovative way so its asset value could multiply significantly. I support the passage of the compromise SCHIP reauthorization.

All in all, it is a pretty good bill. I hope it outlasts our debate and is voted on tonight. Then I hope it is not vetoed by the President.

I yield the floor and thank the Presiding Officer for recognizing me.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 10 minutes.

Mr. THUNE. Mr. President, I have listened intently to much of the debate today on this SCHIP reauthorization. Let me preface my remarks by saying, first and foremost, I do support children. I like children, contrary to the implication that has come out of this debate that people who are not in favor of this particular piece of legislation are not in favor of the children. I am very much supportive and in favor of helping children. Furthermore, I also

support extending the SCHIP program. I would even support increasing funding for the SCHIP program in a way that would cover those children who are eligible but are not currently being covered.

That is a substantial number of children across the country, which is why I think it is essential if we are going to reauthorize this program, if we are going to extend this program, we do it in a way that takes into consideration there are a lot of children in America today who are eligible for the SCHIP program who are not being covered. So, frankly, I support not only extending the program but also increasing funding for the program.

We had a number of amendments that would have done that during the debate in the Senate that would have increased it substantially and, frankly, would have also, according to the CBO, covered more children than this piece of legislation we are going to vote on today.

But I have to say for a lot of us who do support extending the existing program and increasing funding to cover children who are eligible but not currently covered, this is a bridge too far because what this essentially does is, it not only expands the scale of the program, it expands the scope of the program. That is where a lot of us take issue with this legislation.

If you look at what the SCHIP program costs today, it is about $5 billion a year. It has cost us $40 billion over the course of the last 10 years. This legislation today would increase the 5-year cost to $60 billion, the 10-year cost to $121 billion. So where we are paying $5 billion a year today for the SCHIP program, this increases that to $12 billion a year, $60 billion over 5 years, or a $35 billion increase over the existing program, and $121 billion over 10 years.

Now, that again is an expansion, not just of scale but also of scope, because this covers adults, it increases the income levels that are eligible under the program that the States can incorporate up to 300 percent of the poverty level, and even allows and grandfathers in those States which have asked for waivers to go to 300 percent or 400 percent of the poverty level. So it does substantially increase or expand the scope of the program.

I think the other thing which is important and which is a concern for me in this whole debate is the fact that when you get to the year 2012, it is no longer paid for. Nobody here is disputing that fact. This is funded for the first 5 years or so of this program, but when you get to the last 5 years of the program, there is a cliff, and there isn't funding there to fund the program. In fact, the funding which is provided in the form of a cigarette tax increase actually assumes there are going to be 22 million new smokers over the course of the next 10 years. That would create a substantial number of problems for the health care system in this country and is certainly not something we want to encourage. But the reality is that when you get to 2012, you hit a cliff, and this is not paid for. It is going to have to be paid for in some form or fashion, which we all assume is going to be some substantial tax increase because it is going to be about $60 billion underfunded during the last 5 years of the program.

The other thing I will say which is, again, of great concern to me is this doesn't solve the underlying problem we have in this country. We have a health care problem in this country that needs to be addressed, that Congress needs to address head-on.

There are a lot of wonderful proposals and ideas that have been discussed, some of which have been proposed in the form of legislation, some of which have been voted on, and some of which have been defeated in the Senate.

A small business health plan, something many of us have supported for a long time, going back to my days in the House of Representatives, actually has been defeated on numerous occasions in the Senate. It is a proposal that would allow small businesses to form together, to leverage that group size they have and be able to lower the cost of health insurance coverage.

We heard my colleague from South Carolina talk earlier today about a national market for health care.

We have had suggestions, bipartisan suggestions about allowing a tax deduction that each individual could use in order to buy health insurance.

There is the proposal for a tax credit that has been offered by a couple of my colleagues on this side.

There are a lot of good ideas out there we ought to be adopting, or at least debating, and driving toward health care reform which empowers consumers in this country, which puts more people in charge of their own health care, and which allows them to have access to coverage where they own their own health care coverage and can make better and more informed decisions and get the cost of health care in this country under control. I don't believe this does that because what this legislation does is it increases government-run, Washington-controlled health care. This is an expansion of the government component of health care. It does nothing in the long run to address what is a very serious crisis in this country; that is, the need to bring reforms to our health care system.

The other thing I will say which I, frankly, take issue with as well with regard to this legislation is the fact that low-cost, efficient States such as South Dakota—and we have a 200-percent Federal poverty level in our SCHIP program in South Dakota—end up subsidizing higher costs in inefficient States. We have taxpayers in South Dakota who are covered, as I said, up to 200 percent of the Federal poverty level, or about $41,000 per family, who are going to end up subsidizing States that choose to exercise the option to go to a higher level. Frankly, there is no incentive for States not to go to the higher level, to go to the 300 percent, and those that already have requested waivers to go to 350 or 400, you are already talking about, in the case of 400 percent of the Federal poverty level, over $80,000 a year.

Now, what is ironic about that is the Federal Government is going to be telling people in this country that not only are you poor—in other words, you are eligible for this particular low-income health insurance program—but you are also rich, so rich that you are going to be subject to the alternative minimum tax.

I offered an amendment to the debate we had weeks ago that would have prevented those who are subject to the alternative minimum tax because under the Internal Revenue Code in this country they are considered rich—rich enough to pay the alternative minimum tax—that would have said that people who are subject to the alternative minimum tax cannot at the same time be eligible for a program that is designed to help low-income families and low-income children. That was defeated in the Senate by a vote of 42 to 57.

So there are a lot of issues with regard to this legislation that give me grave concerns, reasons that I can't support it. As I said before, an expansion of a government-run health care program in this country—it is not paid for after the year 2012—leads us toward nationalized, Washington-controlled health care and moves us away from what ultimately ought to be our goal; that is, providing access for more Americans to coverage through our market-based system in this country.

It requires that low-cost, efficient States such as my State of South Dakota are going to be subsidizing high-cost, inefficient States—States such as in the New Jersey, New York area—that are already talking about going to 350 percent or 400 percent of the poverty level, which, as I said earlier, in the case of New York, that would get you up to where you would have those in the income level of over $80,000 a year qualifying and being eligible for a program that is designed to help low-income children and low-income families and, ironically, subjects them to the alternative minimum tax. The alternative minimum tax was a tax put into place in the first place to tax people who are making too much money and not paying enough taxes. That, to me, seems to be a very conflicted message we are sending with this bill.

We need a strong, market-based health care system in this country. We need to start that debate. This debate delays that debate because we are going to be adopting legislation that increases—adds to the government-run component of health care in this country and moves us away from the debate we ought to be having, which is, how

can we improve access for more Americans to affordable health care coverage, where they can own their own coverage, where they don't have to rely on a government system that is inefficient, that is Washington-based, and that is controlled by bureaucrats here in Washington, DC?

We want to put people and patients more in control of health care. This particular bill does not do that. I will be voting no, and I urge my colleagues as well to vote no. I hope we can get to the big debate, the debate we ought to be having; that is, how do we reform the health care system in this country?

With that, Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in support of the legislation that will extend and increase funding for the State Children's Health Insurance Program.

One of the very first bills I cosponsored as a new Member of the Senate back in 1997 was the legislation that first established the SCHIP program. I remember Senator HATCH coming to talk to me about this bill and enlisting my support for it. I am very happy I was one of the original cosponsors of the SCHIP bill.

This program provides much needed health care coverage for children of low-income parents who simply cannot afford the cost of health insurance and do not get health insurance through the workplace; yet they make a little bit too much money to qualify for the State's Medicaid Program.

Since 1997, the SCHIP program has contributed to more than a one-third decline in the number of uninsured low-income children. That is a tremendous success. It is hard for me to understand why anyone would vote against an extension, a modest expansion, of what has been such a highly successful and effective program. Today, an estimated 6.6 million children, including more than 14,500 in the State of Maine, receive health care coverage through this program.

Still, as this legislation recognizes, there is more we can do to further decrease the number of uninsured low-income children. While the State of Maine ranks among the top four States in reducing the number of uninsured children, we still have more than 20,000 children who don't have coverage. Nationally, about 9 million children remain uninsured.

Unfortunately, the authorization for the SCHIP program, which has done so much to help low-income children in working families obtain the health care they need, is about to expire. That is why I encourage and I urge all of my colleagues to join me in supporting this legislation.

I commend the Senate conferees on this bill. They did a very good job of coming up with a very reasonable proposal—a proposal that costs less than the House version and yet will make a real difference to low-income uninsured children. I would point out that this is a bipartisan bill. On the cloture vote earlier today, it had overwhelming support, as 69 Senators voted to proceed with the vote on this bill.

The legislation that is before us will increase funding for the SCHIP program by $35 billion over the next 5 years—a level which is sufficient to maintain the coverage for the 6.6 million children currently enrolled, as well as to expand the coverage so that we can reach more children who are currently uninsured. In the State of Maine, the bill before us will allow us to cover an additional 11,000 low-income children who are currently eligible for SCHIP but not enrolled.

The bill also improves the program in a number of important ways. Like Senator DOMENICI, I am very pleased that the bill includes a requirement for States to offer mental health services through their SCHIP program. Treating behavioral and emotional problems and mental illness while children are young—early intervention—can make such a difference. I know from hearings I have held in the Homeland Security and Governmental Affairs Committee that the current systems for providing mental health care to children are woefully inadequate. The result is oftentimes parents are faced with a horrible choice of giving up custody of their children in order to secure the treatment they need for serious mental illnesses. That is a choice no parent should ever have to make.

We also need to improve oral health care, dental health care for children, and this bill will do just that. Despite the demonstrated need, children's dental coverage offered by States isn't always what it should be. Low-income and rural children suffer disproportionately from oral health problems. In fact, 80 percent of all tooth decay is found in just 25 percent of children—80 percent of the problems in 25 percent of the kids. That is simply because they don't have access to oral hygiene, they don't have access to dentists and dental hygienists who could help ensure their health. I am very pleased, therefore, that the bill before us will strengthen the dental coverage offered through SCHIP to ensure that more low-income children have access to the dental services they need to prevent disease and promote good oral health.

Finally, the bill will eliminate the State shortfall problems that have plagued the SCHIP program as well as provide additional incentives to encourage States to increase outreach and enrollment, particularly of the lowest income children.

The bill before us today is the prescription for good health for millions of our Nation's low-income children in working families. That is why I am so disappointed that the President has threatened a veto of this legislation. I just do not understand his decision, and I think it could be a terrible mistake. This important program can simply not be allowed to expire. I urge all of our colleagues to join me in supporting it.

Let me make one final point. I have heard a lot of our colleagues on my side of the aisle argue that we need a far more extensive debate on health care policy in this country, and they are right. But we should not hold the SCHIP program hostage to that broader debate. We do need a broader debate. We need a broader debate on how to lessen the number of uninsured Americans, which now exceeds 45 million Americans. We need a broader debate on how to help our small businesses better afford the cost of health insurance for their employees.

We need a broader debate on how we can effectively use the Tax Code to help subsidize the cost of insurance for those who don't receive insurance through the workplace.

I hope Senate leaders will charge the relevant committees to undertake a couple of months of hearings to bring together the best minds possible and then dedicate a month of debate on the Senate floor to a wide variety of solutions to both promote broader access to health care, to help our uninsured better afford health coverage, and to improve the quality of health care in this country.

That is an important and overdue debate. In fact, the Senator from Louisiana, Senator LANDRIEU, and I have, for several Congresses, introduced a broad health care bill with these goals in mind.

Let us not jeopardize the existence of a successful, effective program for low-income children because we want to have that broader debate. Let's send this bill to the President. Let's urge him to sign it into law, and then let's turn our attention to this long, overdue, much needed debate.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I want to begin my remarks by noting that, along with my colleagues, I support reauthorization of SCHIP. Unfortunately, the bill before the Senate today is not just an SCHIP reauthorization; it is an SCHIP expansion, based on the following misguided principles:

First, it would turn a program for low-income children into a program for adults as well.

Second, it expands SCHIP to cover children from higher income families.

Third, it covers people already insured, not just the uninsured.

Fourth, it circumvents budget rules to hide a $41 billion cost not paid for under the bill.

I will address the first issue. When we authorized this program in 1997, the Republican-led Congress intended SCHIP to provide health coverage to low-income, uninsured children. Ten years later, the program created for children covers adults.

In fiscal year 2006, 14 States enrolled over 700,000 adults in SCHIP. In fact,

this year, 13 percent of SCHIP funds will go to adults other than pregnant women. For example, Wisconsin covers almost twice as many adults as children under the SCHIP program, spending 76 percent of its SCHIP funds on adults. Illinois spends 62 percent on adults. Rhode Island spends 54 percent on adults. New Jersey spends half of its money on adults.

So what happens under the bill before us? It allows the States, with these existing waivers, to continue enrolling new parents—adults, obviously—at a higher reimbursement rate than Medicaid.

There is no ''a'' in SCHIP. If Congress created SCHIP for low-income children, we in Congress should ensure that is where the funds go; otherwise, we are being dishonest with the American people and we should rename the program.

Second, when the program was created, in 1997, we targeted low-income children whose families earn too much to qualify for Medicaid but not enough to obtain private health insurance. We never intended for all children, regardless of the income of their families, to become dependent on a Government health insurance program. That is not what is happening today.

Eleven States have income thresholds at or above 300 percent of the Federal poverty level. Rather than refocusing SCHIP on low-income children, nothing in the bill prohibits States from increasing eligibility levels above 300 percent of the Federal poverty level.

In fact, the bill grandfathers in the two States with the Nation's highest levels and at a higher reimbursement rate than the rest of the country. Why should Arizonans, my constituents, pay their taxpayer dollars, which are intended for low-income children, to be sent to New York and New Jersey to cover families earning up to $82,600 a year?

I have heard some say over and over again this will only happen if the administration allows it. That is not true.

First, I direct my colleagues' attention to page 82, lines 3 through 11 of the bill. It states there is an exception for any State with an approved State plan amendment or waiver—that is New Jersey—or a State that has enacted a State law—that is New York. There is an exception. So it is not that the President can stop this. The bill provides the exception.

To clarify the policy even further, page 82 includes new language that was not in the Senate-passed bill. This new language reinforces that States should have the flexibility to set their own income eligibility levels, no matter how high, making it nearly impossible for any administration to reject such State requests.

Third, very importantly, the bill guts an August 17 letter issued by the administration designed to make sure that States enroll low-income families first and foremost. They said you have to make sure 95 percent of your low-income, eligible kids are enrolled in the SCHIP program before you can expand it to cover the higher income families. Well, that has been taken out of the bill and the bill guts the provision.

From my analysis, nothing in this bill gives the administration the clear authority to prevent taxpayer dollars from being sent to higher income families. Even the Concord Coalition, a nonpartisan advocacy group, warns that the bill ''fails to target new entitlement spending at those most in need.''

Third, as a result of expanding SCHIP to children from higher income families and some adults, the bill ''crowds out'' private health insurance and substitutes that coverage with government-run, taxpayer-subsidized insurance.

The Congressional Budget Office estimates that 2 million people will drop their private coverage under this bill. For every two individuals added to SCHIP, or Medicaid Program, one drops private coverage. This is why we say it is a step toward government-run health care—you take people with good private health insurance and take them off of the private health insurance roll and substitute in the government health insurance program.

For the newly eligible populations—the people not yet enrolled in the program—CBO shows a one-for-one replacement, meaning that for each 600,000 newly insured individuals, 600,000 individuals go off of private coverage. Is that what we are all about, what we should be doing here? Should Congress not focus on ways to provide health care coverage to the uninsured, rather than to those who already have insurance? Of course, the answer is yes.

Finally, the SCHIP bill is not paid for. Under our rules, we are required to state the cost of a program such as this over 10 years and pay for it over that time period. Under the bill, SCHIP spending goes up every year for 5 years and, all of a sudden, magically, artificially, the spending drops off precipitously, as if there is no more need for it. It basically disappears. Obviously, the reason for that is to circumvent the budget rules and avoid paying for the bill. The assumption, obviously, is artificial and wrong and everybody knows it. The program is, in fact, going to continue out over the full 10 years; it doesn't stop after 5. So you need to make up the last 5 years.

How much does that cost? According to the CBO, $41 billion will be needed to sustain the program for the last 5 years of the 10-year program. In other words, the bill has in it a $41 billion hole. If you fill in that hole over the course of the 10 years, the cost of the bill exceeds $110 billion. That is why some of us appreciate the President's determination to veto the bill as too much spending on a program that has been expanded way beyond its original purpose and is substituting private health insurance coverage for a new government program.

A future Congress will have no other choice than to disenroll millions of children, which will not happen, or more likely, raise taxes to fill that $110 billion cost. Of course, it will be our children who will bear this bill's deficit.

I will conclude where I started. Like everybody else in the Chamber, I support the reauthorization of SCHIP. I don't support its expansion in the way it has been done under this bill. Republicans have offered a fiscally responsible alternative that reauthorizes SCHIP for 5 years, preserving health care coverage for millions of low-income children. It adds 1.3 million new children to SCHIP. It is offset without new taxes or budget gimmicks. It minimizes the reduction in private health coverage by targeting it to low-income children.

We should pass an SCHIP extension and we should work toward a reauthorization, such as the Republican alternative, that is fiscally responsible and upholds SCHIP's original intent. Doing so is a step toward renewing our commitment to America's children.

Mr. GRASSLEY. Mr. President, since the Senate passed the bill the first time, the subject of ''crowd-out'' has become a lot more important in this debate.

Crowd-out is the substitution of public coverage for private coverage. Crowd-out occurs in CHIP because the CHIP benefit is very attractive and there is no penalty for refusing private coverage if you are eligible for public coverage.

On August 17, CMS put out a letter giving States new instructions on how to address crowd-out.

I appreciate the administration's willingness to engage on the issue. I think they have some very good ideas. But I also think there are some flaws in their policy.

States are supposed to cover 95 percent of the low-income kids. But it has been a month since they issued the letter and CMS still cannot explain what data States should be using.

Personally, I think CMS should have answers before they issue policies. And if they still can't a month later, I believe, as the saying goes, they obviously aren't ready for prime time.

So the compromise bill replaces the CMS letter with a more thoughtful, reasonable approach.

The Government Accountability Office and the Institute of Medicine would produce analyses on the most accurate and reliable way to measure the rate of public and private insurance coverage and on best practices by States in addressing crowd-out.

Following these two reports, the Secretary, in consultation with States, will develop crowd-out best practices recommendations for the States to consider and develop a uniform set of data points for States to track and report on coverage of children below 200 percent FPL and on crowd-out.

Next, States that extend CHIP coverage to children above 300 percent FPL must submit to the Secretary a State plan amendment describing how they will address crowd-out for this population, incorporating the best practices recommended by the Secretary.

After October 1, 2010, Federal matching payments are not permitted to States that cover children whose family incomes exceed 300 percent of poverty if the State does not meet a target for the percentage of children at or below 200 percent of poverty enrolled in CHIP.

Simply put, cover your low-income kids or you get no money to cover higher income kids.

Now I know some people are obsessed with the State of New York and their and their efforts to cover kids up to 400 percent of poverty.

It seems to come up in the talking points of every person who speaks out against our bill. This bill does not allow any State to go to 400 percent of poverty.

In fact, the bill makes it very difficult for any State to go above 300 percent of poverty; it will make it very difficult for New Jersey, the only State currently covering kids above 300 percent, to continue to do so if they don't do a better job of covering low-income kids.

If you are concerned about the State of New York, don't waste your time looking at this bill. You will not find answers to New York's fate here.

The answer is where it has always been—in the office of HHS Secretary Mike Leavitt. Only he has the authority to allow any State to cover children up to 400 percent of poverty. This bill does nothing to change that authority. It is up to the Secretary.

I heartily encourage those of you who haven't to read the bill. It is all there in black and white.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BOND. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair for 2 minutes so that we may bring in a distinguished visitor.

There being no objection, the Senate, at 6:12 p.m., recessed subject to the call of the Chair, until 6:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. WHITEHOUSE).

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—Continued

Mr. GRASSLEY. Mr. President, I think we are ready for closing comments by me as ranking member and Senator BAUCUS as chairman of the committee. Then we will be done with the debate on SCHIP.

Mr. President, first, I thank my colleagues for supporting the vote to move to the consideration of the children's health insurance reauthorization bill so we could avoid a lot of turmoil over getting here where we are to get the business done because I think everybody knows how this is going to turn out.

I appreciate the leadership of Senator REID because he was an honest broker in helping the House to understand what needed to be done in the Senate, and he held a lot of meetings on this subject.

I thank my good friend, the chairman of the committee, the Senator from Montana, Mr. BAUCUS, for his leadership in forging this compromise in a bipartisan way.

I also have to recognize people who sat in on a lot of these meetings and worked hard and are part of this compromise: Senator HATCH and Senator ROCKEFELLER. In particular, Senator HATCH has been a stalwart through this process because he was the leader in creating the Children's Health Insurance Program when it was first inaugurated 10 years ago. The continued leadership he showed was very good and necessary.

I realize some in the majority want to do more than we do in this compromise. I know it wasn't easy for those on the other side of the aisle to convince some of their colleagues that this was the right course. But we have a bipartisan bill in the Senate, and now we have a bill with strong bipartisan support in the House of Representatives. We picked up a massive number of Republicans who did not vote for it the first time in the House of Representatives.

Currently, the SCHIP program covers kids at incomes far beyond what was considered low income in the original statute. It covers parents and, in some States, it even covers childless adults. With this reauthorization, this program will return to its original concept: helping the lowest income kids and not helping adults as the program evolved beyond the perceptions that were there 10 years ago when this bill was written.

Childless adults who are presently on the program will be phased out completely because this is a children's program, it is not an adults program. States will not be able to get enhanced Federal funds if they decide to cover parents. States will only be able to cover higher income kids if they demonstrate that they took care of the purpose of this legislation, which is to take care of the lowest income kids first.

Every financial incentive in this bill discourages States from spending a penny to cover anyone other than low-income children. And all the financial incentives are entirely focused on the lowest income children. All the rhetoric to the contrary notwithstanding, this bill does not expand the program to middle-income families. It refocuses the program on the lowest income children.

Some of the speeches I have heard on the Senate floor, I wonder what good does it do to make these points over and over because it is just that some of my colleagues on the Republican side of the aisle don't read this bill, don't care what we say. This bill does what they think it does, even if it doesn't do it, and they say that on the Senate floor. Those who say otherwise than what I just said have not read the bill. This bipartisan compromise provides coverage for more than 3 million children who are without coverage today.

In closing, I encourage my Republican colleagues to think long and hard about what I said as this debate began and throughout this debate. If this bill is vetoed—and this is what I would like to have the opponents concentrate on—if this bill is vetoed, if at the end of the day all we do is simply extend the program that has been in effect for 10 years, what will we have accomplished? Will adults be gone from this program who were not supposed to be included in it in the first place? No. Will States have a disincentive to cover parents? No. Will States be encouraged to cover low-income kids before higher income kids? No. Will the funding formula be fixed so States are not constantly challenged by funding shortfalls? No. And finally, will we have done anything to cover kids who don't have any coverage today? The answer is, again, no.

I quoted the President making a promise at the Republican Convention in New York. I did that yesterday. I want to state again what the President said. You can't say it too many times. I hope at some time the President remembers what he said:

> We will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs.

An extension of law, which is what is going to happen if the President vetoes this bill, will not carry out what the President said at the Republican Convention in New York in 2004.

Faced with that, your answer today on this bill, Mr. President of the United States, should be yes. This bill gets the job done that you said in New York City you wanted to do.

I hope the President's answer will be yes because if he doesn't veto this bill, then we will do those things he said he wanted to do. It will help more than 3 million low-income, uninsured children. About half of the new money is just to keep the program running. The rest of the new money goes to cover more low-income children.

It provides better options for families to afford employer coverage.

It takes even more steps to address crowdouts, so we don't move people from private insurance to government-funded insurance.

It phases adults out of the program because this is a children's program, it is not an adults program.

It discourages States from covering higher income kids.

It rewards States that cover more of the lowest income kids.

It puts the lowest income children first in line for coverage.

Here is what the bill does not do:

It is not a government takeover of the health care system.

It does not undermine our immigration policy.

It is not expanding the program to cover high-income kids.

It is not everything that people on my side of the aisle said it is in debate on the floor of the Senate. It is, in fact, a good bill. It is a compromise. I urge my colleagues to support this bill for kids.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, a lot has been said in this debate. Much of it is not true, but much of it is true. One way to determine what is true and what is not true is, frankly, to listen to the Senator from Iowa. I know of no man or woman whom I believe speaks straighter, more honestly, and calls it like it is than the Senator from Iowa. I guess that is why he is elected by such large margins every time he is up for reelection. It has been such a pleasure to work with the Senator from Iowa because he is so straight, so modest. He tells it like it is, and he has no ulterior motives.

All Senators, especially those on this side of the aisle, should listen to him because what he says is true. When he describes what this bill contains and does not contain, he is accurate. So if a Senator is trying to figure out who is right—because we have heard all kinds of claims on both sides—it is my judgment that what you hear from the Senator from Iowa, you can take to the bank because that is the truth as to what is and is not in this bill.

As we close out this debate on the reauthorization of the Children's Health Insurance Program, I wish to take the time to remind us all what our goals are—and not just our goals but what our duty is as Senators.

Today, the health of many of our Nation's low-income children is in our hands. It is that simple. We hear lots of stuff around here, but the bottom line is, the basic point is, the health of many of our Nation's low-income children is in our hands.

We are here today not only to make sure children who currently have health insurance keep it, but also to make sure that many more low-income children get coverage. This is important because not having health insurance affects a child's life. Uninsured kids do not go to the doctor. They do not have checkups. Uninsured kids remain undiagnosed for serious childhood conditions such as asthma and diabetes. Uninsured children are not diagnosed with learning disabilities, and they struggle through their classes. Kids who do not have insurance do not see a dentist. They don't get cavities filled and risk serious illness due to poor dental health.

Adequate health care is a critical foundation for a healthy life. Insuring our children is a smart economic investment for our Nation's future. It is the only choice if we wish to imbue future generations with strong minds and healthy bodies. It is quite simple. Health insurance has a direct effect on a child's performance in school. Healthy children are more likely to go to school, they are more likely to do well in school, and they are more likely to become productive members of the workforce.

Parents of children with health insurance are less likely to miss days of work to care for their sick children. When America insures our children, we all benefit.

The bill before us reflects a lot of hard work. It represents Democrats and Republicans working together, and I mean that. That is not an idle statement. That is not a throwaway. Both sides are working together. This is one of the few times when both sides, on very important legislation, worked very well together. Why? Because it is the right thing to do.

We worked together to craft legislation that will give millions more American children the healthy start they need for a long productive life.

I hope the President finds it in his heart to reconsider and make the right choice, the only choice. I hope he will join Congress in making our children's future and America's future a brighter one. I hope he thinks, reflects about our country, the greatness of our country when he is trying to decide whether to sign the bill or to veto it.

I have faith, I have hope that when the President of the United States makes that decision, he will realize discretion is the better part of valor; that he will realize the right thing to do is to help our Nation's low-income kids. Further debate about health care reform can be pushed off into the future. That is a separate issue. That has nothing to do with this question.

This country will engage in national health reform. We have to. The President is talking about it. We in the Congress talk about it. That is an entirely separate issue. This is only maintaining a current program enacted in 1997, totally bipartisan. Senator Chafee from Rhode Island and Senator HATCH from Utah worked together to get this bill enacted because it was the right thing to do.

It has been very popular. Nobody has had any questions about children's health insurance. It has worked. Now it has expired. The question is, what do we do about it? This legislation does not change current law in any way. It just maintains the program and provides a few more dollars for more low-income kids to get health insurance, and it does not do anything more than that. That is what this is. It is a separate issue from the national health insurance reform debate, which we will get into and must get into at a later date.

I hope the President of the United States, when he is faced with that decision, will sign this bill and realize this is the right thing to do for kids, and tomorrow is another day when this country appropriately will debate national health insurance reform. But right now, let's help some kids.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa has 11 minutes remaining.

Mr. GRASSLEY. I yield back that time, Mr. President.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 43, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 43) increasing the statutory limit on the public debt.

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate equally divided between the leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Mr. President, in the play ''The Taming of the Shrew,'' Shakespeare wrote: ''There is small choice in rotten apples.''

I feel a little like that whenever we have to raise the debt limit. It is a small choice in rotten apples. The choices are all bad. Really, though, there is no choice.

The legislation before us would increase the limit on the debt issued by the U.S. Government by $850 billion. The House has sent us this legislation. Essentially, we have no choice but to approve it. If we fail to raise the debt ceiling soon, the U.S. Treasury will default for the first time in its history. Plainly, especially in this credit crisis, we cannot let that happen. If we don't raise the ceiling before Monday, Treasury Secretary Paulson will be forced to take special measures to prevent the default from occurring. He feels those actions would create uncertainty in the financial markets. He thinks it would be unwise to add any uncertainty to the financial markets right now, and I agree with that. The markets already have enough uncertainty arising from the foreclosures on subprime mortgages. But there is no way around this. These are some rotten apples.

This increase in the debt ceiling will be the fifth increase during this administration. It increased by $450 billion in 2002, it increased by $984 billion in 2003, it increased by $800 billion in 2004, and it increased by $781 billion in 2006. Today's $850 billion increase in the debt ceiling will be the third largest increase in our Nation's history. The largest increase was the $984 billion hike in 2003. Once today's $850 billion increase is enacted, the fourth largest rise will have been the $800 billion in 2004. The fifth largest increase will have been the $781 billion hike in 2006.

There is no way around it. This is a poor fiscal record. When you add today's $850 billion increase to the previous increases since 2001, the debt ceiling will have increased by almost $4 trillion during this administration. The debt ceiling will have increased from about $6 trillion at the beginning of this administration to about $10 trillion now—$6 trillion at the beginning of this administration, the debt ceiling, will be increased now to about $10 trillion. That is a two-thirds increase in the debt ceiling in 7 years.

Unfortunately, for us today, there is little choice at this moment right now. There are other choices we should be making in this Congress and in this country with respect to our fiscal situation, but today, at this moment, with respect to the debt ceiling, there is little choice. The Government has already borrowed the money that has caused its debt to reach the current ceiling. It has already been borrowed. To keep the Government running, the Treasury now needs to borrow more money. The Treasury cannot do that unless we raise the debt ceiling.

Why is it unfortunate the Government has gone into so much debt? The answer is it lowers the standard of living for future generations of Americans. That is hardly the legacy we should want to leave for our children and grandchildren.

If the U.S. Government borrows money, it competes for funds from the global financial markets. Unless Americans begin to save more, these funds will come from foreign lenders. As a result, we will owe foreigners interest on those funds in future years. Because Americans will have to pay that interest to foreigners, we will have less money to spend on goods and services, and the standard of living for Americans in the future will be lower than it otherwise would be.

It is happening already. It is happening because the dollar is declining. It is declining quite precipitously. Why is the dollar declining? Probably because our fiscal policy has not been very sound. We have been borrowing so many dollars from overseas. Our current account deficit is so large. We have been consuming at such rapid rates that, finally, the chickens are beginning to come home to roost. The dollar is starting to decline, and it is making it very difficult now for Americans, on the margin, to live at the same living standard.

With the dollar declining—and, again, it is declining because foreign investors are starting to think maybe it is wiser to invest their dollars, on the margin, elsewhere—when the dollar declines, that means imports are more expensive and consumers have to pay more than they currently have been paying for those same products. It means American companies are now able to raise their prices to the levels of the more expensive foreign imports. It means, frankly, that average Americans are facing more costs for the same goods.

On the other hand, the most wealthy people in America can invest in foreign currency and take advantage of the dollar. But the average American cannot do so. So what we are doing today, with our very high debt, is essentially lowering our living standards.

Further, the amount of U.S. Government debt held by foreigners is troubling. As of December, 2006, foreigners held an enormous $2.2 trillion of debt issued by the U.S. Government. For example, Japan held $644 billion of U.S. debt, and mainland China held $350 billion.

I might add that a lot of these foreigners are starting to change their investment patterns. They are developing sovereign wealth funds. They are diverting some of their currency holdings. China is a good example. They are not just buying U.S. Treasury notes, bills and bonds, they are starting to do more direct investing around the world. That too is starting to have, on the margin, a slightly negative effect on the dollar.

In December, 2001, foreigners held a total of $1 trillion in U.S. debt. Thus, foreign-held debt has increased from $1 trillion at that time, December 2001, to about $2.2 trillion in December, 2006. That is a 120-percent increase since 2001. Over time, the cumulative interest payments on these holdings will be very large.

The significant foreign holdings of U.S. debt create two more serious problems. The first problem relates to a falling dollar, as I have mentioned. If the dollar falls, the value to foreign holders of U.S.-issued securities falls. If the dollar continues to fall, at some point, foreigners may become scared of further drops. To protect themselves, they may sell their holdings of U.S.-issued securities. And a large sell-off could happen precipitously and cause interest rates in the United States to rise immediately. A recession would likely follow.

I am not saying that is going to happen, but I am saying the probability of that happening is getting greater and greater and greater with the passage of each day.

Today, the dollar is at another all-time low against the Euro, and the Canadian dollar has reached parity with the U.S. dollar for the first time since the 1970s. If the dollar continues to fall, we could see foreigners selling off U.S.-issued securities at some point.

The second problem concerns our national security. Currently, almost 60 percent of U.S. debt held by foreigners is in the hands of foreign central banks or other official foreign government institutions. That amounts to about $1.3 trillion—clearly, an enormous figure.

So what happens if we get into a trade dispute with one of these countries, or a military or diplomatic dispute? The government of one of these countries could prevail upon its official institutions to threaten to sell off some or all of its holdings of U.S.-issued debt. If such an action occurred, it would drive up interest rates in the United States and cause a recession. The threat of such action would give the foreign country significant leverage in its trade or military or diplomatic dispute with the United States, which would be very unfortunate.

Again, I am not saying it is going to happen right away, or it is going to happen at all. But I am saying, given the deterioration of our fiscal situation, it is, on the margin, slowly, inevitably, irrevocably giving these other countries more leverage over us in any policy dispute they may have with us.

The revenue and spending laws that have helped to create the need for this huge jump in the debt ceiling were enacted some time ago. We piled up huge budget deficits in recent years by not having enough revenues to pay for our spending. So the Treasury had no alternative but to borrow funds to make up the difference, because we, obviously, had been spending more than we were taking in. The Treasury, therefore, had to borrow. And that is the problem; it is the added borrowing year after year after year after year in the amounts I have already indicated.

The responsible thing to do right now is to raise the debt ceiling because we have to. This debt ceiling is similar to a credit card. The bill is due. You have to pay what is on the credit card. But the goal is to make sure there aren't future increases in that credit card bill. We have to pay what the credit card bill is. That is the legal obligation. So there is no choice, and it is the responsible thing to do. But it is also the responsible thing to do to reduce the need to raise the debt ceiling again in the future.

We need to stop running annual deficits in our Federal budget. We need to stop cutting taxes when we cannot afford to do so. We need to stop increasing spending when we cannot afford to do so. It is easy around here to cut taxes, it is easy around here to raise spending. Fortunately, we have these pay-go rules now which makes it that much more difficult to do, and we have to basically heed the basic principles behind pay-go.

The beginning of the retirement of the baby boom generation next year will create needs for even more spending. Our ability to achieve balanced budgets will become more difficult. Nonetheless, we ought to balance the budget. It is the right thing to do. It would send the right signals in so many ways all across the country and around the world that we are getting our act together and living within our means. It is such a powerful force, in my judgment. We have to do it, otherwise we are going to keep piling up more and more debt and the dollar is going to potentially continue to fall, and living standards will continue to fall for Americans. So let us raise the debt ceiling now because we have no choice. But let us also work together to balance the budget in years to come. That is the only way we can keep from

having to enact more increases in the debt limit in the future. When it comes to that burden as well, there is no choice either.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the current law is that we have a statutory limit on the amount of money the Federal Government can borrow, and that has to be reconsidered from time to time. The legal limit applies to the money borrowed from individuals, private investors—such as banks and pension funds—as well as money borrowed from other governmental programs that are in surplus—such as Social Security and Medicare, or what we call intergovernmental borrowing.

Increasing the debt limit is necessary to preserve the full faith and credit of the United States of America. Without an increase in this limit, our Government will face a choice between breaking the law by exceeding the legal limit or breaking faith with the investors by defaulting on debt. Neither of those choices is acceptable, and we have never done them.

Critics sometimes object to raising the debt limit on grounds that it will allow the Government to borrow more money, but refusing to raise the debt limit is akin to refusing to pay your individual credit card bill after you have already gone shopping and bought something. We cannot pass tax bills and spending bills and then refuse to pay our bills. The time to control the debt is when we are voting on bills that actually create that debt.

Raising the debt limit is about meeting the obligations we have already incurred, it is that simple. We must meet our obligations. So I urge my colleagues to support this increase.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senate is now considering a measure to further increase the Federal debt limit. This is further confirmation of the Bush administration's failed fiscal record. It represents now the fifth time the President has come to Congress asking for more debt.

We all know we have no choice in this matter. These are debts that have already been accrued. The question before us is: Do we pay the bills of the United States or do we fail to do so? If we failed to cover our borrowing, if we failed to pay the bill, the creditworthiness of the United States would be called into question and there would be a run on the dollar. There would be economic chaos. So we have no choice, and I hope that colleagues on both sides will take up this responsibility.

We all remember that when the Bush administration came into office, the President said this:

> My budget pays down a record amount of national debt. We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

That is what the President told us then.

We are now able to look at the record. What we see is quite different from what he asserted then. Instead of paying down the debt, the debt has exploded on his watch. Here are the increases in the debt that have been enacted and requested by this President.

First of all, perhaps it is instructive to go back to the period 1998 to 2001, during the previous administration, when there were no increases in the debt. In fact, we were paying down the debt. Then, in 2002, this President asked for and got a $450 billion increase in the debt limit; followed in 2003 by the largest increase ever, $984 billion; followed by $800 billion in 2004, $781 billion in 2006, and now, this year, another $850 billion. This is the debt President. The debt limit of the United States will have been increased, under his direction, by almost $4 trillion.

This chart shows the dramatic deterioration in the budget picture under the fiscal policies of this President. We were in surplus. In fact, we had even stopped, under the previous administration, taking Social Security funds to pay other bills. Under this administration, the deficit skyrocketed and the debt has grown geometrically.

Despite all the assertions of fiscal responsibility, this President has increased Federal spending from $1.9 trillion to $2.7 trillion a year, an increase of nearly 50 percent.

On the war alone—and this puts in perspective the war costs—you will recall the President told us that the war would cost $50 billion. We are at $567 billion and counting. Now we hear of a request for another $42 billion on top of the $147 billion that was allocated this year.

President Bush has indicated and his administration has told us that we should expect a ''Korea-like'' presence in Iraq. Here is what this would mean, according to the Congressional Budget Office. So far, the war in Iraq and Afghanistan has cost $567 billion. CBO tells us a ''Korea-like'' presence would mean an additional $1 trillion in the period 2009 to 2017, and from 2018 to 2057, another $1 trillion, for an addition of $2 trillion to the $567 billion already committed. So the war that was supposed to cost $50 billion is now headed for $2.5 trillion, if we maintain a ''Korea-like'' presence, as called for by the President.

On the revenue side of the equation, where we hear so much from our colleagues about the dramatic improvement in revenue, what you will notice in all of their charts is they just look at the last couple of years. They don't look back to when this administration started. But what you see is real revenues, adjusted for inflation, were $2.03 trillion back in 2000. This year, real revenues are $2.13 trillion. Revenue has been basically stagnant in this country for 6 years.

So when you dramatically increase spending and revenue is stagnant, guess what happens. The debt soars. That is precisely what has happened under this President—from $5.8 trillion in 2001 to a now anticipated $8.9 trillion at the end of this year. This President has run up the debt in a record way. He truly will claim the mantle and the legacy as the debt President.

Not only has he dramatically run up our debt domestically, he has also dramatically increased foreign holdings of our U.S. debt. When he came into office, there was just over $1 trillion of U.S. debt held abroad. In other words, it took 42 Presidents 224 years to run up $1 trillion of U.S. debt held externally. This President has more than doubled that amount in just 6 years, to almost $2.2 trillion. The result of all of that is we now owe Japan over $600 billion, we owe China over $400 billion, we owe the United Kingdom over $200 billion, we owe the ''oil exporters'' over $100 billion, and on and on it goes. We are now truly in need of the kindness of foreigners because if they do not float this boat, if they don't provide the financing for this debt, the United States would be in even deeper trouble. Can you imagine if all of a sudden the Chinese, the Japanese, the British, and the rest decided not to extend us additional credit, additional loans? The interest rates in this country would jump. It would put us into a recession, and we would be in deep trouble. So we are in debt and we are beholden and we are dependent on the kindness of strangers.

Here is what the head of the Federal Reserve has warned us on the danger of growing debt. He said this before the Senate Budget Committee on January 18:

> Ultimately this expansion of debt would spark a fiscal crisis which could be addressed only by very sharp spending cuts or tax increases or both . . . [T]he effects on the U.S. economy would be severe. High rates of government borrowing would drain funds away from private capital formation, and thus slow the growth of real incomes and living standards over time.

The recklessness of this administration in managing the fiscal affairs of this Nation is clear and compelling. It could not be more apparent.

Tonight is one more confirmation of the disastrous consequences of the fiscal policy of this President. He is the debt President. With the action that will be required to be taken tonight, he will have added nearly $4 trillion to the debt position of our Nation. That is a sad legacy, and future generations are going to pay an enormous price for this profligacy—spending without a willingness to pay for it, simply putting it on the charge card, shoving the debt off to future generations, and all the time claiming to be fiscally responsible.

The actions of Congress tonight, responding to the request of the President to once again expand the debt limit by hundreds of billions of dollars—in fact, tonight, by $850 billion in

one fell swoop—should tell us all we must have a new direction for the fiscal course of this country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. 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. COBURN. Mr. President, this evening we have a choice to make that is a true reflection of whether this body has been listening to the American public. We are about to increase the amount of money we can borrow against our children's future by $850 billion. That is almost $1 trillion. What does that say about us? That we can't do what we ask every other American family to do, which is live within our means. It is not about parties. Both parties are guilty. But it is about priorities, and it is about choices.

Many of us know that our approval rating is at an alltime low—11 percent. We have a chance tonight to change that. We have a chance tonight to raise that. We have a chance tonight to prove to the American people that we are listening.

A new Gallup Poll put it this way:

> Americans now express less trust in the Federal Government than at any time in the past decade and trust in many Federal Government institutions is now lower than it was during the Watergate era, generally recognized as the low point in American history for trust in the Federal Government.

Think about that. How is it that we got ourselves to that position? How did we slip to a level below the Watergate era?

Mr. SANDERS. Will my friend yield?

Mr. COBURN. I would like to finish my statement, and then I am be happy to yield to the Senator from Vermont.

One reason is Americans believe we are totally out of touch with the realities they live with every day in terms of budgeting and spending. What I often hear in this body, both by statement and by action, is that we really do not have to choose between two priorities because we can do both. The American people can't do both, but we can do both. How can we do both? What we do is we ignore the choices we have and lay our responsibility on generations to come. That is how we do both. We do not do what is required of us in terms of oversight, eliminating fraud, eliminating duplicative programs, eliminating programs that do not work, that have no metrics. That, by the way, comes to $200 billion worth of fraud, waste, and abuse which has been documented, every year, that we spend, that we are not working on, we are not trying to eliminate. But what we are about to do, because we failed to do that, we are about to increase the amount which our children and grandchildren are going to have to repay.

The problem is there is nobody outside this body who thinks that way—only inside. In the real world, people have budgets they have to live within. Their choices have consequences, and we choose to make the consequences happen to our children and grandchildren rather than accept the consequences. What has made this country great has been the heritage of sacrifice we have seen by multiple generations that have come before us. We are now denying that heritage, as we in this body refuse to accept the responsibility placed on us to make hard choices.

Tonight, we are going to have a vote and we are going to raise the debt limit and we are going to really say: Children, we don't have the courage to do what we need to do, whether it is raise taxes or cut spending or both. We don't have the courage to do that. But we are cowardly enough to shift it off onto you.

That is what it really is. We don't want to go against interest groups that are invested in something that isn't working. We don't want to eliminate the $53 billion a year that is estimated to be fraud in Medicare and Medicaid. We don't want to do anything with the excess 41,000 properties the Federal Government owns that cost us $18 billion a year but we won't do anything with them. We will not do what is necessary and sacrifice so that we can secure the future.

We are going to raise the debt limit because both parties, mine and the leadership party, have refused to restrain spending.

This will be the sixth time since 1997 that the debt limit has been raised. At the same time, earmark spending has skyrocketed. It is over half a trillion dollars in the last 10 years. There are no competitive bids on earmarks, no accountability, no followup, just gifts. Some are great priorities, but there is no system of economic controls.

My own party did a lot to create this mess. In 2005, 82 of my colleagues said building a bridge in Alaska was more important than repairing the bridges in Louisiana.

We said that. This body said that. Last week I asked my colleagues to make a number of choices. I offered an amendment that said until we fix our at-risk bridges and our high-risk highways that will account for 13,000 deaths a year, we ought to delay earmarks until we make that a priority. We lost that vote 82 to 14.

I offered an amendment to prohibit funding on bike paths and horse trails until we have done the same thing. We lost that amendment 80 to 18. I also attempted to strike funding for a peace garden, construction of a new baseball stadium, and a visitor's center, bipartisan amendments. We chose to say, no, we can do that rather than build and restore our highways and bridges.

What is as bad as the choices we make are the choices we ignore. And that is the very real need to do extremely heavyhanded oversight on the waste, fraud, and abuse that occurs every day within the Government that we supposedly have our hands on.

I know we could cut discretionary spending by at least 10 percent. Okay? That is $100 billion a year if we got together and said we are going to work on these programs together. But we are not going to do that. What we are going to do is keep pointing fingers at one another rather than at ourselves and raise the debt limit.

We are not going to do that hard work. I believe the American people are sick of it. Families across America do not have the luxury of loaning themselves new money when they have maxed out their credit. But that is what we are going to do. There is no credit limit for us. One is coming. It is coming as we have seen the price of the dollar fall recently. We will certainly see it fall further in the future. There is going to be a cost.

What this vote means is, instead of using this year's appropriations cycle to trim waste, to decrease spending, reduce the national debt, all we have done is made the problem worse.

First, we have not passed any bills through Congress. The bills that are in conference, with the exception of one, are at 5 to 6 to 7 percent above last year's spending level. So we have admitted we cannot do it. Only weeks after passing a brandnew ethics law, the Senate has now decided it is okay to add new earmarks in authorizing bills. We have also decided that instead of making sure we know the identity of earmarks, how much money it is, what is it going for, and who is going to get it, we only say: I am offering it, and I do not have any pecuniary interest in it. What we told the American people was a sham. We are not doing what we said we were going to do.

Instead of spending our time trying to figure out how to continue to raid the Federal Treasury without getting caught, I believe we ought to be doing our job. Congress should pass individual appropriations bills at a level less than last year, with the waste, the fraud, abuse, and duplication out of them. But we are not going to do that.

The vote on the debt limit gives Congress another opportunity to demonstrate to the American public that we do have the courage and the ability to fix what is wrong with this ship. By voting for this debt limit, what you are telling the American people is, you do not have the courage to fix what is wrong here. We do not have the courage to do the oversight that is necessary.

Whether it is the $40 billion worth of waste, at least, a year in the Pentagon, or the $43 billion a year wasted on Medicare and Medicaid through fraud, or the $18 billion we are spending on buildings that we do not want, we do not have the courage to do that.

What we should be doing is tearing up the credit card and, through not passing an expansion or extension of the debt limit, start acting like every other American family has to do and start making the hard choices even if it offends some of our constituents, because the constituents who matter the most, as we continue the heritage of this country of creating opportunity, are our children and grandchildren.

My real hope is this debt limit expansion does not pass tonight, that we all get to reflect on that; we come together, Democrat and Republican, and say: We have not done a good job. Let's

make a pact that we are going to do the oversight, that we are going to cut the programs, that we are going to lower spending. It does not matter what President Bush wanted. We have the power of the purse. We can decrease spending.

Will we do that? Unfortunately, my belief is we will not because, quite frankly, we are interested in the next election more than we are interested in the next generation, and to that, shame on us.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS.) The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make a couple of comments. I will not take a long time.

I have to observe that there was a time when there was substantial courage in this Chamber. I recall we had some very large budget deficits growing over a long period of time, and we passed a new fiscal policy. I was here then some long while ago. It passed by one vote in the Senate and one vote in the House. That took some courage. Some people who cast those votes did not come back here, because they were very controversial votes.

But we turned our fiscal policy around in this country by making tough choices. We turned the Federal budget deficit into a Federal budget surplus and began paying down the Federal debt. In 2001, on this floor, in this Chamber, we had a debate about fiscal policy again. A new President came to the White House. President Bush said he was a conservative.

He said: Well, now, we have all of these surpluses. He and his friend, Alan Greenspan, were worried that the biggest problem facing America was that we were going to pay down our debt too rapidly. The President and the White House said: We have got all of these surpluses. Let's decide to give the wealthiest Americans some large tax cuts because I believe in trickledown economics. Put a lot in the top, and see if some will drain down a bit.

Some of us stood on the floor of the Senate and said, you know what, we have just finally turned this economy around, turned these huge budget deficits around. The plan under the Clinton administration worked, and we turned big deficits into big surpluses and began to pay down the Federal indebtedness.

Some of us stood on the floor of the Senate and said: Mr. President—to President Bush—maybe we ought to be a bit conservative. What if something happens? These big surpluses for the next 10 years do not yet exist. Yes, there is a surplus now, but we do not have a 10-year surplus that exists. That is the projection. What if something happens? Why do we not be a bit more conservative in how we deal with this?

The President and his supporters said: No. No. No. What we are going to do is we are going to give very large tax cuts to the wealthiest Americans. We want to do it right now. They won. They had the votes to win, and they turned this economy around, all right. They turned budget surpluses, in a period where we were actually paying down the Federal debt, into some of the largest Federal deficits in this country's history—once again, unbelievable.

So when I hear people talking about courage, let me say we had some courage on the floor of the Senate. I am proud to have been one of them who cast a vote that passed by one vote, that turned around this country's fiscal policy. And now we leave an example of a fiscal policy that was reckless, one of the most reckless fiscal policies I can ever imagine, given to us in 2001 by a new President who said he was conservative but who was not.

In fact, my colleague just described what we are spending and not paying for. Yesterday in the Senate Appropriations Committee, President Bush sent his Defense Secretary, he sent the Assistant Secretary of State, he sent the Chairman of the Joint Chiefs of Staff, to ask us for another $189 billion to prosecute the war in Iraq and Afghanistan. And, oh, by the way, the President said: I do not intend that we pay for any of that; put that right on top of the debt. We are going to charge it all.

That is the direction this White House is leading. That is what brings us to the floor of the Senate tonight, with a fiscal policy that has rung up an enormous amount of additional debt; the worst possible fiscal policy you can imagine.

You know what happened? Some of us said, maybe we ought to be a little bit conservative, a little bit careful. The President said: No. No. No. We are not going to do that. We are going to take these 10 years of estimated surpluses and we are going to spend them with tax cuts.

Here is what happened very quickly. We were in a recession. The President likes to say he inherited the recession. He did not. But very shortly after he took office, we experienced a recession. Then we experienced the terrorist attack of 9/11, and then a war in Afghanistan, then a war in Iraq, then an economic slowdown.

Would not it have been smarter to have a fiscal policy that was a bit more careful, one that would have given a bit more thought about how to best care for this country's finances? I know it is easy to blame. I watched today as we had people come to the floor of the Senate blaming this, that, and the other thing. It is easy to take the negative. I understand that. Mark Twain was once asked if he would engage in a debate. And he said: Oh, sure, as long as I can take the negative side. Somebody said: We have not told you the subject. He said: Doesn't matter. If I take the negative side, it will take no preparation.

So I understand those who come to the floor of the Senate and tell us what is wrong. But I can tell you about a fiscal policy that was right, because I supported it and am proud to have done it some years ago, that turned big deficits into budget surpluses and began paying down the Federal debt. That is the kind of fiscal policy we need. It is the kind of fiscal policy we had, and this administration and those who supported it in this Chamber turned their back on it 6 years ago. Now we have paid the price for those votes.

I hope those who describe these issues remember, remember what a good fiscal policy was and how to recapture it once again. Yes, it take a little political courage. Those of us who supported a fiscal policy that works understand how it worked when it happened.

We have a lot to be thankful for, living in this great country of ours; only one spot like it on the planet. We have responsibilities that are very significant here in this Chamber. There is plenty wrong with this country, plenty of things that need fixing. But it is a wonderful place that requires our stewardship to do the right thing. I only came to the floor as I listened this evening to point out that we have seen good fiscal policy and bad fiscal policy. I, and I think many others, recognize the difference. If all of my colleagues will recognize that difference, we can put this country back on track once again. That is what the American people deserve and expect from us.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, before I discuss this legislation, I want to express my thanks to the distinguished minority leader, Senator MCCONNELL, as well as the chairman and ranking member of the Finance Committee, Senators BAUCUS and GRASSLEY, for their cooperation in facilitating consideration of this legislation. I also want to thank Treasury Secretary Paulson for his leadership.

We are taking up this legislation at the request of the Bush administration so that the Federal Government can meet its obligations and pay its bills. Secretary Paulson, in a letter to me earlier this month, indicated that it was essential that the Senate pass this legislation as soon as possible. This will be the fifth increase in the debt limit since President Bush came to office.

I find it distasteful and disturbing to increase the debt limit yet again, but the alternative is simply unthinkable. Eventually, some Social Security checks could not be sent. Government offices could close. Interest rates could rise. And the economic impact on our

country could be profound. As a practical matter, therefore, we have no choice.

Having said that, President Bush's failed policies put us in this box, and as we consider the pending bill, I hope my colleagues will focus on the importance of changing those policies. Over the past several years, the administration has completely abandoned fiscal discipline and dramatically increased our debt. Until we change the policies that led down this path, we will be back year after year, digging the hole ever deeper.

Let's review some history. When President Bush came to office, our Nation was running record budget surpluses and our debt was on the decline. In 2000, we ran a surplus of $236 billion, and the outlook was for continued surpluses for years to come. In fact, the Chairman of the Federal Reserve at the time, Alan Greenspan, was so optimistic about our fiscal condition that he thought we might quickly eliminate our debt altogether.

Unfortunately, once President Bush took office, our fiscal situation rapidly collapsed. In 2001, our debt was $5.8 trillion. Today, it's $9 trillion, an increase of more than $3 trillion. Compounding matters, all this new borrowing has come at the worst possible time, just as the baby boom generation is about to retire.

Not only has our debt exploded, but increasingly we are borrowing from foreigners. In fact, since President Bush took office, our debt to foreigners has more than doubled. Many of our creditors are in places like China and Japan. And as we borrow more and more from those abroad, we also become more dependent on them. It is a trend that cannot and must not be allowed to continue.

It's no mystery why debt has exploded. President Bush abandoned the pay-as-you-go rules that proved so effective in promoting fiscal discipline. He increased spending by 50 percent. And he approved massive tax breaks, disproportionately for multimillionaires and special interests.

Much of the spending has been for our disastrous occupation of Iraq. The war has already cost the lives of almost 4,000 Americans. But while our brave men and women in uniform bear, by far, the greatest burden, all American taxpayers are paying a price. We have already spent roughly half a trillion dollars on President Bush's failed policy. Now the President is asking for nearly $200 billion more.

How does the President propose to pay for all this new spending in Iraq? He doesn't. He just wants to keep putting it on the national credit card.

The same is true of the President's massive tax breaks for multimillionaires. Next year, President Bush wants to spend nearly $50 billion just to hand out tax breaks for those fortunate enough to earn more than $1 million a year. These lucky few will get a windfall worth an average of $130,000 each. Most hard-working, middle-class families would be grateful for a fraction of that.

And how will we finance all these lavish tax breaks for multimillionaires? Again, by putting them on the national credit card. In other words, our children will pay.

If only the President were as willing to provide kids with health care as he is willing to load them with debt.

As you know, the administration claims to have seen the light on fiscal responsibility, and has cited the need for discipline to justify their opposition to the children's health bill. But how much would the legislation add to the debt? $200 billion? $20 billion? No. The answer is: zero. Nothing. It is fully paid for.

In other words, the President is willing to borrow half a trillion dollars and more for Iraq. But he is opposing a children's health bill that won't add anything to the debt.

To put it mildly, those priorities are wrong. The American people know it. And most of my colleagues do, as well.

Clearly, we need to change course. And this debt limit bill is just another reminder of that.

Fortunately, the new Congress already has made real progress in the effort to provide a new direction. Earlier this year, we passed a budget resolution that balanced the budget without raising a penny of taxes. The budget put the middle class first and focused on America's needs here at home. All in a responsible way, while reestablishing strong pay-as-you-go rules to enforce fiscal discipline.

Our new budget was an important first step. But we have a long way to go to change fiscal policy to where it needs to be. Ultimately, it is going to take bipartisan effort, and I look forward to working with colleagues on both sides of the aisle to make it happen. Meanwhile, while it is not a pleasant task, we have no choice but to pay our bills.

Mrs. FEINSTEIN. Mr. President, I rise today to express my disappointment for having to vote yet again to increase the national debt limit. The Senate has been forced to take this vote on five occasions under this administration. In the intervening 6 years, the national debt has exploded by almost $3.4 trillion, or 61 percent.

The national debt now stands at $9 trillion.

To put this in terms that most of us can understand, this amounts to roughly $30,000 owed by every American.

Unfortunately, the debt forecast shows no signs of improving.

Over the next 5 years, the debt is projected to reach $11.3 trillion. By 2017, the Congressional Budget Office projects this figure will hover around $13 trillion. In this year alone, our national debt is slated to increase by almost $600 billion.

Maintaining this debt is not free. The interest charged on the amount we have borrowed grows each and every day. And, the more we borrow, the more we pay in interest.

Over the next 10 years, the interest payments on the national debt are projected to total $2.8 trillion. This year, interest payments on the debt will reach $235 billion.

This means less money for the programs that matter most for working Americans.

Congressional Democrats have demonstrated a commitment to fiscal responsibility by passing pay-as-you-go budget rules that require Congress to offset new spending.

This Congress has worked to find ways to pay for major priorities—such as the extension of the Children's Health Insurance Program, which I hope will pass today in the Senate with a bipartisan, veto-proof majority.

The fact that the Senate must vote, yet again, to increase the national borrowing limit begs the question: Why are we here?

Misguided tax policies are one of the reasons we are considering this measure today.

The President has presided over the greatest fiscal reversal in our Nation's history. He inherited a budget surplus of $236 billion from President Clinton, the largest surplus in American history.

He took that surplus and sunk it into expensive tax cuts at a cost of more than $1.3 trillion to date and $3 trillion over the next decade.

But what I find most frustrating, is that these tax cuts have come in the midst of significant military campaigns in Iraq and Afghanistan.

Never in the history of this Nation have we enacted significant tax cuts during a time of war.

We have dipped into the pockets of our children and grandchildren and ''charged'' the costs of these wars to a National credit card.

When you combine the cost of the debt-financed tax cuts with spending for the military operations in Afghanistan, Iraq, and the global war on terror—currently approaching $610 billion—the inevitable result is that our Federal budget is squeezed, while our crushing debt continues to grow.

The reality is, even under a best-case scenario, we are years and hundreds of billions of dollars away from a full redeployment of American troops from Iraq.

The President will soon request another $190 billion in supplemental funding for operations in Iraq and Afghanistan. And it is no longer unrealistic to suggest that operations there might cost upwards of $1 trillion before all is said and done.

Year after year, supplemental after supplemental, we continue borrowing to pay for these wars.

In real terms, the cost is over $350 million per day. Almost $15 million per hour; $250,000 per minute; or $4,000 every second.

We must recognize the mistakes of the past few years and understand that

you cannot have your cake and eat it too.

As we approach a $10 trillion debt limit, it is essential to look forward for solutions. Where do we go from here?

We start with responsible spending. While I support targeted tax cuts to help working families, it is time to allow the tax cuts for the wealthiest Americans to expire.

It would be unfair and irresponsible to not do so.

We need solutions to shore up our strained entitlement programs, such as Social Security and Medicare, as the retirement of baby boomers looms.

We need to adequately fund children's health and education programs and invest in the future of our young people.

We need to focus on foreign diplomacy to repair our reputation as a global leader.

We need to invest in homeland security and other domestic programs that will keep America safe and increase productivity.

Most importantly, we need to start planning for the future today.

Every day that we wait, hundreds of millions of dollars are spent, the debt increases, vital programs are under funded, and the cycle continues. We must do better.

I understand the political realities of this vote.

However, it is important to recognize the consequences of this measure failing. Not increasing the debt limit could result in the government defaulting on its obligations, exacerbating already shaky credit markets across the globe.

So while I urge my colleagues to join me in supporting the measure to once again raise the debt limit, it is also my hope that my colleagues will join me in seeking real and permanent solutions to our Nation's fiscal problems.

Tax cuts, ''staying the course,'' and not addressing the future of our most critical entitlement programs are sometimes politically appealing policies, but they are also not responsible.

Responsible policies come from making the difficult choices that put America's future first.

This Congress must exhibit leadership in breaking with the traditions of the last few years to put our Nation's fiscal house in order.

Mr. FEINGOLD. Mr. President, today we are again forced to consider legislation to raise the Nation's debt limit. It is obvious to anyone that we are here because of the grossly reckless fiscal policies that have been advanced by the administration and Congress for nearly 6 years.

Over those 6 years we have seen a dramatic deterioration in the Government's ability to perform one of its most fundamental jobs—balancing the Nation's fiscal books. In January of 2001, the Congressional Budget Office projected that in the 10 years thereafter, the Government would run a unified budget surplus of more than $5 trillion. Nearly 6 years later, we are staring at almost a mirror image of that 10-year, $5 trillion surplus, except that instead of healthy surpluses, under any reasonable set of assumptions, we are now facing immense deficits and mounting debt.

We absolutely cannot afford to continue to run up these massive deficits. Doing so causes the Government to use the surpluses of the Social Security trust fund for other Government purposes rather than to pay down the debt and help our Nation prepare for the coming retirement of the baby boom generation. Every dollar we add to the Federal debt is another dollar that we are forcing our children to pay back in higher taxes or fewer Government benefits.

But inside this dark cloud of dismal fiscal news there is a silver lining; namely, the restoration of the so-called ''pay-as-you-go'' budget rule, known as pay-go, as part of the budget resolution we adopted this year. That rule was central to the ability of the Congress to balance the Federal budget in the 1990s, and the return of that commonsense discipline gives us a better chance to clean up the fiscal disaster the current administration created. Unlike the last time Congress had to raise the debt limit for this administration, we now have pay-go back in place.

In some ways, today's vote to raise the debt limit ratifies the actions taken by the administration and Congress to stick future generations with an immense credit card bill. Had we not restored the pay-go rule recently, I may well have decided not to support this measure.

Fortunately, pay-go has been reinstated, and we will be better able to return to the path of fiscal responsibility we abandoned a few years ago. And because of that, I will support this measure, made necessary by the profligate policies of President Bush, and egregiously aided and abetted by the last three Congresses.

Mr. BAUCUS. Mr. President, all time for debate on the debt limit has been utilized. In the interest of giving Senators some notice to get here in time for a vote, I alert all Senators that we will probably begin the vote first on the children's health insurance bill and, following that, the debt limit. That will begin sometime between 7:20 and 7:25. So within about 5 minutes we will begin voting on the children's health insurance plan.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 1585

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of H.J. Res. 52, the Senate resume consideration of H.R. 1585 and resume amendment No. 2999; that the amendment be modified with the changes at the desk, that there be 2 minutes of debate divided in the usual form; that upon the use of the time, the amendment be agreed to and the motion to reconsider be laid upon the table; that the Senate then resume Coburn amendment No. 2196, and there be 10 minutes of debate prior to a vote in relation to the amendment; that no amendment be in order to the amendments in this agreement; that the time be equally divided and controlled between Senators Levin and Coburn or their designee; and upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that immediately after disposition of the Coburn amendment, the Senate proceed to Menendez amendment No. 2972, and that after the amendment is reported by number, there be 6 minutes of debate equally divided and controlled between Senators LEVIN and MENENDEZ, or their designees; that upon the use or yielding back of time, without further action, the Senate proceed to vote with respect to the amendment; that upon disposition of the amendment, that the managers' package which has been cleared by the managers, be considered and agreed to; that the Senate proceed to vote on the motion to invoke cloture on amendment No. 2011, the substitute amendment; that Members have until 8:15 p.m. tonight to file any germane second-degree amendments; that if cloture is invoked on the substitute, then all time postcloture be considered expired at 5:30 p.m. this coming Monday, October 1; that upon adoption of the substitute, the bill be read a third time, and without further action, the Senate proceed to vote on passage of the bill; that the cloture motion on the bill be withdrawn; that upon passage, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not be objecting, I just wanted to ask the majority leader if I am correct in that if this is entered into, there will be no votes tomorrow, and the next vote will be late Monday afternoon?

Mr. REID. Yes. The first vote will be Monday at approximately 5:30.

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

The question is on third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution is set aside.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—Continued

The PRESIDING OFFICER. The Senate will now resume consideration of

the motion to concur in the House amendments to the Senate amendments to H.R. 976, the Children's Health Insurance Act of 2007.

The motion to concur with the amendments is withdrawn.

The question is on agreeing to the motion to concur.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—67

Akaka	Feinstein	Nelson (FL)
Alexander	Grassley	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Hatch	Reed
Bingaman	Hutchison	Reid
Bond	Inouye	Roberts
Boxer	Johnson	Rockefeller
Brown	Kennedy	Salazar
Byrd	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Smith
Carper	Landrieu	Snowe
Casey	Lautenberg	Specter
Clinton	Leahy	Stabenow
Coleman	Levin	Stevens
Collins	Lieberman	Sununu
Conrad	Lincoln	Tester
Corker	Lugar	Warner
Dodd	McCaskill	Webb
Domenici	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murkowski	
Feingold	Murray	

NAYS—29

Allard	Crapo	Kyl
Barrasso	DeMint	Lott
Bennett	Dole	Martinez
Bunning	Ensign	McConnell
Burr	Enzi	Sessions
Chambliss	Graham	Shelby
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Cornyn	Inhofe	Voinovich
Craig	Isakson	

NOT VOTING—4

Biden	McCain
Brownback	Obama

The motion was agreed to.

Mr. GRASSLEY. Mr. President, I am pleased that this bill has passed with such a substantial vote.

This bill now goes to the President. I hope the President will be persuaded by the strong bipartisan support this bill has and will sign the bill.

As it customary, I want to thank the staff who have worked so hard to produce this bill.

From the House: Bridgett Taylor, Amy Hall and Andy Schneider.

From Senator BAUCUS's staff: Russ Sullivan, Bill Dauster, Michelle Easton, and Alice Weiss, and avid Schwartz.

I would like to thank my staff: Kolan Davis, Mark Prater, Mark Hayes, Becky Shipp, Rodney Whitlock, Steve Robinson, Shaun Freiman, and Sean McGuire.

Thanks as well to Senator HATCH's staff, Pattie DeLoatche, and thanks to Senator ROCKEFELLER's staff: Jocelyn Moore and Ellen Doneski.

Finally, I want to extend deep appreciation to the congressional support agencies on which Members and our staff rely.

From the Office of Legislative Counsel, thanks to Ed Grossman, Jessica Shapiro, and Ruth Ernst.

From the Congressional Research Service, thanks to Richard Rimkunas, Chris Peterson, Elicia Herz, April Grady, and Evelyne Baumrucker.

From the Congressional Budget Office, thanks to Director Peter Orszag, Tom Bradley, Eric Rollins, and Jeanne De Sa.

Again, I strongly urge my colleagues to vote in favor of this bill.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT—Continued

The PRESIDING OFFICER. Under the previous order, the joint resolution having been read the third time, the question is on passage of H.J. Res. 43, increasing the statutory limit on the public debt.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—53

Akaka	Enzi	Murkowski
Barrasso	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bennett	Grassley	Reid
Bond	Gregg	Roberts
Byrd	Hagel	Rockefeller
Cantwell	Hatch	Schumer
Cardin	Inouye	Shelby
Carper	Johnson	Snowe
Casey	Kennedy	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Levin	Sununu
Conrad	Lieberman	Vitter
Corker	Lott	Warner
Domenici	Lugar	Whitehouse
Dorgan	Martinez	Wyden
Durbin	McConnell	

NAYS—42

Alexander	Dodd	McCaskill
Allard	Dole	Menendez
Bayh	Ensign	Mikulski
Bingaman	Graham	Nelson (NE)
Boxer	Harkin	Pryor
Brown	Hutchison	Reed
Bunning	Inhofe	Salazar
Burr	Isakson	Sanders
Chambliss	Kerry	Sessions
Coburn	Klobuchar	Smith
Cornyn	Kohl	Tester
Craig	Lautenberg	Thune
Crapo	Leahy	Voinovich
DeMint	Lincoln	Webb

NOT VOTING—5

Biden	Clinton	Obama
Brownback	McCain	

The joint resolution (H.J. Res. 43) was passed.

The PRESIDING OFFICER. The motion to reconsider is laid on the table.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 52, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008, and for other purposes.

The Senate proceeded to consider the joint resolution.

EXTENDING THE MEDICARE SECTION 508 PROGRAM

Mr. SPECTER. Mr. President, Senator CASEY and I, along with our colleagues, Senators STABENOW, CONRAD, LAUTENBERG, SCHUMER and DORGAN, filed an amendment to H.J. RES. 52, the appropriations continuing resolution for fiscal year 2008, to extend the Medicare section 508 program for 2 years. For a considerable period of time, there have been a number of hospitals in Pennsylvania and across the country that have been suffering from low Medicare wage index reimbursement, which has caused them great disadvantage in comparison to surrounding areas. Hospitals in these counties are surrounded by MSAs—metropolitan statistical areas—with higher Medicare reimbursements, and as a result, a flight of critical medical personnel occurs as hospitals are not able to provide employees with competitive wages.

During the consideration of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, I met with Finance Committee chairman CHARLES GRASSLEY and ranking member MAX BAUCUS about the bill provisions, including the need for a solution to the Medicare area wage index reclassification problem in Pennsylvania. Section 508 was included in the bill, which provided $300 million per year for 3 years to increase funding for hospitals nationally to be reclassified to locations with higher Medicare reimbursement rates. As part of the Tax Relief and Health Care Act, which was signed into law on December 20, 2006, a 6-month extension of the section 508

Medicare wage index program until September 30, 2007, was included.

Mr. CASEY. I thank my colleague, Senator SPECTER, for his important work over the years on this issue, and I greatly appreciate our collaboration since I have taken office to find both an immediate and a long-term solution to the wage index problem. This issue is critical to ensuring that health care is available to Pennsylvanians and all Americans in areas that are being underfunded by the Medicare wage index reimbursement system. Further complicating this issue are the exceptions to the Medicare wage index regulations. Since 1987, exceptions have been created to the wage index program for rural facilities, new facilities and others. In fact, in 1999, Congress passed legislative reclassifications for specific hospitals to allow selected facilities to move to a new MSA and receive greater Medicare reimbursement. While these reclassifications have improved funding for those hospitals, hospitals that did not receive improved funding are being further disadvantaged.

Mr. CONRAD. I, too, want to lend my support for a 2-year extension of the Medicare section 508 hospital program. As the chairman and ranking member well know, I worked within the Finance Committee during the Medicare Modernization Act to create this vital program. For too long, Medicare has shortchanged Rural States, like North Dakota, in the wage index formula by not accurately reflecting real wages. Furthermore, the reclassification system has been biased towards urban areas and has failed to take into account the rural health care system experience where service areas overlap and facilities routinely compete across several hundreds of miles for professional staff. The section 508 program has helped to somewhat level the playing field for these hospitals—allowing them to improve their wages and make other significant investments—but its continuation is critical to ensuring the financial viability of many hospitals in North Dakota. The Congress must pass Medicare legislation this fall that includes a 2-year extension of the section 508 program.

Mr. BAUCUS. I appreciate the leadership my colleagues have shown on this important issue. Extending the section 508 program is a priority of the Finance Committee. Unfortunately, an agreement could not be reached to include this provision in this bill.

Mr. GRASSLEY. I thank my colleagues for introducing this amendment. This program provides vital funding for many hospitals including those in Iowa, and I was very disappointed that the House blocked our attempt to extend this program. It is unfortunate. Extending this program, however, does not address fundamental problems related to the wage index system. As mandated under the Tax Relief and Health Care Act of 2006, the Medicare Payment Advisory Commission, MedPAC, released their report examining an alternative Medicare wage index methodology. The legislation also requires the Secretary of Health and Human Services to propose revisions to the wage index in the fiscal year 2009 Medicare hospital inpatient prospective payment system proposed rule. I look forward to considering this proposal as we continue our work to make Medicare hospital payments more equitable.

Ms. STABENOW. I also wish to thank Senators SPECTER and CASEY for raising this issue. We have worked together to ensure the continuation of 508 while we work to ensure that Medicare reimbursement more adequately reflects our hospitals' true costs. Section 508 funding has provided crucial assistance to a number of hospitals in my State, although I note that there are still inequities in the reimbursement system that must be corrected.

Mr. SCHUMER. Mr. President, I am, like my colleagues, strongly in favor of extending the section 508 program. This is a critical program for some New York hospitals, and I appreciate the chairman's commitment to include the extension in future Medicare legislation.

Mr. LAUTENBERG. I would also like to thank the chairman and ranking member for their leadership on this issue and Senators SPECTER and CASEY for their continued support. Without an extension of the section 508 program, hospitals in New Jersey stand to lose over $22 million. These hospitals cannot afford to sustain this loss and still provide the care needed to New Jersey residents. I look forward to working with my Senate colleagues to provide an extension of this important program.

Mr. DORGAN. I thank Senators SPECTER and CASEY for raising this issue. Extending the section 508 program is critical for many North Dakota hospitals and is an important step to address the long-standing inequities in Medicare payment between urban and rural providers. I appreciate the commitment of the chairman and ranking member of the Finance Committee and look forward to working with them to see that this extension is enacted.

Mr. CASEY. I thank the chairman and ranking member of the Finance Committee for their support on this issue. The House of Representatives has already moved forward to pass legislation that would extend this program. This program is scheduled to expire on September 30, 2007, and action to extend the program for 2 years must be taken. Mr. Chairman, I appreciate our conversations about this issue in which you expressed your commitment to working to pass an extension to the section 508 Medicare wage index program this fall that will also make hospitals whole to the date of expiration.

Mr. SPECTER. I understand that the Senate is likely to take up legislation which will include a number of Medicare provisions during this session of Congress. I would appreciate the assurance of the chairman and ranking member of the Finance Committee that any Medicare related legislation that is considered by the Senate this session include a 2-year extension of the section 508 program that is retroactive to October 1, 2007.

Mr. BAUCUS. I assure my colleagues that I am committed to working to address concerns about this issue as part of any Medicare related legislation that may come before the Senate.

Mr. GRASSLEY. I look forward to working with Chairman BAUCUS and other Finance Committee members to address this issue.

Mr. SPECTER. I thank my colleagues and look forward to working with them on this issue.

Mr. CASEY. I thank my colleagues as well and look forward to resolving this issue.

EAS

Mr. CARDIN. Mr. President, with regard to the fiscal year 2008 continuing resolution that the Senate is taking up today, I would like to pose a question to the Senators from West Virginia and Washington. It is my understanding that the Commerce Committee has drafted a bill to reauthorize the Federal Aviation Administration, FAA, and that bill, S. 1300, should reach the Senate floor this session. That bill includes language with regard to Essential Air Service, EAS, to extend the state-determined mileage waiver. I thank the Committee for its work on that provision as it affects an airport in my State, as well as airports in South Dakota and Pennsylvania. In the interim, I would like to clarify that it is the intention of the Appropriations and Commerce Committees that EAS support continue for the airports in Hagerstown, MD; Brookings, SD; and Lancaster, PA along with the other airports nationwide that will continue to receive EAS funding through the Continuing Resolution today. I would direct this question to the chairman of the Commerce Subcommittee on Aviation Operations, Safety & Security if it his intent to continue EAS support for airports in Hagerstown, MD; Brookings, SD; and Lancaster, PA?

Mr. ROCKEFELLER. Yes. We do hope to pass the full FAA authorization this session, and it contains the EAS mileage waiver. In the interim, it is the intent of the Committee that EAS funding should continue to these airports.

Mr. CARDIN. I would further like to get the views of the chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies on this matter.

Mrs. MURRAY. This continuing resolution provides funding for the Essential Air Service program at the current rate with the expectation that the program shall continue to function as it is functioning now. We expect the Department of Transportation to avoid any major policy decisions that can impact

this program during the period of the continuing resolution—especially given the fact that there is already legislation reported out of committee and awaiting Senate action that addresses the continuation of air service to these communities.

Ms. MIKULSKI. I commend my colleague from Maryland for addressing this issue. I am a member of the Appropriations Committee and I, too, understand that the Committee intends to continue EAS funding under the continuing resolution to airports in Maryland, South Dakota, and Pennsylvania that currently receive it.

Mr. SPECTER. This issue also affects an airport in my home State, in Lancaster, PA. Based on the provisions in the full FAA authorization, I agree that it is the intent of the committee that EAS funding should be extended to the airports currently affected by the EAS state-determination mileage waiver.

Mr. JOHNSON. An airport in Bookings, SD, is also affected by the state-determination mileage waiver. So I am pleased to hear from all of my fellow appropriators that EAS funding should continue uninterrupted to the affected airports.

Mr. CARDIN. I thank all of my colleagues—both those responsible for the FAA reauthorization and those responsible for appropriating the funding for EAS—for making it clear that they expect the airports in Hagerstown, Lancaster, and Bookings to receive EAS funding under the continuing resolution.

Mr. FEINGOLD. Mr. President, I am disappointed that we are about to begin the 2008 fiscal year without having enacted any of the appropriations bills for that year. I am even more disappointed that we are about to vote on a continuing resolution that provides tens of billions of dollars to continue the misguided war in Iraq but does not include any language to bring that war to a close. We need to keep the Federal Government operating and make sure our brave troops get all the equipment and supplies they need, but we should not be giving the President a blank check to continue a war that is hurting our national security. For that reason, I will be voting against this resolution.

Mr. COCHRAN. Mr. President, I would like to take a moment to speak about the continuing resolution on which the Senate will soon vote. The resolution itself is a reasonable product that is largely the result of bicameral, bipartisan discussions. The resolution will allow the day-to-day functions of our Government to continue and will provide at least some of the additional funding that is necessary for our troops in Iraq and Afghanistan to execute the mission with which they have been tasked. It is also worth noting that the resolution does not attempt to use its inherent leverage to force any significant or controversial policy changes. I urge my colleagues to support passage of the resolution.

But as we come to the end of the fiscal year, I must express my deep concern about the lack of progress toward enacting the appropriations bills. This lack of progress is not the fault of the Appropriations Committee. Under Chairman BYRD's leadership, the committee reported all twelve bills in ample time to be considered by the full Senate over the course of the summer. But for whatever reason, to date the Senate has passed only four of the twelve regular appropriations bills, and prospects for consideration of the remaining bills appear uncertain at best.

Last year, under Republican leadership, the Senate failed to send all but two of the appropriations bills to the President. We were roundly criticized for this, and rightly so. As a result we left Federal agencies to limp along on a continuing resolution for 5 months, and were then presented with a full-year, formula-driven joint funding resolution to which no Senator had an opportunity to offer amendments. That is a process that I hope will not be repeated. No Senator should want that.

We simply need to buckle down and do our work. It is true that the President has said he will veto many of the appropriations bills based on his concerns about spending levels. It seems that there are people on both sides of the aisle and both ends of Pennsylvania Avenue who feel strongly about that question, and who are quite anxious to have that debate. But we can't have the debate if we don't call up the bills. The President can't veto what we haven't presented to him, and Congress can't vote to uphold or override a veto that never gets executed.

I understand that completing action on the remaining bills seems like a daunting task. But I know of no better way to complete such a task than to roll up our sleeves and get to work. I am pleased to hear the majority leader suggest that next week we will consider the Defense and the Commerce-Justice-Science appropriations bills. This is good news. I urge my colleagues to offer their amendments promptly when these bills are called up and to recognize that the opportunity to offer amendments to the subsequent bills is dependent on completing action on the pending bills.

It is particularly critical that we complete action on the Defense appropriations bill and the supplemental appropriations necessary to support the men and women in our Armed Forces and our diplomatic corps. While I am encouraged that we may consider the regular Defense appropriations bill next week, I am seriously concerned about reports that Congress may not consider a supplemental appropriations bill for the global war on terror until next year. While the continuing resolution we will pass tonight contains some ''bridge'' funding to support the troops through November 16, is an inadequate amount for the longer term.

As directed by Congress, the President submitted an FY 2008 war supplemental request in February. We expect to receive an amendment to that request any day. The Appropriations Committee held a hearing on these requests on Wednesday, and should be prepared in short order to act on legislation to fund our troops in the field. Delaying consideration of such legislation until next year is simply unacceptable. We have spent the last 2 weeks, and much of this Congress, in earnest and often useful debate on Iraq war policy. Amendments have been offered and votes have been taken. Deeply felt disagreements remain.

But the fact is that we have tens of thousands of American men and women in Iraq and Afghanistan performing the mission that their Government has assigned to them. The new fiscal year is upon us, and it is time for us to get on with the business of providing our men and women in uniform the resources they need to perform that mission successfully. To try to change American policy in Iraq by slowly starving our troops of those resources is unfair, and it is dangerous to American interests.

I urge the Senate to both forge ahead to complete action on the regular appropriations bills and to act promptly to provide our troops with the supplemental funds that they need.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

Mr. SANDERS. Is there a sufficient second? There appears to be a sufficient second.

The question is on the third reading of the joint resolution.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is on passage of the joint resolution.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 355 Leg.]

YEAS—94

Akaka	Coburn	Grassley
Alexander	Cochran	Gregg
Allard	Coleman	Hagel
Barrasso	Collins	Harkin
Baucus	Conrad	Hatch
Bayh	Corker	Hutchison
Bennett	Cornyn	Inhofe
Bingaman	Craig	Inouye
Bond	Crapo	Isakson
Boxer	DeMint	Johnson
Brown	Dodd	Kennedy
Bunning	Dole	Kerry
Burr	Domenici	Klobuchar
Byrd	Dorgan	Kohl
Cantwell	Durbin	Kyl
Cardin	Ensign	Landrieu
Carper	Enzi	Lautenberg
Casey	Feinstein	Leahy
Chambliss	Graham	Levin

Lieberman	Pryor	Stabenow
Lincoln	Reed	Stevens
Lott	Reid	Sununu
Lugar	Roberts	Tester
Martinez	Rockefeller	Thune
McCaskill	Salazar	Vitter
McConnell	Sanders	Voinovich
Menendez	Schumer	Warner
Mikulski	Sessions	Webb
Murkowski	Shelby	Whitehouse
Murray	Smith	Wyden
Nelson (FL)	Snowe	
Nelson (NE)	Specter	

NAYS—1

Feingold

NOT VOTING—5

Biden	Clinton	Obama
Brownback	McCain	

The joint resolution (H.J. Res. 52) was passed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent to withdraw the order that relates to Senator MENENDEZ on this matter.

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

Mr. REID. I also ask unanimous consent that the next votes be 10-minute votes.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 1585. Cloture having been invoked on amendment No. 3035, offered by the Senator from Massachusetts, Mr. KENNEDY, the pending motion to commit with instructions offered by the Senator from Nevada, Mr. REID, falls.

Amendment No. 3035, offered by the Senator from Massachusetts, Mr. KENNEDY, having been adopted, amendment No. 2064, offered by the Senator from South Carolina, Mr. GRAHAM, falls.

Mr. WARNER. Mr. President, may we have order?

AMENDMENT NO. 2999, AS FURTHER MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2999, as modified further. The 2 minutes of debate are evenly divided. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to briefly say how proud I am that this amendment has been worked out, and I express my appreciation, both to the senior Senator from Virginia for having helped us work this out and also to my colleague from Missouri who did such a great job on the floor yesterday, managing the bill. I yield the rest of our time to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, ''We intend to see that no man or corporate group shall profit inordinately on the blood of the boys in the foxhole.''

That is what Senator Harry Truman said as the Truman committee began its work. I think Harry Truman would be very proud of the Senate tonight. I, too, thank the senior Senator from Virginia for his willingness to sit down and work this out, along with Senator LEVIN for all of his support. I think this commission can do important work in a bipartisan way to fix some problems, to make sure we get contracting under control whenever our men and women are in danger.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I compliment my colleagues from Missouri and Virginia, Senators MCCASKILL and WEBB.

The amendment was carefully reviewed by myself and others on this side. We made several recommendations. Each of those recommendations were accepted. We indicate for the record that the amendment is accepted on this side. I ask that we have a voice vote.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The Amendment (No. 2999), as further modified, is as follows:

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

SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Wartime Contracting'' (in this subsection referred to as the ''Commission'').

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(D) VACANCY.—In the event of a vacancy in the Commission, the individual appointed to fill the membership shall be of the same political party as the individual vacating the membership.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable;

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support; and

(vi) the extent of the misuse of force and violations of the laws of war or Federal law by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—On January 15, 2009, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies, and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths (provided that the quorum for a hearing shall be three members of the Commission); and

(ii) provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) INABILITY TO OBTAIN DOCUMENTS OR TESTIMONY.—In the event the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall notify the committees of Congress of jurisdiction and appropriate investigative authorities.

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term ''contingency operation'' has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development, conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

Mr. LEVIN. Mr. President, let me add my commendation to Senators WEBB and MCCASKILL and the others who fought so hard for this amendment. The heart of this amendment has remained. There have been some changes in it. But the substance of this amendment, the crying need for a commission to look into the contract abuses and waste and fraud is very strong. This amendment is going to do some important work for the country and for the next time we are in a situation where we have such massive spending as we have in this war.

Mr. President, I ask unanimous consent—I have cleared this with my friend, Senator WARNER—that we vitiate the vote on the Menendez amendment—that has been done? Fine.

Mr. WARNER. Mr. President, I further ask unanimous consent that we may have printed in the RECORD at this point such other statements relative to the changes that we deem appropriate to support this amendment, including a document dated September 25, 2007, by the Deputy Secretary of Defense subject: ''Management of DOD Contractors and Contract Personnel Accompanying U.S. Armed Forces in Contingency Operations Outside the United States.''

This is a step by the Deputy Secretary to correct some of the problems that this commission will be addressing. It underlies the necessity for the commission that these two Senators and others have advocated.

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

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, September 25, 2007.

MANAGEMENT OF DOD CONTRACTORS AND CONTRACTOR PERSONNEL ACCOMPANYING U.S. ARMED FORCES IN CONTINGENCY OPERATIONS OUTSIDE THE UNITED STATES

Defense contractors fulfill a variety of important functions for the Department of Defense, both inside the United States and abroad. These functions encompass vital support to our military forces engaged in combat operations in Iraq and Afghanistan to include security for convoys, sites, personnel and the like.

While investigations are still ongoing and no findings of wrongdoing determined, recent events regarding non-DoD contractors performing security service in Iraq have identified a need to better ensure that relevant DoD policies and processes are being followed. This review is applicable for all policies and processes to manage DoD contractors accompanying U.S. armed forces in contingency operations outside the United States. DoDI 3020.41, ''Contractor Personnel Authorized to Accompany the U.S. Armed Forces,'' is the comprehensive source of policy and procedures concerning DoD contractor personnel.

Geographic Combatant Commanders are responsible for establishing lines of command responsibility within their Area of Responsibility (AOR) for oversight and management of DoD contractors and for discipline of DoD contractor personnel when appropriate. Accordingly, addressees will ensure the consistency of their implementing guidance for policies outlined in DoDI 3020.41 and ensure contracts being executed within an AOR require DoD contractors to comply with the respective geographic Combatant Commander's guidance for the AOR including, for example, Rules on the Use of Force (RUF).

DoD contractor personnel (regardless of nationality) accompanying U.S. armed forces in contingency operations are currently subject to UCMJ jurisdiction. Commanders have UCMJ authority to disarm, apprehend, and detain DoD contractors suspected of having committed a felony offense in violation of the RUF, or outside the scope of their authorized mission, and to conduct the basic UCMJ pretrial process and trial procedures currently applicable to the courts-martial of military servicemembers. Commanders also have available to them contract and administrative remedies, and other remedies, including discipline and possible criminal prosecution.

Under the Military Extraterritorial Jurisdiction Act (MEJA), federal jurisdiction exists over felony offenses committed outside the U.S. by contractor personnel of any federal agency or provisional authority whose employment relates to supporting the DoD mission. Implementing guidance under this Act is included in DoDI 5525.11, ''Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members,'' and military department regulations. This instruction requires DoD coordination with the Department of Justice for the return to the U.S. of contractor personnel subject to MEJA for prosecution.

Pursuant to these authorities, addressees as appropriate will:

1. Ensure that all required clauses are included in DoD contracts when contract performance requires contractors and contractor personnel to accompany U.S. forces in contingency operations.

2. Verify that all DoD contractors ensure that their personnel authorized to carry weapons as security personnel or for personal protection have been properly trained and licensed for the weapons they are authorized to carry and appropriately trained on the applicable RUF.

3. Provide appropriate discipline for unauthorized possession, carrying, or discharging weapons.

4. Ensure that instructions have been issued to their command and to their contractors to prevent contractor personnel who are suspected of having committed a felony act or of having committed an act in violation of the RUF from being allowed to leave the country until approved by the senior commander in the country or until an investigation is completed and a decision is rendered by the flag officer court martial convening authority. Officials of contracting firms who arrange for, facilitate, or allow such personnel to leave the country before being cleared will be subject to disciplinary action under either UCMJ or MEJA.

5. Review periodically the existing RUF and make any changes necessary to minimize the risk of innocent civilian casualties or unnecessary destruction of civilian property.

6. Require DoD contractors performing security services to provide to the Combatant Commander copies of their Standard Operating Procedures (SOPs) and guidance to their contractor personnel on escalation of the use of force, the use of deadly force, and on the rules for interaction with host country nationals who may be present and/or potentially involved in a situation perceived by contractor personnel as a potential threat to their mission or to themselves. Require that such SOPs and guidance be modified as necessary to be consistent with the RUF.

7. Review periodically the guidance and authorization for DoD contractor personnel to possess and carry weapons.

Over the past several months, the Department has been developing and staffing additional guidance regarding this UCMJ disciplinary authority over persons serving with or accompanying the armed forces during contingency operations. The UCMJ authority referenced in this memorandum remains in effect until modified by promulgation of such additional guidance.

Mr. WARNER. I think we are prepared to vote.

The PRESIDING OFFICER. Under the previous order, the amendment has been agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2196

The PRESIDING OFFICER. The next question is on amendment No. 2196, offered by Senator COBURN. Ten minutes will be evenly divided.

Mr. COBURN. Mr. President, this is a very simple amendment. We voted to increase the debt limit. We have a project that the Department of Justice, the DEA, and all the other drug enforcement agencies say is ineffective.

I am going to give you some quotes from the people who worked there and what they had said. Former official of the Drug Czar's office put it bluntly: ''We see nothing from this.''

The former, most recently resigned, Director: ''I recognize that many of the reports were god-awful, poorly written, poorly researched, and in many cases just plain wrong.''

Jim Milford, former NDIC Deputy, admitted: ''I have never come to terms with the justification for the NDIC, and the bottom line is we actually have to search for a mission.''

These are good people who work there. It is not about them. It is about whether we are going to be prudent with the money we spend. They have one program that is effective. It is called DOCX. The problem with it being where it is, is it cannot be applied there, it has to be applied at other drug intelligence centers and the other DEA centers throughout the country.

The administration, the Department of Justice, the DEA and all the other drug centers, especially the one in El Paso, is where this information ought to be processed.

We have spent half a billion dollars and gotten very little return. It is a recommendation that we have a chance to do something. We have a chance to eliminate a program that is not effective by any metric that the Government has applied or the former Directors have applied or the Deputy Directors have applied who have worked there, saying it is not effective.

My hope is this body will approve this amendment and start us down the road of eliminating programs that are ineffective.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will yield half the time in opposition to the Coburn amendment to the two Senators from Pennsylvania, half to Senator SPECTER and half to Senator CASEY.

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

Mr. SPECTER. Mr. President, will you advise me when the 2½ minutes have expired?

The PRESIDING OFFICER. Yes.

Mr. SPECTER. Mr. President, contrary to the arguments of the Senator from Oklahoma, the National Drug Intelligence Center has been functioning since 1993 and has never been challenged on this floor in any respect. It has not been challenged until today because it has performed so well.

Yesterday I had printed in the RECORD the extensive compliments

which have been paid by the FBI in an expansive letter on November 21, 2001, by DEA, the Drug Enforcement Agency; on June 21, 2006, by FBI field offices around the country, including Tampa, Detroit, and Charlotte, by U.S. attorneys around the country. It has performed with very strategic results. It is important to decentralize operations such as the National Drug Intelligence Center. Everything does not have to be in Washington. It costs about a third to do it in Johnstown as it would in Washington.

When the Senator from Oklahoma says it ought to be in El Paso because all the drugs come from El Paso, that is simply not true. Drugs come into this country from Miami, from New York, from Detroit, from California. They come from everywhere.

It has been in existence for 14 years and is functioning successfully. It is not a minor matter that it has 340 jobs. Johnstown has become accustomed to having this. Johnstown, as is well known historically, has had its tough time with two major floods. It doesn't deserve another flood by having this body saying the office ought to be removed at this time.

I yield to my distinguished colleague from Scranton, PA.

Mr. CASEY. I wish to reiterate much of what Senator SPECTER already said. This center is providing important law enforcement services right now, helping out on international drug trafficking, which helps out in the fight against terrorism.

If we came to this floor every week and talked about what some Government agency said about a particular facility such as this, we would be having these votes all the time. I was the auditor of Pennsylvania. I know a lot about waste, fraud, and abuse. I know how to find it and root it out. But I also know you cannot take one Government agency's word for it. This center is providing an important service right now, in crime fighting, in keeping local law enforcement working with the Federal Government.

It is an important facility in the State of Pennsylvania. There are people there who are working hard in Johnstown, PA. This is a diversion from some other things we have been doing.

This is very important that we support this kind of facility. All the answers do not reside in Washington, DC. There are some people out there who know how to fight crime, some people out there who know how to root out and crack down on drug trafficking.

This center plays that role. I urge my colleagues to vote against this amendment.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There are 3 minutes 11 seconds.

Mr. COBURN. What you did not hear is what is the mission of the NDIC. It has no mission. That is the problem. The agency running this center says it should be closed—for very good reasons. It does not have an international mandate. They have had people fired because they are doing things that are outside of what restricted mission they have.

The one program that works is DOSX, and those people who are functioning with DOSX have to go to wherever the information is, which they are extracting in the investigation. None of that is done in Johnstown. So if they travel, it doesn't matter where they start.

The point is, the people who work there, who have run it, the people who are managing it, and the rest of the Drug Enforcement Agency and the rest of our drug intelligence says it has no mission. It has accomplished very little. I rest my case and would appreciate a vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware Mr. (BIDEN) the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 26, nays 69, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—26

Alexander	Dole	Lugar
Allard	Ensign	Martinez
Barrasso	Enzi	McConnell
Bunning	Feingold	Rockefeller
Burr	Graham	Sessions
Carper	Grassley	Sununu
Coburn	Inhofe	Thune
Cornyn	Kyl	Vitter
DeMint	Lott	

NAYS—69

Akaka	Durbin	Murkowski
Baucus	Feinstein	Murray
Bayh	Gregg	Nelson (FL)
Bennett	Hagel	Nelson (NE)
Bingaman	Harkin	Pryor
Bond	Hatch	Reed
Boxer	Hutchison	Reid
Brown	Inouye	Roberts
Byrd	Isakson	Salazar
Cantwell	Johnson	Sanders
Cardin	Kennedy	Schumer
Casey	Kerry	Shelby
Chambliss	Klobuchar	Smith
Cochran	Kohl	Snowe
Coleman	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Stevens
Corker	Levin	Tester
Craig	Lieberman	Voinovich
Crapo	Lincoln	Warner
Dodd	McCaskill	Webb
Domenici	Menendez	Whitehouse
Dorgan	Mikulski	Wyden

NOT VOTING—5

Biden	Clinton	Obama
Brownback	McCain	

The amendment (No. 2196) was rejected.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NOS. 2902, 3000, 3041, 3073, 2127, AS MODIFIED; 3088, 2983, 3076, 2991, 2989, 3081, 3078, 3104, 2133, 3077, 2265, AS MODIFIED; 3087, 2954, 2049, 2101, 2261, 2074, 2000, 2161, 2925, 2912, 2066, 2984, AS MODIFIED; 3075, AS MODIFIED; 3089, AS MODIFIED; 3090, 2993, AS MODIFIED; 2872, AS MODIFIED; 2214, AS MODIFIED; 2942, AS MODIFIED, TO AMENDMENT NO. 2011

Mr. LEVIN. Mr. President, I call up the managers' package at the desk. This package has been agreed to in our unanimous consent agreement. This is the package that is referred to in that unanimous consent agreement.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2902

(Purpose: To provide for an enhancement of the utility of the Certificate of Release or Discharge from Active Duty of members of the Armed Forces)

At the end of subtitle H of title V, add the following:

SEC. 594. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY.

The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, modify the Certificate of Release or Discharge from Active Duty (Department of Defense from DD214) in order to permit a member of the Armed Forces, upon discharge or release from active duty in the Armed Forces, to elect the forwarding of the Certificate to the following:

(1) The Central Office of the Department of Veterans Affairs in Washington, District of Columbia.

(2) The appropriate office of the United States Department of Veterans in the State in which the member will first reside after such discharge or release.

AMENDMENT NO. 3000

(Purpose: To provide for the relocation of the Joint Spectrum Center in Annapolis, Maryland, to Fort Meade. Maryland, and the termination of the existing lease for the Center)

At the end of subtitle D of title XXVIII, add the following:

SEC. 2842. AUTHORITY TO RELOCATE THE JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.

(a) AUTHORITY TO CARRY OUT RELOCATION AGREEMENT.—If deemed to be in the best interest of national security and to the physical protection of personnel and missions of the Department of Defense, the Secretary of Defense may carry out an agreement to relocate the Joint Spectrum Center, a geographically separated unit of the Defense Information Systems Agency, from Annapolis, Maryland to Fort Meade, Maryland or another military installation, subject to an agreement between the lease holder and the Department of Defense for equitable and appropriate terms to facilitate the relocation.

(b) AUTHORIZATION.—Any facility, road or infrastructure constructed or altered on a military installation as a result of the agreement must be authorized in accordance with section 2802 of title 10, United States Code.

(c) TERMINATION OF EXISTING LEASE.—Upon completion of the relocation of the Joint Spectrum Center, all right, title, and interest of the United States in and to the existing lease for the Joint Spectrum Center shall

be terminated, as contemplated under Condition 29.B of the lease.

AMENDMENT NO. 3041

(Purpose: To protect small high-tech firms)

At the end of title X, add the following:

SEC. 1070. SMALL HIGH-TECH FIRMS.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2010''.

AMENDMENT NO. 3073

(Purpose: To provide for transparency and accountability in military and security contracting)

At the end of subtitle E of title VIII, add the following:

SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively, and a brief description of the functions performed by these persons.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) A method for tracking the number of persons who have been killed or wounded in performing work under such contracts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence should make their best efforts to compile the most accurate accounting of the number of civilian contractors killed or wounded in Iraq and Afghanistan since October 1, 2001.

(c) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions; or

(2) place contractors in supervisory roles over United States Government personnel.

AMENDMENT NO. 2127, AS MODIFIED

On page 236, line 8, strike ''and accounting for'' and insert ''accounting for, and keeping appropriate records of''.

On page 236, between lines 14 and 15, insert the following:

(C) a process for the registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations;

On page 236, line 15, strike ''(C)'' and insert ''(D)''.

On page 236, beginning on line 15, strike ''for the reporting of all incidents in which—'' and insert ''under which contractors are required to report all incidents, and persons other than contractors are permitted to report incidents, in which—''.

On page 236, line 19, strike ''or''.

On page 236, strike line 22 and insert the following:

ations are filled or injured; or

(iii) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 236, line 23, strike ''(D)'' and insert ''(E)''.

On page 236, line 23, strike ''investigating—'' and insert ''the independent review and, where appropriate, investigation of—''.

On page 236, line 25, strike ''(C)'' and insert ''(D)''.

On page 237, line 4, strike ''(E)'' and insert ''(F)''.

On page 237, line 8, strike ''(F)'' and insert ''(G)''.

On page 237, strike line 15 and insert the following:

(ii) predeployment training requirements for personnel performing private security functions in an area of combat operations, addressing the requirements of this section, resources and assistance available to contractor personnel, country information and cultural training, and guidance on working with host country nationals and military; and

On page 237, line 16, strike ''(ii)'' and insert ''(iii)''.

On page 237, line 16, strike ''rules of engagement'' and insert ''rules on the use of force''.

On page 237, line 18, strike ''and'' at the end.

On page 237, line 19, strike ''(G)'' and insert ''(H)''.

On page 237, line 21, strike the period at the end and insert the following: ''; and

(I) a process by which the Department of Defense shall implement the training requirements referred to in subparagraph (G)(ii).

(3) AVAILABILITY OF ORDERS, DIRECTIVES, AND INSTRUCTIONS.—The regulations prescribed under subsection (a) shall include mechanisms to ensure the provision and availability of the orders, directives, and instructions referred to in paragraph (2)(G)(i) to contractors and subcontractors referred to in that paragraph, including through the maintenance of a single location (including an Internet website) at or through which such contractors and subcontractors may access such orders, directives, and instructions.

On page 238, beginning on line 15, strike ''and accounting for'' and insert ''accounting for, and keeping appropriate records of''.

On page 238, strike line 23 and insert the following:

ations;

(iii) registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations; and

On page 238, line 24, strike ''(iii)'' and insert ''(iv)''.

On page 239, line 4, strike ''or''.

On page 239, strike line 7 and insert the following:

bat operations are killed or injured; or

(III) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 239, line 10, strike ''comply with—'' and insert ''are briefed on and understand their obligation to comply with—''.

On page 240, line 3, strike ''rules of engagement'' and insert ''rules on the use of force''.

AMENDMENT NO. 3088

(Purpose: To require a report on medical physical examinations of members of the Armed Forces before their deployment)

At the end of title VII, add the following:

SEC. 703. REPORT ON MEDICAL PHYSICAL EXAMINATIONS OF MEMBERS OF THE ARMED FORCES BEFORE THEIR DEPLOYMENT.

Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The results of a study of the frequency of medical physical examinations conducted by each component of the Armed Forces (including both the regular components and the reserve components of the Armed Forces) for members of the Armed Forces within such component before their deployment.

(2) A comparison of the policies of the military departments concerning medical physical examinations of members of the Armed Forces before their deployment, including an identification of instances in which a member (including a member of a reserve component) may be required to undergo multiple physical examinations, from the time of notification of an upcoming deployment through the period of preparation for deployment.

(3) A model of, and a business case analysis for, each of the following:

(A) A single predeployment physical examination for members of the Armed Forces before their deployment.

(B) A single system for tracking electronically the results of examinations under subparagraph (A) that can be shared among the military departments and thereby eliminate redundancy of medical physical examinations for members of the Armed Forces before their deployment.

AMENDMENT NO. 2983

(Purpose: To modify authorities relating to the Office of the Special Inspector General for Iraq Reconstruction)

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

SEC. 1535. MODIFICATION OF AUTHORITIES RELATED TO THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) TERMINATION DATE.—Subsection (o)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 147) is amended to read as follows:

''(1) The Office of the Inspector General shall terminate 90 days after the balance of funds appropriated or otherwise made available for the reconstruction of Iraq is less than $250,000,000.''.

(b) JURISDICTION OVER RECONSTRUCTION FUNDS.—Such section is further amended by adding at the end the following new subsection:

''(p) RULE OF CONSTRUCTION.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction, any

United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.''.

(c) HIRING AUTHORITY.—Subsection (h)(1) of such section is amended by inserting after ''pay rates'' the following: '', and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section)''.

AMENDMENT NO. 3076

(Purpose: To require a report on family reunions between United States citizens and their relatives in North Korea)

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

SEC. 1234. REPORT ON FAMILY REUNIONS BETWEEN UNITED STATES CITIZENS AND THEIR RELATIVES IN NORTH KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on family reunions between United States citizens and their relatives in the Democratic People's Republic of Korea.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An estimate of the current number of United States citizens with relatives in North Korea, and an estimate of the current number of such United States citizens who are more than 70 years of age.

(2) An estimate of the number of United States citizens who have traveled to North Korea for family reunions.

(3) An estimate of the amounts of money and aid that went from the Korean-American community to North Korea in 2007.

(4) A summary of any allegations of fraud by third-party brokers in arranging family reunions between United States citizens and their relatives in North Korea.

(5) A description of the efforts, if any, of the President to facilitate reunions between the United States citizens and their relatives in North Korea, including the following:

(A) Negotiating with the Democratic People's Republic of Korea to permit family reunions between United States citizens and their relatives in North Korea.

(B) Planning, in the event of a normalization of relations between the United States and the Democratic People's Republic of Korea, to dedicate personnel and resources at the United States embassy in Pyongyang, Democratic People's Republic of Korea, to facilitate reunions between United States citizens and their relatives in North Korea.

(C) Informing Korean-American families of fraudulent practices by certain third-party brokers who arrange reunions between United States citizens and their relatives in North Korea, and seeking an end to such practices.

(D) Developing standards for safe and transparent family reunions overseas involving United States citizens and their relatives in North Korea.

(6) What additional efforts in the areas described in paragraph (5), if any, the President would consider desirable and feasible.

AMENDMENT NO. 2991

(Purpose: To require the Secretary of State and the Secretary of Defense to prepare reports assessing capabilities to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities)

At the end of title XII, add the following:

SEC. 1234. REPORTS ON PREVENTION OF MASS ATROCITIES.

(a) DEPARTMENT OF STATE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of State to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of State to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the role played by the United States in developing the ''responsibility to protect'' doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005, and an update on actions taken by the United States Mission to the United Nations to discuss, promote, and implement such doctrine.

(C) An assessment of the potential capability of the Department of State and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the ''responsibility to protect'' doctrine.

(D) Recommendations as to the steps necessary to allow the Secretary of State to provide more effective training and guidance to an international intervention force.

(b) DEPARTMENT OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of Defense to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of Defense to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the potential capability of the Department of Defense and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the ''responsibility to protect'' doctrine.

(C) Recommendations as to the steps necessary to allow the Secretary of Defense to provide more effective training and guidance to an international intervention force.

(D) A summary of any assessments or studies of the Department of Defense or other Federal departments or agencies relating to ''Operation Artemis'', the 2004 French military deployment and intervention in the eastern region of the Democratic Republic of Congo to protect civilians from local warring factions.

(c) INTERNATIONAL INTERVENTION FORCE.—For the purposes of this section, ''international intervention force'' means a military force that—

(1) is authorized by the United Nations; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

AMENDMENT NO. 2989

(Purpose: To provide accurate monitoring and tracking of weapons provided to the Government of Iraq and other individuals and groups in Iraq)

At the end of title XV, add the following:

SEC. 1535. TRACKING AND MONITORING OF DEFENSE ARTICLES PROVIDED TO THE GOVERNMENT OF IRAQ AND OTHER INDIVIDUALS AND GROUPS IN IRAQ.

(a) EXPORT AND TRANSFER CONTROL POLICY.—The President, in coordination with the Secretary of State and the Secretary of Defense, shall implement a policy to control the export and transfer of defense articles into Iraq, including implementation of the registration and monitoring system under subsection (c).

(b) REQUIREMENT TO IMPLEMENT CONTROL SYSTEM.—Notwithstanding any other provision of law, no defense articles may be provided to the Government of Iraq or any other group, organization, citizen, or resident of Iraq until the Secretary of State certifies that a registration and monitoring system meeting the requirements set forth in subsection (c) has been established.

(c) REGISTRATION AND MONITORING SYSTEM.—The registration and monitoring system required under this section shall include—

(1) the registration of the serial numbers of all small arms provided to the Government of Iraq or to other groups, organizations, citizens, or residents of Iraq;

(2) a program of enhanced end-use monitoring of all lethal defense articles provided to such entities or individuals; and

(3) a detailed record of the origin, shipping, and distribution of all defense articles transferred under the Iraq Security Forces Fund or any other security assistance program to such entities or individuals in Iraq.

(d) REVIEW.—The President shall periodically review the items subject to the registration and monitoring requirements under subsection (c) to determine what items, if any, no longer warrant export controls under such subsection. The results of such reviews shall be reported to the Speaker of the House of Representatives and to the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate. The President may not exempt any item from such requirements until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations and the Committee on Armed Services of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1). Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.

(e) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term ''defense article'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403)(d)).

(2) SMALL ARMS.—The term ''small arms'' means—

(A) handguns;

(B) shoulder-fired weapons;

(C) light automatic weapons up to and including .50 caliber machine guns;

(D) recoilless rifles up to and including 106mm;

(E) mortars up to and including 81mm;

(F) rocket launchers, man-portable;

(G) grenade launchers, rifle and shoulder fired; and

(H) individually operated weapons which are portable or can be fired without special

mounts or firing devices and which have potential use in civil disturbances and are vulnerable to theft.

(f) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act, unless the President certifies in writing to Congress that it is in the vital interest of the United States to delay the effective date of this section by an additional period of up to 90 days, including an explanation of such vital interest, in which case the section shall take effect on such later effective date.

AMENDMENT NO. 3081

(The Amendment is printed in today's RECORD under ''Text of Amendments.)

AMENDMENT NO. 3078

(Purpose: Relating to administrative separations of members of the Armed Forces for personality disorder)

At the end of subtitle H of title V, add the following:

SEC. 594. ADMINISTRATIVE SEPARATIONS OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) CLINICAL REVIEW OF ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REVIEW OF SEPARATIONS OF CERTAIN MEMBERS.—Not later than 30 days after the date of the enactment of this Act, and continuing until the Secretary of Defense submits to Congress the report required by subsection (b), a covered member of the Armed Forces may not, except as provided in paragraph (2), be administratively separated from the Armed Forces on the basis of a personality disorder.

(2) CLINICAL REVIEW OF PROPOSED SEPARATIONS BASED ON PERSONALITY DISORDER.—

(A) IN GENERAL.—A covered member of the Armed Forces may be administratively separated from the Armed Forces on the basis of a personality disorder under this paragraph if a clinical review of the case is conducted by a senior officer in the office of the Surgeon General of the Armed Force concerned who is a credentialed mental health provider and who is fully qualified to review cases involving maladaptive behavior (personality disorder), diagnosis and treatment of post-traumatic stress disorder, or other mental health conditions.

(B) PURPOSES OF REVIEW.—The purposes of the review with respect to a member under subparagraph (A) are as follows:

(i) To determine whether the diagnosis of personality order in the member is correct and fully documented.

(ii) To determine whether evidence of other mental health conditions (including depression, post-traumatic stress disorder, substance abuse, or traumatic brain injury) resulting from service in a combat zone may exist in the member which indicate that the separation of the member from the Armed Forces on the basis of a personality disorder is inappropriate pending diagnosis and treatment, and, if so, whether initiation of medical board procedures for the member is warranted.

(b) SECRETARY OF DEFENSE REPORT ON ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all cases of administrative separation from the Armed Forces of covered members of the Armed Forces on the basis of a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality order forming the basis for such separations.

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

(C) A summary of the policies, by Armed Forces, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces prematurely or unjustly on the basis of a personality order.

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not prematurely or unjustly processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

(c) COMPTROLLER GENERAL REPORT ON POLICIES ON ADMINISTRATIVE SEPARATION BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General shall submit to Congress a report on the policies and procedures of the Department of Defense and of the military departments relating to the separation of members of the Armed Forces based on a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall—

(A) include an audit of a sampling of cases to determine the validity and clinical efficacy of the policies and procedures referred to in paragraph (1) and the extent, if any, of the divergence between the terms of such policies and procedures and the implementation of such policies and procedures; and

(B) include a determination by the Comptroller General of whether, and to what extent, the policies and procedures referred to in paragraph (1)—

(i) deviate from standard clinical diagnostic practices and current clinical standards; and

(ii) provide adequate safeguards aimed at ensuring that members of the Armed Forces who suffer from mental health conditions (including depression, post-traumatic stress disorder, or traumatic brain injury) resulting from service in a combat zone are not prematurely or unjustly separated from the Armed Forces on the basis of a personality disorder.

(d) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term ''covered member of the Armed Forces''includes the following:

(1) Any member of a regular component of the Armed Forces of the Armed Forces who has served in Iraq or Afghanistan since October 2001.

(2) Any member of the Selected Reserve of the Ready Reserve of the Armed Forces who served on active duty in Iraq or Afghanistan since October 2001.

AMENDMENT NO. 3104

(Purpose: To express the sense of Congress on the Air Force strategy for the replacement of the aerial refueling tanker aircraft fleet)

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE AIR FORCE STRATEGY FOR THE REPLACEMENT OF THE AERIAL REFUELING TANKER AIRCRAFT FLEET.

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

(1) A properly executed comprehensive strategy to replace Air Force tankers will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(2) With an average age of 45 years, it is estimated that it will take over 30 years to replace the KC-135 aircraft fleet with the funding currently in place.

(3) In addition to the KC-X program of record, which supports the tanker replacement strategy, the Air Force should immediately pursue that part of the tanker replacement strategy that would support, augment, or enhance the Air Force air refueling mission, such as Fee-for-Service support or modifications and upgrades to maintain the viability of the KC-135 aircraft force structure as the Air Force recapitalizes the tanker fleet.

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

(1) the timely modernization of the Air Force aerial refueling tanker fleet is a vital national security priority; and

(2) in furtherance of meeting this priority, the Secretary of the Air Force has initiated, and Congress approves of, a comprehensive strategy for replacing the aerial refueling tanker aircraft fleet, which includes the following elements:

(A) Replacement of the aging tanker aircraft fleet with newer and improved capabilities under the KC–X program of record which supports the tanker replacement strategy, through the purchase of new commercial derivative aircraft.

(B) Sustainment and extension of the legacy tanker aircraft fleet until replacement through depot-type modifications and upgrades of KC–135 aircraft and KC–10 aircraft.

(C) Augmentation of the aerial refueling capability through aerial refueling Fee-for-Service.

AMENDMENT NO. 2133

(Purpose: To modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index)

At the end of subtitle F of title VI, add the following:

SEC. 683. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–170) is amended by adding at the end the following new paragraph:

''(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the

basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.''.

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

AMENDMENT NO. 3077

(Purpose: Relating to the Littoral Combat Ship program)

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

SEC. 132. LITTORAL COMBAT SHIP (LCS) PROGRAM.

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

(1) The plan of the Chief of Naval Operations to recapitalize the United States Navy to at least 313 battle force ships is essential for meeting the long-term requirements of the National Military Strategy.

(2) Fiscal challenges to the plan to build a 313-ship fleet require that the Navy exercise discipline in determining warfighter requirements and responsibility in estimating, budgeting, and controlling costs.

(3) The 55-ship Littoral Combat Ship (LCS) program is central to the shipbuilding plan of the Navy. The inability of the Navy to control requirements and costs on the two lead ships of the Littoral Combat Ship program raises serious concerns regarding the capacity of the Navy to affordably build a 313-ship fleet.

(4) According to information provided to Congress by the Navy, the cost growth in the Littoral Combat Ship program was attributable to several factors, most notably that—

(A) the strategy adopted for the Littoral Combat Ship program, a so-called ''concurrent design-build'' strategy, was a high-risk strategy that did not account for that risk in the cost and schedule for the lead ships in the program;

(B) inadequate emphasis was placed on ''bid realism'' in the evaluation of contract proposals under the program;

(C) late incorporation of Naval Vessel Rules into the program caused significant design delays and cost growth;

(D) the Earned Value Management System of the contractor under the program did not adequately measure shipyard performance, and the Navy program organizations did not independently assess cost performance;

(E) the Littoral Combat Ship program organization was understaffed and lacking in the experience and qualifications required for a major defense acquisition program;

(F) the Littoral Combat Ship program organization was aware of the increasing costs of the Littoral Combat Ship program, but did not communicate those cost increases directly to the Assistant Secretary of the Navy in a time manner; and

(G) the relationship between the Naval Sea Systems Command and the program executive offices for the program was dysfunctional.

(b) REQUIREMENT.—In order to halt further cost growth in the Littoral Combat Ship program, costs and government liability under future contracts under the Littoral Combat Ship program shall be limited as follows:

(1) LIMITATION OF COSTS.—The total amount obligated or expended for the procurement costs of the fifth and sixth vessels in the Littoral Combat Ship (LCS) class of vessels shall not exceed $460,000,000 per vessel.

(2) PROCUREMENT COSTS.—For purposes of paragraph (1), procurement costs shall include all costs for plans, basic construction, change orders, electronics, ordnance, contractor support, and other costs associated with completion of production drawings, ship construction, test, and delivery, including work performed post-delivery that is required to meet original contract requirements.

(3) CONTRACT TYPE.—The Navy shall employ a fixed-price type contract for construction of the fifth and following ships of the Littoral Combat Ship class of vessels.

(4) LIMITATION OF GOVERNMENT LIABILITY.—The Navy shall not enter into a contract, or modify a contract, for construction of the fifth or sixth vessel of the Littoral Combat Ship class of vessels if the limitation of the Government's cost liability, when added to the sum of other budgeted procurement costs, would exceed $460,000,000 per vessel.

(5) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in paragraphs (1) and (4) for either vessel referred to in such paragraph by the following:

(A) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2007.

(B) The amounts of outfitting costs and costs required to complete post-delivery test and trials.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) is repealed.

AMENDMENT NO. 2265, AS MODIFIED

On page 299, line 7, strike ''fifth fiscal year'' and insert ''fourth fiscal year''.

On page 299, line 9, strike ''fifth fiscal year'' and insert ''fourth fiscal year''.

AMENDMENT NO. 3087

(Purpose: To require reports on the utilization of tuition assistance benefits by members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 673. REPORT ON UTILIZATION OF TUITION ASSISTANCE BY MEMBERS OF THE ARMED FORCES.

(a) REPORTS REQUIRED.—Not later than April 1, 2008, the Secretary of each military department shall submit to the congressional defense committees a report on the utilization of tuition assistance by members of the Armed Forces, whether in the regular components of the Armed Forces or the reserve components of the Armed Forces, under the jurisdiction of such military department during fiscal year 2007.

(b) ELEMENTS.—The report with respect to a military department under subsection (a) shall include the following:

(1) Information on the policies of such military department for fiscal year 2007 regarding utilization of, and limits on, tuition assistance by members of the Armed Forces under the jurisdiction of such military department, including an estimate of the number of members of the reserve components of the Armed Forces under the jurisdiction of such military department whose requests for tuition assistance during that fiscal year were unfunded.

(2) Information on the policies of such military department for fiscal year 2007 regarding funding of tuition assistance for each of the regular components of the Armed Forces and each of the reserve components of the Armed Forces under the jurisdiction of such military department.

AMENDMENT NO. 2954

(Purpose: To increase the amount authorized to repair, restore, and preserve the Lafayette Escadrille Memorial in Marnes-la-Coquette, France)

At the end of title X, add the following:

SEC. 1070. INCREASED AUTHORITY FOR REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES-LA-COQUETTE, FRANCE.

Section 1065 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1233) is amended—

(1) in subsection (a)(2), by striking ''$2,000,000'' and inserting ''$2,500,000''; and

(2) in subsection (e), by striking ''under section 301(a)(4)''.

AMENDMENT NO. 2049

(Purpose: To modify the effective date of applicability of he commencement or receipt of non-regular service retired pay)

On page 155, beginning on line 18, strike ''the date of the enactment of this subsection'' and insert ''September 11, 2001''.

AMENDMENT NO. 2101

(Purpose: To enhance education benefits for certain members of the reserve components)

At the end of subtitle E of title VI, add the following:

SEC. 673. ENHANCEMENT OF EDUCATION BENEFITS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS.

(a) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

(1) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131 the following new section:

''§ 16131A. Accelerated payment of educational assistance

''(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

''(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who is—

''(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

''(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

''(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established

charges shall be determined on the following basis:

''(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

''(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

''(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

''(1) the person's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

''(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

''(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $4,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

''16131A. Accelerated payment of educational assistance.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(b) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

''§ 16162A. Accelerated payment of educational assistance

''(a) The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

''(b) An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who is—

''(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

''(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

''(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

''(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

''(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

''(d) An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

''(1) the member's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

''(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

''(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $3,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

''16162A. Accelerated payment of educational assistance.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(c) ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking ''for two continuous years or more.'' and inserting ''for—

''(i) two continuous years or more; or

''(ii) an aggregate of three years or more.''.

(2) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—Such section is further amended by adding at the end the following new subsection:

''(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligible for educational assistance

under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

''(B) An individual covered by subparagraph (A) may make the contributions authorized by that subparagraph at any time while a member of a reserve component, but not more frequently than monthly.

''(C) The total amount of the contributions made by an individual under subparagraph (A) may not exceed $600. Such contributions shall be made in multiples of $20.

''(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

''(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

''(A) an amount equal to $5 for each $20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

''(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.''.

AMENDMENT NO. 2261

(Purpose: To extend the period of entitlement to educational assistance for certain members of the Selected Reserve affected by force shaping initiatives)

At the end of subtitle E of title VI, add the following:

SEC. 673. EXTENSION OF PERIOD OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE AFFECTED BY FORCE SHAPING INITIATIVES.

Section 16133(b)(1)(B) of title 10, United States Code, is amended by inserting ''or the period beginning on October 1, 2007, and ending on September 30, 2014,'' after ''December 31, 2001,''.

AMENDMENT NO. 2074

(Purpose: To modify the time limit for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations)

At the end of subtitle E of title VI, add the following:

SEC. 673. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking ''this chapter while serving—'' and all that follows and inserting ''this chapter—

''(1) while the member is serving—

''(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

''(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

''(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

''(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

AMENDMENT NO. 2000

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation and to modify the date of paid-up coverage under the Survivor Benefit Plan)

At the end of subtitle D of title VI, add the following:

SEC. 656. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFIT PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d)(2) of such title is amended—

(1) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN.—In the case of a member described in paragraph (1),''; and

(2) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 657. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(j) of title 10, United States Code, is amended by striking ''October 1, 2008'' and inserting ''October 1, 2007''.

(b) RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.—Section 1436a of such title is amended by striking ''October 1, 2008'' and inserting ''October 1, 2007''.

AMENDMENT NO. 2161

(Purpose: To repeal the annual limit on the number of Reserve Officers' Training Corps scholarships under the Army Reserve and Army National Guard financial assistance program)

At the end of subtitle D of title V, add the following:

SEC. 555. REPEAL OF ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND ARMY NATIONAL GUARD FINANCIAL ASSISTANCE PROGRAM.

Section 2107a(h) of title 10, United States Code, is amended by striking ''not more than 416 cadets each year under this section, to include'' and inserting ''each year under this section''.

AMENDMENT NO. 2925

(Purpose: To provide that veterans with service-connected disabilities rated as total by virtue of unemployability shall be covered by the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for military retirees).

At the end of subtitle D of title VI, insert the following:

SEC. 656. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by striking ''except that'' and all that follows and inserting ''except that payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following:

''(A) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

''(B) A qualified retiree receiving veterans' disability compensation at the rate payable

for a 100 percent disability by reason of a determination of individual unemployability.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

AMENDMENT NO. 2912

(Purpose: Relating to increases in charges and fees for medical care)

At the end of title VII, add the following:

SEC. 703. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(c) PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(d) PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.—Section 1076b(e)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

SEC. 704. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2007, and ending on September 30, 2008, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 705. SENSE OF CONGRESS ON FEES AND ADJUSTMENTS UNDER THE TRICARE PROGRAM.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans;

(2) these demands and sacrifices are such that few Americans are willing to accept them for a multi-decade career;

(3) a primary benefit of enduring the extraordinary sacrifices inherent in a military career is a system of exceptional retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years;

(4) proposals to compare cash fees paid by retired military members and their families to fees paid by civilians fail to recognize adequately that military members prepay the equivalent of very large advance premiums for health care in retirement through their extended service and sacrifice, in addition to cash fees, deductibles, and copayments;

(5) the Department of Defense and the Nation have a committed obligation to provide health care benefits to active duty, National Guard, Reserve and retired members of the uniformed services and their families and survivors that considerably exceeds the obligation of corporate employers to provide health care benefits to their employees; and

(6) the Department of Defense has options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services, and should pursue any and all such options as a first priority.

AMENDMENT NO. 2066

(Purpose: To provide for the retention of reimbursement for the provision of reciprocal fire protection services)

At the end of title X, add the following:

SEC. 1070. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking ''Funds'' and inserting ''(a) Funds''; and

(2) by adding at the end the following new subsection:

''(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged.''.

AMENDMENT NO. 2984, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. NATIONAL CENTER FOR HUMAN PERFORMANCE.

The scientific institute to perform research and education in medicine and related sciences to enhance human performance that is located at the Texas Medical Center shall hereafter be known as the ''National Center for Human Performance''. Nothing in this section shall be construed to convey on such institute status as a center of excellence under the Public Health Service Act or as a Center of the National Institutes of Health under Title IV of such act.

AMENDMENT NO. 3075, AS MODIFIED

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

SEC. 1535. IMPROVISED EXPLOSIVE DEVICE PROTECTION FOR MILITARY VEHICLES.

(a) PROCUREMENT OF ADDITIONAL MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) ADDITIONAL AMOUNT FOR ARMY OTHER PROCUREMENT.—The amount authorized to be appropriated by section 1501(5) for other procurement for the Army is hereby increased by $23,600,000,000.

(2) AVAILABILITY FOR PROCUREMENT OF ADDITIONAL MRAP VEHICLES.—Of the amount authorized to be appropriated by section 1501(5) for other procurement for the Army, as increased by paragraph (1), $23,600,000,000 may be available for the procurement of 15,200 Mine Resistant Ambush Protected (MRAP) Vehicles.

AMENDMENT NO. 3089, AS MODIFIED

At the end of title VII, add the following:

SEC. 703. CONTINUATION OF TRANSITIONAL HEALTH BENEFITS FOR MEMBERS OF THE ARMED FORCES PENDING RESOLUTION OF SERVICE-RELATED MEDICAL CONDITIONS.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking ''Transitional health care'' and inserting ''Except as provided in paragraph (6), transitional health care''; and

(2) by adding at the end the following new paragraph:

''(6) A member who has a medical condition relating to service on active duty that warrants further medical care shall be entitled to receive medical and dental care for such medical condition as if the member were a member of the armed forces on active duty until such medical condition is resolved.

''(C) The Secretary concerned shall ensure that the Defense Enrollment and Eligibility Reporting System (DEERS) is continually updated in order to reflect the continuing entitlement of members covered by subparagraph (B) to the medical and dental care referred to in that subparagraph.''.

AMENDMENT NO. 3090

(Purpose: To enhance the computation of years of service for purposes of retired pay for non-regular service)

At the end of subtitle D of title VI, add the following:

SEC. 656. COMPUTATION OF YEARS OF SERVICE FOR PURPOSES OF RETIRED PAY FOR NON-REGULAR SERVICE.

Section 12733(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period and inserting ''before the year of service that includes October 30, 2007; and''; and

(3) by adding at the end the following new subparagraph:

''(D) 130 days in the year of service that includes October 30, 2007, and any subsequent year of service.''.

AMENDMENT NO. 2993, AS MODIFIED

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

SEC. 1535. SENSE OF CONGRESS ON THE CAPTURE OF OSAMA BIN LADEN AND THE AL QAEDA LEADERSHIP.

It is the Sense of Congress that it should be the policy of the United States Government that the foremost objective of United States counterterrorist operations is to protect United States persons and property from terrorist attacks by capturing or killing Osama bin Laden, Ayman al-Zawahiri, and other leaders of al Qaeda and destroying the al Qaeda network.

AMENDMENT NO. 2872

Subtitle D—Iraq Refugee Crisis

SEC. 1541. SHORT TITLE.

This subtitle may be cited as the ''Refugee Crisis in Iraq Act''.

SEC. 1542. PROCESSING MECHANISMS.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall establish or use existing refugee processing mechanisms in Iraq and in countries, where appropriate, in the region in which—

(1) aliens described in section 1543 may apply and interview for admission to the United States as refugees; and

(2) aliens described in section 1544(b) may apply and interview for admission to United States as special immigrants.

(b) SUSPENSION.—The Secretary of State, in consultation with the Secretary of Homeland of Security, may suspend in-country processing for a period not to exceed 90 days. Such suspension may be extended by the Secretary of State upon notification to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives. The Secretary of State shall submit a report to the Committees of jurisdiction outlining the basis of such suspension and any extensions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report that contains the plans and assessment described in paragraph (2) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (I) shall—

(A) describe the Secretary's plans to establish the processing mechanisms described in subsection (a);

(B) contain an assessment of in-country processing that makes use of videoconferencing; and

(C) describe the Secretary of State's diplomatic efforts to improve issuance of entry and exit visas or permits to United States personnel and refugees.

SEC. 1543. UNITED STATES REFUGEE PROGRAM PROCESSING PRIORITIES.

(a) IN GENERAL.—Refugees of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system who may apply directly to the United States Admission Program shall include—

(1) Iraqis who were or are employed by, or worked for the United States Government, in Iraq;

(2) Iraqis who establish to the satisfaction of the Secretary of State in coordination with the Secretary of Homeland Security that they are or were employed in Iraq by—

(A) a media or nongovernmental organization headquartered in the United States; or

(B) an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement; and

(3) spouses, children, and parents who are not accompanying or following to join and sons, daughters, and siblings of aliens described in paragraph (1) or section 1544(b)(1); and

(4) Iraqis who are members of a religious or minority community, have been identified by the Department of State with the concurrence of the Department of Homeland Security as a persecuted group, and have close family members (as described in section 201 (b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.

(b) IDENTIFICATION OF OTHER PERSECUTED GROUPS.— The Secretary of State and the Secretary of Homeland Security are authorized to identify other Priority 2 groups in Iraq.

(c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—Organizations and entities described in section 1543 shall not include any that appear on the Department of the Treasury's list of Specially Designated Nationals or any entity specifically excluded by the Secretary of Homeland Security, after consultation with the Department of State and relevant intelligence agencies.

(d) Aliens under this section who qualify for Priority 2 processing must meet the requirements of section 207 of the Immigration and Nationality Act.

SEC. 1544. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

(a) IN GENERAL.—Subject to subsection (c)(1) and notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)'', if the alien—

(1) or an agent acting on behalf of the alien, submits to the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa;

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(4) cleared a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is a national of Iraq;

(B) was or is employed by, or worked for the United States Government in Iraq, in or after 2003, for a period of not less than 1 year;

(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation from the employee's senior supervisor. Such evaluation or recommendation must be accompanied by approval from the Chief of Mission or his designee who shall conduct a risk assessment of the alien and an independent review of records maintained by the hiring organization or entity to confirm employment and faithful and valuable service prior to approval of a petition under this section; and

(D) has experienced or is experiencing an ongoing serious threat as a consequence of their employment by the United States Government.

(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is—

(A) the spouse or child of a principal alien described in paragraph (1); and

(B) is accompanying or following to join the principal alien in the United States.

(3) TREATMENT OF SURVIVING SPOUSE OR CHILD—An alien shall also fall within subsection (b) of section 1544 of this Act, if—

(1) the alien was the spouse or child of a principal alien who had an approved petition with the Secretary of Homeland Security or the Secretary of State pursuant to section 1544 of this Act or section 1059 of the National Defense Authorization Act for the Fiscal Year 2006, Public Law 109–163, as amended by Public Law 110–36, which included the alien as an accompanying spouse or child; and

(2) due to the death of the petitioning alien, such petition was revoked or terminated (or otherwise rendered null) after its approval.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed 5,000 per year for each of the 5 fiscal years beginning after the date of the enactment of this Act. The authority provided by subsection (a) of this section shall expire on September 30 of the fiscal year that is the fifth fiscal year beginning after the date of enactment of this Act.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203 (b)(4) of the Immigration and Nationality Act (8 U.S.C. 115l(d), 1 152(a), and 1 1 53(b)(4)).

(3) CARRY FORWARD.—If the numerical limitation under paragraph (1) is not reached during a given fiscal year, the numerical limitation under paragraph (1) for the following fiscal year shall be increased by a number equal to the difference between—

(A) the number of visas authorized under paragraph (1) for the given fiscal year; and

(B) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq, if possible, of such alien if the Secretary determines after consultation that such alien is in imminent danger.

(f) DEFINITIONS.—The terms defined in this Act shall have the same meaning as those terms in the Immigration and Nationality Act.

(g) SAVINGS PROVISION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

SEC. 1545. MINISTER COUNSELORS FOR IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

(a) IN GENERAL.—The Secretary of State shall establish in the embassy of the United States located in Baghdad, Iraq, a Minister Counselor for Iraqi Refugees and Internally Displaced Persons (referred to in this section as the ''Minister Counselor for Iraq'').

(b) DUTIES.—The Minister Counselor for Iraq shall be responsible for the oversight of processing for resettlement of persons considered Priority 2 refugees of special humanitarian concern, special immigrant visa programs in Iraq, and the development and implementation of other appropriate policies and programs concerning Iraqi refugees and internally displaced persons. The Minister Counselor for Iraq shall have the authority to refer persons to the United States refugee resettlement program.

(c) DESIGNATION OF MINISTER COUNSELORS.—The Secretary of State shall designate in the embassies of the United States located in Cairo, Egypt; Amman, Jordan; Damascus, Syria; and Beirut, Lebanon a Minister Counselor to oversee resettlement to the United States of persons considered Priority 2 refugees of special humanitarian concern in those countries to ensure their applications to the United States refugee resettlement program are processed in an orderly manner and without delay.

SEC. 1546. COUNTRIES WITH SIGNIFICANT POPULATIONS OF DISPLACED IRAQIS.

(a) IN GENERAL.—With respect to each country with a significant population of displaced Iraqis, including Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary of State shall—

(1) as appropriate, consult with other countries regarding resettlement of the most vulnerable members of such refugee populations; and

(2) as appropriate, except where otherwise prohibited by the laws of the United States, develop mechanisms in and provide assistance to countries with a significant population of displaced Iraqis to ensure the well-being and safety of such populations in their host environments.

(b) NUMERICAL LIMITATIONS.—In determining the number of Iraqi refugees who should be resettled in the United States under sections (a) and (b) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the President shall consult nongovernmental organizations that have a

presence in Iraq or experience in assessing the problems faced by Iraqi refugees.

(c) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for classification as a special immigrant.

SEC. 1547. DENIAL OR TERMINATION OF ASYLUM.

(a) MOTION TO REOPEN.—Section 208(b) of the Immigration and Nationality Act is amended by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—An applicant for asylum or withholding of removal, whose claim was denied by an immigration judge solely on the basis of changed country conditions on or after March 1, 2003, may file a motion to reopen his or her claim not later than 6 months after the date of the enactment of the Refugee Crisis in Iraq Act if the applicant—

''(A) is a national of Iraq; and

''(B) remained in the United States on such date of enactment.''.

(b) PROCEDURE.—A motion filed under this section shall be made in accordance with section 240(c)(7)(A) and (B) of the Immigration and Nationality Act.

SEC. 1548. REPORTS.

(a) SECRETARY OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report containing plans to expedite the processing of Iraqi refugees for resettlement to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) detail the plans of the Secretary for expediting the processing of Iraqi refugees for resettlement including through temporary expansion of the Refugee Corps of United States Citizenship and Immigration Services;

(B) describe the plans of the Secretary for increasing the number of Department of Homeland Security personnel devoted to refugee processing in the noted regions;

(C) describe the plans of the Secretary for enhancing existing systems for conducting background and security checks of persons applying for Special Immigrant Visas and of persons considered Priority 2 refugees of special humanitarian concern under this subtitle, which enhancements shall support immigration security and provide for the orderly processing of such applications without delay; and

(D) detail the projections of the Secretary, per country and per month, for the number of refugee interviews that will be conducted in fiscal year 2008 and fiscal year 2009.

(b) PRESIDENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress an unclassified report, with a classified annex if necessary, which includes—

(1) an assessment of the financial, security, and personnel considerations and resources necessary to carry out the provisions of this subtitle;

(2) the number of aliens described in section 1543(1);

(3) the number of such aliens who have applied for special immigrant visas;

(4) the date of such applications; and

(5) in the case of applications pending for more than 6 months, the reasons that visas have not been expeditiously processed.

(c) REPORT ON IRAQI NATIONALS EMPLOYED BY THE UNITED STATES GOVERNMENT AND FEDERAL CONTRACTORS IN IRAQ.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security shall—

(A) review internal records and databases of their respective agencies for information that can be used to verify employment of Iraqi nationals by the United States Government; and

(B) solicit from each prime contractor or grantee that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of $25,000 information that can be used to verify the employment of Iraqi nationals by such contractor or grantee.

(2) INFORMATION REQUIRED.—To the extent data is available, the information referred to in paragraph (1) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of, each Iraqi national that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with an executive agency.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term ''executive agency'' has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(d) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security, shall submit to Congress a report examining the options for establishing a unified, classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Iraq since March 2003, including the information described and collected under subsection (c), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(e) NONCOMPLIANCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that describes—

(1) the inability or unwillingness of any contractors or grantees to provide the information requested under subsection (c); and

(2) the reasons for failing to provide such information.

SEC. 1549. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

AMENDMENT NO. 2214, AS MODIFIED

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON RAPID FIELDING OF ASSOCIATE INTERMODAL PLATFORM SYSTEM AND OTHER INNOVATIVE LOGISTICS SYSTEMS.

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

(1) Use of the Associate Intermodal Platform (AIP) pallet system, developed two years ago by the United States Transportation Command, could save the United States as much as $1,300,000 for every 1,000 pallets deployed.

(2) The benefits of the usage of the Associate Intermodal Platform pallet system include the following:

(A) The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers and thereby provide further savings in costs of transportation of cargo.

(B) The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the United States Transportation Command at various military installations in the United States, at a Navy testing lab, and in the field in Iraq, Kuwait, and Antarctica.

(C) By all accounts the Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) rapidly field innovative logistic systems such as the Associated Intermodal Platform pallet system; and

(2) seek to fully procure innovative logistic systems such as the Associate Intermodal Platform pallet system in future budgets.

AMENDMENT NO. 2942, AS MODIFIED

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT AND MASTER INFRASTRUCTURE RECAPITALIZATION PLAN REGARDING CHEYENNE MOUNTAIN AIR STATION, COLORADO.

(a) REPORT ON RELOCATION OF NORTH AMERICAN AEROSPACE DEFENSE COMMAND CENTER.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the relocation of the North American Aerospace Defense command center and related functions from Cheyenne Mountain Air Station, Colorado, to Peterson Air Force Base, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) an analysis comparing the total costs associated with the relocation, including costs determined as part of ongoing security-related studies of the relocation, to anticipated operational benefits from the relocation; and

(B) a detailed explanation of those backup functions that will remain located at Cheyenne Mountain Air Station, and how those functions planned to be transferred out of Cheyenne Mountain Air Station, including the Space Operations Center, will maintain operational connectivity with their related commands and relevant communications centers.

(b) MASTER INFRASTRUCTURE RECAPITALIZATION PLAN.—

(1) IN GENERAL.—Not later than March 16, 2008, the Secretary of the Air Force shall submit to Congress a master infrastructure recapitalization plan for Cheyenne Mountain Air Station.

(2) CONTENT.—The plan required under paragraph (1) shall include—

(A) A description of the projects that are needed to improve the infrastructure required for supporting missions associated with Cheyenne Mountain Air Station; and

(B) a funding plan explaining the expected timetable for the Air Force to support such projects.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the pending substitute amendment to Calendar No. 189, H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

Mitch McConnell, C.S. Bond, David Vitter, Lisa Murkowski, R.F. Bennett, Tom Coburn, Lindsey Graham, Jon Kyl, Wayne Allard, John Thune, Norm Coleman, Richard Burr, Ted Stevens, Jeff Sessions, J.M. Inhofe, Thad Cochran, Michael B. Enzi.

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

The question is, Is it the sense of the Senate that debate on Amendment No. 2011, offered by the Senator from Michigan, Mr. LEVIN, in the nature of a substitute to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, shall be brought to a close?

Mr. LEVIN. Mr. President, just 30 seconds. I hope the Senate will vote for cloture. Let me give the rundown of amendments we have now adopted.

One hundred ninety-one amendments have now been adopted through either clearance in voice vote or rollcall. We have a lot of amendments left. We will be here tomorrow, and we will be here on Monday. If cloture is invoked, we will work the best we can to see if we can get some germane amendments adopted, even those that we agree by unanimous consent may not be germane but should be adopted. I hope cloture is invoked. We will be here tomorrow and Monday to work on amendments.

Mr. FEINGOLD. Mr. President, I support many of the priorities in this bill, and I do not think the Senate should extend debate on it indefinitely. But, if we invoke cloture on the bill, as it currently stands, we will be ensuring that it contains no language to bring our involvement in the Iraq war to a close. That would be a mistake. The war in Iraq is taking a tremendous toll on our servicemembers and our military preparedness—not to mention our national security and our pocketbook. It is irresponsible for Congress to pass legislation authorizing the activities of the Department of Defense that fails to bring our troops home and this war to an end.

The PRESIDING OFFICER. The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 89, nays 6, as follows:

[Rollcall Vote No. 357 Leg.]

YEAS—89

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

NAYS—6

Collins	Feingold	Sanders
Dodd	Leahy	Voinovich

NOT VOTING—5

Biden	Clinton	Obama
Brownback	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Virginia.

Mr. WARNER. Mr. President, we are now in the postcloture status.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3058

(Purpose: To provide for certain public-private competition requirements)

Mr. REID. Mr. President, on behalf of Senators KENNEDY and MIKULSKI, I call up amendment No. 3058.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID}, for Mr. KENNEDY and Ms. MIKULSKI, proposes an amendment numbered 3058.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Wednesday, September 26, 2007 under ''Text of Amendments.'')

AMENDMENT NO. 3109 TO AMENDMENT NO. 3058

Mr. REID. Mr. President, I call up amendment No. 3109.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KENNEDY, proposes an amendment numbered 3109 to amendment No. 3058.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment strike all after the first word and insert the following:

SEC. 358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

''(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

''(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

''(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and''.

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the Department of Defense—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).''.

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after ''2003'' the following: '', or any successor circular''; and

(B) in subparagraph (D), by striking ''and reliability'' and inserting '', reliability, and timeliness''; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting ''of'' after ''examination''.

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.''.

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

''For any protest of a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.''.

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests of public-private competitions.''.

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A–76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

''(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

''(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

''(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(3) In no case may a function being performed by executive agency personnel be—

''(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

''(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

''(A) The function for which such public-private competition is to be conducted.

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is

not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

''(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

''(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

''(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 43. Public-private competition required before conversion to contractor performance.''.

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years .

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required for any Department of Defense function before—

(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.''.

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

Mr. WARNER. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, we are now on the bill in a postcloture status. The distinguished chairman, Senator LEVIN, is here. I am here. We are prepared to deal with whatever amendments come forward this evening and, again, we will be here tomorrow.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on behalf of the Kennedy-Mikulski amendment, as amended by the distinguished majority leader.

I know the hour is late so I will not speak at length, but I will speak with passion about what this amendment is all about.

This is about contracting out. I am here to join in an amendment that protects our Civil Service, protects our taxpayers, and protects Government workers. I think we would all agree that America needs an independent Civil Service and that our Federal employees are on the front lines every day working hard for America. This administration's plan for privatization is a quota-driven plan that costs money, morale, and the integrity of the Civil Service. It forces Federal employees into unfair competition and forces them to spend time and money competing for their jobs instead of doing their jobs. The administration has stacked the deck against Federal employees with their A–76 competitions, but I am here to level the playing field along with my colleagues.

This amendment is simple. It helps Federal employees compete for their jobs and at the same time, makes sure

the Federal Government saves money. My other colleagues who are cosponsors will focus on different pieces of this amendment, but I am here to talk about three specific parts.

First of all, this amendment saves taxpayers money. When the administration passed these new quota-driven bounty-hunting A–76 rules, contractors were not even required to show they would save the Government any money—but we thought that was the point of it—so we had some private contracts that actually cost the Government more money than if Federal employees were doing the work.

Now, the amendment that is pending would require that all contracts save $10 million or 10 percent. You must save money: $10 million or 10 percent. So Federal workers will not be losing their jobs to contractor bids that do not even save the Government or the taxpayers money.

Second, it deals with the issue of health and retirement benefits. Right now, a private contractor can win a bid on Federal work simply because they provide either no health and retirement benefits or skimpy or Spartan benefits, this is bad for Federal employees and bad for the contractors doing the work.

This amendment would prohibit contractors from winning a bid if the only cost savings are from bad or no benefits. This is to prevent bagging benefits in order to win the contract. This helps level the playing field for Federal employees who have to submit their own best bids, but they have to include these health and retiree benefits.

Number 3, really, this is what I think is crucial, and I hope my colleagues from the other side of the aisle will hear this. This amendment eliminates privatization quotas. Remember, the new Bush rules are quota driven. It makes those who are pushing the A–76 in an agency the equivalent of a bounty hunter.

Now, let's deal with the word ''quota.'' I have heard a lot about quotas in my day, usually from the other side in a very pejorative way. Hey, what happened to goals and timetables? I thought we did not go for quotas in this Senate. I thought we were for goals and timetables. Remember discussions on affirmative action? ''We don't want no quotas.'' Well, I do not want quotas in privatization. Quite frankly, I do not even want goals and timetables in privatization. But OMB imposes privatization quotas on all Federal agencies, forcing them to conduct A–76 competitions on as many as 150,000 jobs each year. What a huge waste of money. These quota-driven bounty hunters force these wasteful A–76 reviews, even on agencies that do not want to do them or in categories that give them pause to pursue. It wastes time. It wastes taxpayers' dollars.

This amendment would stop OMB from using quotas to force agencies to conduct these privatization reviews. This would not prevent agencies from contracting out work. It would simply allow Federal agencies to make their own decisions about when to use the A–76 process.

Now let me be very clear. I am not opposed to contracting out. I am not opposed to privatization. In my own State it has worked well. Look at Goddard Space Flight Center. We have 3,000 civil service jobs, but 9,000 private contractor jobs. In this way, we get incredible value for our space dollar. I am proud of them both, and they work well together. They serve the Nation well.

But the way this administration is going about privatization does not work. We need this amendment because the way contracting is being pursued is irresponsible. It even puts our Nation's security at risk.

I want to give one specific issue—contracting out at Walter Reed. Before my dear colleague Senator Paul Sarbanes left, we were on this floor fighting an A–76 contract for contracting out facilities management for people who handle the grounds and so on at Walter Reed. We challenged that A–76 because there had been over three to six appeals. Each time the Federal employees won. However, the administration pushed and pushed and pushed. As we were battling it out on the floor, I read a letter from the colonel who said: If you contract this out, I am concerned there will be a degradation of service at Walter Reed.

Well—guess what—we lost the amendment. Walter Reed contracted out its facilities management. We went from 300 employees, who kept Walter Reed tip top for our wounded warriors, down to 50 people, and we ended up with a national scandal.

Now, you tell me, what did we gain from that contracting out? How could you look in the eyes of a wounded warrior at Walter Reed and at a hospital that was ridden with mold and rot, for which we all had to go out and pound on the table and pound on our chest about the outrage? We could have stopped the scandal at Walter Reed if we had stopped that contracting out—300 people to 50. Why did it take 300 people at Walter Reed? Because it is an older building. It is several buildings. Our wounded warriors were in hospitals that made international headlines because we could not take care of our own.

Well, I am now taking care of this contracting out. So this amendment is the ''remember the Walter Reed scandal'' amendment. I hope my colleagues will join with me. Yes, we will privatize where appropriate. Yes, we will privatize where we will get value for our dollar. But I don't want any kind of privatization that ends up in a national scandal and a national disgrace.

I urge my colleagues to vote for this amendment.

Mr. FEINGOLD. Mr. President, I am deeply concerned about the threat posed by Iran, but I voted against the amendment offered by Senators KYL and LIEBERMAN because it could be interpreted as an authorization to keep U.S. troops in Iraq indefinitely to police the Iraqi civil war and engage in a proxy war with Iran. Maintaining a significant U.S. troop presence in Iraq is undermining our ability to deter Iran as it increases its influence in Iraq, becomes bolder in its nuclear aspirations, and continues to support Hezbollah. The administration needs to end its myopic focus on Iraq and develop comprehensive, effective strategies for dealing with Iran and the other serious challenges we face around the world.

Mr. President, I voted against Senator BIDEN's amendment because, while we should support a comprehensive political settlement in Iraq, the U.S. Government shouldn't tell the Iraqi people how to run their country.

Ms. MIKULSKI. Mr. President, I am proud to cosponsor Senator BIDEN's amendment calling on the United States to actively support a Federal system of government in Iraq.

The brutal reality is that Iraq today is being torn apart by sectarian violence. The Maliki government in Baghdad is too weak and too corrupt to lead Iraq's Sunni, Shia and Kurdish communities to the political reconciliation they need to end the fighting. Iraq is being torn apart by civil war, and U.S. military forces are caught in the middle.

It is clear to me that President Bush has no strategy for ending the war in Iraq. It is up to Congress to provide the way forward to bring stability to Iraq and to bring our troops home. Our military has done everything we have asked them to do, valiantly and skillfully. But the experts all agree: there is no military solution in Iraq. We need a comprehensive political settlement that gives the Iraqi people control over their own fate and allows our troops to come home.

Senator BIDEN has proposed a plan to maintain a united Iraq by decentralizing it. Rather than putting our troops between warring factions, this plan would give the Kurds, Sunni and Shia control over their own land and people, while leaving a central government in Baghdad responsible for protecting common national Iraqi interests. This plan has five major parts.

Step one is establishing three autonomous regions in Iraq with a functional central government in Baghdad. Each region would have authority over its own domestic laws, administration, and internal security. The central government would control border defense, foreign policy, and oil revenues. This would give Iraq's sectarian groups control over their own destiny and ensure that Iraq does not splinter into pieces, creating regional chaos.

Step two of the Biden plan is to secure the cooperation of Iraq's Sunni minority. The Sunni Arabs in Iraq do not have access to the same oil wealth enjoyed by the Kurds in the north and the Shia in the south. Under this plan, Iraq's central Government would guarantee the Sunni's economic viability

by pledging 20-percent of Iraq's oil revenue. It would address Sunni political concerns by allowing former members of the Baath party to join Iraq's national Government. Iraq's Sunnis must have confidence that they can prosper and thrive in a peaceful Iraq, so they will lay down their arms and end their destructive insurgency.

Step three of this plan is to call on the international community and Iraq's neighbors to help stabilize Iraq by accepting this federal arrangement and respecting Iraq's borders and sovereignty. Iraq will need strong support from the international community to ensure that its neighbors do not try to expand their influence into any of the three autonomous regions created under this federalist system.

Step four calls for the withdrawal of most U.S. military forces from Iraq. We would leave a small but effective residual force behind to help Iraq's security forces combat terrorism and protect Iraq's borders, but most U.S. forces would be out of Iraq before the end of 2008. We know there is no military solution to Iraq's current problems, and we know the armed militias that are tearing Iraq apart will never lay down their arms as long as the U.S. military has a large presence in their country. Withdrawing most U.S. troops will demonstrate to the Iraqi people that they must take responsibility for building a peaceful, stable Iraq. A small but lethal contingent of U.S. forces that remains either in Iraq or nearby can help the Iraqis combat terrorism and deter mischief by Iraq's neighbors.

Finally, the Biden plan calls for robust international support for reconstruction in Iraq. This economic assistance must be conditioned on respect for minority and women's rights. The international community has an interest in seeing a vital, healthy Iraq, but we should use our resources to help Iraq build a society based on equality for all. By providing economic opportunities for every Iraqi, we can help end the violence and build a strong, stable Iraq.

We know that President Bush has no plan for stabilizing Iraq or ending the war. The Biden plan can lead to a lasting political solution in Iraq that stops the violence and allows our military forces to come home. I am proud to support it, and I am proud to cosponsor this amendment.

Mr. DOMENICI. Mr. President, I want to take a moment to inform the Senate about amendment No. 2981. I greatly appreciate Chairman LEVIN's and Ranking Member McCain's cooperation in including it in the managers' package.

My amendment to the Defense authorization bill calls for a review of the Department of Energy's strategic plan for advanced computing. This review would be completed by the independent scientific advisory group and assess where the Department is headed in this important area.

The measure focuses attention on the essential role our national laboratories play in advancing the state of the art for high performance computing a vital area for our national security and scientific leadership.

Our laboratories have been instrumental in pressing the limits of raw computing power and creating more sophisticated simulation capabilities.

Since the early days of scientific computing and continuing through the development of today's advanced parallel computing systems, the laboratories pioneered the development of high performance computing and software development. From developing advanced computing architectures and algorithms to effective means for storing and viewing the enormous amounts of data generated by these machines, the laboratories have made high performance computing a reality.

These capabilities have become a requirement for certifying the nation's nuclear weapons stockpile without nuclear testing. They also find application far outside laboratory walls.

The Stockpile Stewardship Program was created as the alternative to underground nuclear testing, to ensure that our nuclear weapons systems would remain safe, secure and reliable. Doing so without nuclear testing required significant investments in computer modeling and simulation.

This investment has paid enormous dividends. Every year, computing power increases at a pace set by America's national laboratories. The world's current fastest supercomputer is Lawrence Livermore's ''Blue Gene,'' which recently exceeded 280 ''teraflops'' or trillions of calculations per second. Oak Ridge's ''Jaguar'' system and Sandia National Laboratory's ''Red Storm'' are second and third, each exceeding 100 teraflops.

The applications go well beyond security and basic science. The laboratories have worked hard to transition these capabilities to academia and industry, simulating complex industrial processes and their environmental impact including global climate change.

Collaborations with the private sector have also driven down the cost, so that now high performance does not mean high expense. This has had an enormous impact, making advanced computing within the reach of an ever wider circle of users including the Department of Energy's Office of Science.

At the labs today, not only do these computers run advanced experimental models that give us confidence in our nuclear deterrent, but they also help us decipher the human genome and develop improved medicines. Advanced computing has also helped Sandia engineers understand the safety risks to the Space Shuttle, when the foam from the fuel tank hit and damaged the heat tiles.

We will continue to use advanced computing to support engineering design work to ensure that our bridges and infrastructure are safe, as well as filter massive amounts of data in an effort to predict where terrorists are planning to attack next.

These achievements did not happen by accident. They required planning, commitment and follow through.

Unfortunately, I am concerned that we may be losing this focus and commitment to support long term research on advance computing architectures and continue the search for even greater simulation capabilities. The Department of Energy and the National Nuclear Security Administration appear not to have a coordinated strategy for advancing the state-of-the-art in computing and instead propose to actually reduce computing capacity within the laboratory system. I believe this is a mistake.

In the Senate Energy and Water Development appropriations bill for fiscal year 2008, Chairman DORGAN and I have proposed to establish a joint program office for high performance computing led by the NNSA Administrator and the Under Secretary for Science. This office will have the primary responsibility of ensuring a well balanced portfolio of computing platforms for the DOE and the Nation.

The proposed office will develop a high performance computing technology roadmap and acquisition strategy for the DOE. I strongly believe that DOE and NNSA must pool their resources and establish an advanced computing R&D program. A long term, Department-wide strategy is necessary to ensure that the world class simulation capabilities within the complex are maintained and investments are made to drive innovation. If the past success of the program is a predictor, there will be amazing new technological innovations and the cost of computing will fall like a stone. This will ensure that universities, laboratories, U.S. businesses and law enforcement will have the computing capability necessary for their success.

We must continue to raise the bar, giving our best and brightest new targets to aim for, ensuring that America will retain its technical leadership in advanced computing.

I would like to pay tribute to the men and women of Sandia, Los Alamos and Livermore National labs and their private sector counterparts at Cray, IBM, and Intel, and the Department of Energy and the NNSA. These individuals have worked extraordinarily hard to solve complex computing architecture and software challenges. This work has paid off and we must remain committed to future excellence in this field.

Mr. President, I ask unanimous consent that a listing of the world's fastest computers be printed in the RECORD. I would like for my colleagues to note that 8 of the top 10 computers are located at U.S. Department of Energy national labs and universities and this would not be the case except for the investments made by the Department of Energy.

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

TOP 10 FASTEST SUPERCOMPUTERS IN THE WORLD (JUNE 2007)*

Name, Location—Speed (TFlops/s).

1. Blue Gene/L (IBM), Lawrence Livermore (DOE)—280.6.
2. Jaguar (Cray), Oak Ridge (DOE)—101.7.
3. Red Storm (Cray), Sandia (DOE)—101.4
4. Blue Gene Watson (IBM), IBM Thomas Watson—Research Center—91.2.
5. New York Blue (IBM), Stony Brook/Brookhaven (DOE)—82.1.
6. ASC Purple (IBM), Lawrence Livermore (DOE)—75.7.
7. eService Blue Gene (IBM), Rensselaer Polytechnic Institute (Troy, NY)—73.0.
8. Abe (Dell), NSF–NCSA—62.6
9. MareNostrum (IBM), Barcelona Supercomputing Center—62.6.
10. HLRB–II (SGI), Leibniz Rechenzentrum—56.5.

*Ranking from the TOP500 Project (http://www.top500.org)

Mr. ENZI. Mr. President, I wish to express my concern about the current agenda of the U.S. Senate.

For about 16 days, we have been debating the National Defense Authorization Act for fiscal year 2008. I do not think that any Member of this Chamber believes this is an unimportant or throwaway piece of legislation. This bill is about our troops and our veterans. It is about their health care. It is about their equipment. It is about how we treat those individuals who have put on the uniforms of our Armed Forces and served our Nation.

The Defense bill before us authorizes $24.6 billion for the defense health program, including a $1.9 billion adjustment to fund TRICARE benefits. The bill includes authorization for the purchase of upgrades to Bradley fighting vehicles and the purchase of Stryker vehicles. This legislation authorized research into technology that will keep our troops safer while they carry out their current missions and research into medical technology that will help with battlefield diagnostics and care for any wounded warrior.

In the midst of considering this troop-related bill, we are now considering amendments on items completely unrelated to the men and women in uniform. This kind of political gamesmanship is precisely why congressional approval ratings are at an all-time low.

Are we going to provide the resources our men and women in the military need by passing this Defense bill or are we going to stuff this bill so full of nondefense policy and programs that the legislation blows up like a makeshift terrorist explosive device? The majority party is in charge of getting critical bills through, yet they are delaying passage of these bills by trying to empty their outbox full of controversial issues. Unfortunately, the authors of these unrelated special interest amendments have chosen the latter.

The first amendment set to come before us for a vote is legislation on hate crimes. When it is the appropriate time to be debating the merits of a hate crime bill then I will debate that. Debating it in relation to a bill we need in order to provide for our military is not the appropriate time. We have also been told to expect amendments related to immigration. The Senate earlier this year spent weeks on immigration legislation—that is where debate on that amendment should occur.

As my colleague from Texas, Senator CORNYN, stated, there is a time and a place for everything. A bill drafted to address our national defense and our troops is not the place for these amendments.

Instead of focusing on the needs of our troops in the field, our wounded warriors needing medical attention, and our veterans who have served us all, the authors of these amendments seek to distract our attention and delay progress on this bill.

I sincerely hope all Members of the Senate will put these issues aside for a more appropriate time for debate and let us proceed on improving the lives of our troops. Let's put our troops first on the Senate agenda.

Mr. CONRAD. Mr. President, I was pleased to join my co-chair of the Senate Tanker Caucus, the senior Senator from Utah, in introducing amendment No. 2895. And I am very glad that the distinguished ranking member of the Armed Services Committee chose to join with our caucus in preparing a compromise amendment, No. 3104, that makes clear how crucial recapitalizing our tanker fleet is to our national security.

I thank Senator MCCAIN and Senator LEVIN for their leadership on this issue and their willingness to accept this amendment.

In October of last year, the Secretary and Chief of Staff of the Air Force made a very important announcement. They declared that their top acquisition priority for the future is the replacement of our Nation's aerial refueling tanker fleet. This program could cost about $13 billion over the next 5 years, and perhaps $100 billion over the next three decades.

The senior Senator from Utah and I joined forces to form a caucus in support of this vital objective. We believe that updating our aerial tanker fleet is crucial if we are to continue to be able to project American military power around the globe.

The U.S. national security strategy depends on a robust air refueling capability, as do our coalition partners. No other nation in the world has a comparable capability. The U.S. advantage in tankers is at the center of almost all the other strategic capabilities of our Air Force.

Yet today, our tanker fleet is the oldest part of the Air Force inventory making maintenance difficult and expensive. The KC–135 makes up over 90 percent of our refueling capability, but the average age of that fleet is over 45 years. The ''E-Model'' aircraft have the oldest engines and are rapidly declining in utility. Their mission capable rates have dropped significantly, and their cost-per-flying hour has increased.

Despite generations of meticulous maintenance, these tankers are getting toward the end of their economic service life. Uncertainty about corrosion problems creates a significant vulnerability—we could find a serious problem in a few of these aircraft that could result in the whole fleet being grounded.

And that would have catastrophic results, as General Michael Moseley made very clear in comments on October 12. ''In this global business we're in, the single point of failure of an air bridge, or the single point failure for global intelligence, surveillance and reconnaissance, or the single point of failure for global strike is the tanker,'' he said. ''To be able to bridge the Atlantic, to be able to bridge the Pacific, or to be able to let business in the theater be persistent business in the theater, it's the tanker.''

To reverse that vulnerability, the Air Force is taking steps to replace these tankers. The tanker caucus supports that effort. The Air Force is also taking steps to make sure that a portion of the current tanker fleet is kept viable as they work to develop and buy the next generation tanker. This amendment supports that effort as well, by specifically referencing the Air Force's strategy to modify and upgrade an appropriate portion of the KC–135 fleet to ensure that it remains viable as the Air Force waits for new tankers to be delivered. Nothing in this amendment would further constrain the Air Force's ability to retire the oldest tankers as they deem necessary.

Finally, this amendment recognizes that the procurement of aerial refueling on a fee-for-service basis may also end up being part of the solution to preventing a temporary gap in tanker capability—though I doubt that it will make up a major portion of our overall tanker capacity.

The Air Force is working through two competing submissions for tanker replacement in response to the request for proposals it issued last year. This full, free and open competition will help to achieve the best value possible for the taxpayer on this major program.

As General Moseley noted, ''It's important to get started'' on this important acquisition program. The time is right to begin recapitalizing this vital national asset. The Air Force predicts that a funding shortfall this year would likely lead to a 6 to 9 month delay in fielding the new tankers.

The original amendment that Senator HATCH and I offered was co-sponsored by Senators DORGAN, GREGG, ROBERTS, SUNUNU, CANTWELL and INHOFE. It simply expressed the sense of the Congress that timely replacement of the Air Force tanker fleet is a vital national security priority, and presented the reasons for that judgment. The McCain-Conrad amendment makes the same point in expressing

that modernizing the tanker force is a vital national security priority.

While some members and some committees differ on the amount of funding that they believe is required to carry out this program fiscal year 2008, I believe that the Senate can agree that carrying out this program is a vital national security priority. I appreciate my colleagues' support for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, is there any objection if we proceed to morning business?

Mr. WARNER. Mr. President, there is no objection on this side. We will resume the bill tomorrow morning, I presume, around 10 o'clock.

MORNING BUSINESS

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

Would that be enough, I ask Senator BROWN? Ten minutes? You can ask unanimous consent to extend it.

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

The Senator from Ohio.

PRIVATIZATION

Mr. BROWN. Mr. President, although we are in morning business, I wish to add some comments to what Senator MIKULSKI said about privatization because what we have seen throughout our Government—whether it is Medicare, the efforts to privatize, which, unfortunately, have been partially successful at privatizing but not so successful in serving the public, serving seniors, and the totally unsuccessful effort to privatize Social Security—what we have seen in public education, what we have seen in the prison system in my State of Ohio, what we seen in several kinds of efforts to privatize have often resulted in more taxpayer dollars being spent, a reduction in service, to be sure, less efficiency, and less accountability.

So her amendment is right on the mark. Her efforts in privatization generally are very important. I thank the senior Senator from Maryland on that.

TRADE POLICY

Mr. BROWN. Mr. President, our Nation's haphazard trade policy has done plenty of damage to Ohio's economy, to our workers—from Steubenville to Cambridge, from Portsmouth to Wauseon—to our manufacturers—in Bryan and Cleveland and Akron, and Lorain—and to our small businesses in Dayton, Cincinnati, and Springfield.

Recent news reports of tainted foods and toxic toys reveal another hazard of ill-conceived and unenforced trade rules. They subject American families, American children, to products that can harm them—that in some cases can actually kill them.

Our trade rules encourage unsafe imports. Our gap-ridden food and product inspection system lets those imports into our country. Our lax requirements for importers let those products stay on the shelves. And our foot dragging on requiring country-of-origin labeling leaves consumers in the dark. It is a lethal—all too lethal, all too often—combination.

With a total lack of protections in our trade policy, we do not just import goods from another country, we import the lax safety standards of other countries. If we relax basic health and safety rules to accommodate Bush-style, NAFTA-modeled trade deals, of course, we are going to find lead paint on our toys and toxins in our toothpaste.

Just think of it this way: When we trade with a country, when we buy $288 billion of products from China, for instance—a country that puts little emphasis on safe drinking water, on clean air, on protections for their own workers, on consumer protection, and then they sell those products to the United States, why would they care about products, consumer products, toys that are safe or food products that are safe, when they do not care about that in their own country for their own workers and for their own consumers?

Add to the fact that U.S. companies put tremendous pressure on their Chinese subcontractors to cut the cost of production to cut their own costs, and the Chinese are going to use lead paint because it is cheaper. They are going to cut corners on safety because it is cheaper.

At the same time, the Bush administration has weakened our Food and Drug Administration, Department of Agriculture, and Consumer Product Safety Commission rules, and that is compounded even further because they have cut the number of inspectors. So why should we be surprised when we see toys in our children's bedrooms that are dangerous, or when we see vitamins in our drugstores and food in our grocery stores that are contaminated?

Due to trade agreements, there are now more than 230 countries and more than 200,000 foreign manufacturers exporting FDA-related goods—FDA-regulated goods—to American consumers.

Before NAFTA, we imported 1 million lines of food. Now we import 18 million lines of food. One million lines of food in 1993; today it is 18 million lines of food.

Unfortunately, trade deals put limits on the safety standards we can require for imports and even how much we can inspect imports. I will say that again. We pass a trade agreement with another country. It puts limits on our own safety standards, and it puts limits on how much we can inspect those imports.

Our trade policy should prevent these problems—not bring them on.

Now the President, though, wants new trade agreements with Peru, Panama, South Korea, and Colombia—all based on the same failed trade model that brought us China, that has brought us NAFTA, that has brought us the Central American Free Trade Agreement.

This Chamber will soon consider—maybe even next week—a trade agreement with Peru. Some may wonder why we are entering into new trade agreements right now considering we have had five straight years of record annual trade deficits.

When I first ran for Congress in 1992, on the other side of the Capitol, to be a Member of the House of Representatives, our trade deficit was $38 billion. Today, it exceeds $800 billion. Our trade deficit with China was barely double digits 15 years ago. Today, it exceeds $250 billion.

The NAFTA/CAFTA trade model has driven down wages and working conditions for workers in Marion and Mansfield and Bucyrus and Canton and all across the United States and abroad.

This kind of trade has torn apart families' health care and pension benefits. It undermines our capacity even to produce equipment vital to our national security.

Contrary to promoting stability in Peru and the Andean region, as this trade agreement's supporters would say, these trade agreements are actually more likely to increase poverty and inequality.

This month, the United Nations Conference on Trade and Development issued a report warning developing countries—poorer nations that are doing trade agreements with us—to be wary of bilateral and regional free trade deals. The U.N. Report cited the North American Free Trade Agreement as an example of a trade agreement that may have short-term benefits for poor countries but has long-term harm. We know what NAFTA did to Mexico's middle class. We know what NAFTA did to its rural farmers. Well over 1.3 million farmers were displaced since the North American Free Trade Agreement in Mexico.

Let's look at Peru for a moment. Nearly one-third of Peru's population depends on agriculture for its livelihood. The development group Oxfam estimates that 1.7 million Peruvian farmers will be immediately affected by this trade agreement. When those farmers can't get a fair price for wheat or for barley or for corn, they are forced to produce other crops—almost inevitably, including coca. That means more cocaine production, it means more illegal drugs in the United States. We have been there before. We have seen that before. We have seen the rural dislocation in Mexico, after NAFTA, and there is nothing to suggest the Peru trade agreement will be any different.

Scholars, including former World Bank Director Joseph Stiglitz, note that rural upheaval from trade deals means more violence, more U.S. money spent on drug eradication.

An archbishop in Peru said:

We are certain this trade agreement will increase the cultivation of coca, which brings drug trafficking, terrorism, and violence.

So if we are talking about combating terrorism around the world, the exactly 180-degree wrong thing to do is a trade agreement with Peru because it will mean, as the archbishop said, the increased cultivation of coca because we will put some of their corn farmers, their barley farmers, their wheat farmers out of business. More coca, more drug trafficking, more terrorism, more violence, more instability.

We need a new trade approach in our policy, one that benefits workers here and promotes sustainable development with our trading partners.

This Peru agreement has some improvements in labor and the environment. It is important to note that this change in the administration's view toward labor and environmental rules of trade agreements would not have happened without voters' demand for change last year. But the demand for change in trade policy runs deep. We have heard workers in Ohio and around the country call for big changes in trade policy, and we are hearing consumers in Avon Lake and in Kettering demand accountability for the unsafe imports that are on our shelves. Passing a trade agreement with Peru is not the change we need. We want trade. We want more trade. We want trade under different rules and, most importantly, our responsibility is to protect our family's health and protect our children.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HONORING MR. WILLIAM W. WIRTZ

Mr. DURBIN. Mr. President, I rise today to commemorate the life of William W. Wirtz, a truly outstanding Illinoisan who passed away this week.

Bill Wirtz was a businessman, sports fan, and philanthropist. He took over operation of Judge & Dolph in Illinois in 1950 and expanded that business into the Wirtz Beverage Group, comprised of five distributorships in four States. He also served as president of Wirtz Corporation, Director of First Security Trust and Savings Bank, and chairman of the South Miami Bank Corporation. But most Chicagoans will remember him as the owner and president of the Chicago Blackhawks hockey team.

The Wirtz family bought the Blackhawks in 1954, and Bill was named president of the organization in 1966, a title he maintained for over 40 years. Bill was a true hockey fan. During his lifetime, he helped negotiate the merger between the NHL and the World Hockey Association, served on the 1980 and 1984 Winter Olympic Committees, and was chairman of the Board of Governors of the National Hockey League for 18 years. In recognition of his many contributions to the sport, Bill Wirtz was inducted into the Hockey Hall of Fame.

Bill Wirtz also gave a great deal back to the community and the city of Chicago. Along with Bulls owner Jerry Reinsdorf, he was a driving force behind the construction of the United Center to replace the old Chicago Stadium in 1994. He also established the Chicago Blackhawk Charities, which has donated over $7.5 million to worthy causes in the Chicago area. Perhaps closest to Bill's heart was the development of the Virginia Wadsworth Wirtz Sports Program at the Rehabilitation Institute of Chicago. Named after his mother, this program is a year-round, cross-disability sports and recreation program.

Bill Wirtz is survived by his wife Alice, five children and seven grandchildren. They have my condolences and those of so many who knew him. Bill's many contributions to Chicago and Illinois will not soon be forgotten.

TRIBUTE TO DONNA L. PILE

Mr. MCCONNELL. Mr. President, today I commend Ms. Donna L. Pile of Lexington, KY, for her service to her community and her Nation as a member and leader of the National Association of Professional Insurance Agents.

Ms. Pile recently served as President of the National Association of Professional Insurance Agents, the first woman ever named to that position. She previously served in many positions of responsibility for the association. Ms. Pile was also president of the PIA of Kentucky in 2000 and has been Kentucky's representative on the PIA National Board of Directors since 2000. Ms. Pile is also a member of the National Association of Insurance Women.

Active in her community, Ms. Pile is managing partner of the A.G. Perry Insurance Agency of Lexington. She has served her community as a homeroom mother in grade school and as Booster Club president to the Jessamine County Boys' Soccer Program for 10 years. She has taught PIA Young Agents classes and also served on numerous strategic planning committees for Jessamine County Schools.

As president of the National Association of Professional Insurance Agents, Ms. Pile's dedication to the highest standards of her profession has earned her the respect of friends, associates, business colleagues, and the insurance industry as a whole. She took seriously her role to advocate for professional insurance agents across the United States and has left behind a stronger organization for her efforts.

I want to recognize today the many successes that Donna L. Pile has accomplished throughout her career and to again congratulate her on the completion of her term as the president of the National Association of Professional Insurance Agents.

TEAR DOWN THE WALLS IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, next April, the people of Northern Ireland will commemorate the 10th anniversary of the Belfast Agreement, which did so much to put Northern Ireland on the path to end the violence that had afflicted the population for three decades, and achieve the longstanding goal of peace.

On September 20, the Irish Times published a perceptive article by Trina Vargo, President of the U.S.–Ireland Alliance emphasizing that more remains to be done and urging the people of Belfast to this auspicious anniversary as an opportunity to remove the so-called ''peace'' walls that continue to divide the Protestant and Catholic communities in Belfast.

The walls are still serving as physical and psychological barriers between the two communities, and Ms. Vargo's article offers a timely and creative idea that could have a widespread beneficial impact in Northern Ireland. Analogizing it to the fall of the Berlin Wall, she suggests that the simple act of removing walls can be a significant gesture in breaking down barriers in a community and promoting progress and unity.

Ms. Vargo was a member of my staff and did an excellent job on the issue of Northern Ireland for many years, and I believe her article will be of interest to all of us in Congress, especially those who worked with Ms. Vargo on this issue. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Irish Times, Sept. 20, 2007]

TIME TO TEAR DOWN THESE WALLS OF DIVISION

With things settling down in Northern Ireland, isn't it time to consider taking down the so-called ''peace'' walls separating communities instead of erecting more, asks Trina Vargo.

Everyone of a certain age distinctly remembers the fall of the Berlin Wall in 1989. The sight of East and West Germans joining in celebration on the wall, and the chipping away of it over the following weeks, demonstrated to the world—in a way that no other act could—that the cold war was truly over. Can the walls come down in Northern Ireland? Next April, Senator George Mitchell will return to Belfast to participate in an event marking the 10th anniversary of the Belfast Agreement. We have also invited Taoiseach Bertie Ahem, Tony Blair and Bill Clinton to join him and other negotiators of the agreement, as well as the DUP, to consider Northern Ireland's divided past and its shared future.

We hope that the people of Belfast will consider using this occasion to take down at least a part of the ''peace'' line and send a message to the world, and to themselves. I

recently visited Belfast to begin conversations about this with community leaders, politicians, former paramilitaries, and the police. While some expressed scepticism, a much larger number were eager to begin the conversation. Some were conjecturing, hoping that their interface community might be confident by April. After all, many unexpected and welcome things have happened this year in Northern Ireland. It would be naive to underestimate concerns about the dismantling of that which has provided physical and psychological protection for many years. And walls coming down won't alone solve Northern Ireland's many problems—disaffected youth, a growing suicide rate, a parochial outlook, high levels of economic inactivity, and an economy overly reliant on the state.

It is also disheartening to see new walls going up in some neighbourhoods at the very time the virtual walls between Ireland and Northern Ireland are coming down. Progress at the political level is slowed by a lack of confidence on the street. The loyalist community, in particular, is still reeling from political developments it didn't see coming. What is now most necessary for Northern Ireland is economic development. Foreign investment and increasing tourism can play a part in that. While the political developments that have occurred this year are truly incredible, they only briefly and barely registered on the world's consciousness.

It is likely that there is only a small window of opportunity with the business community in the U.S. Disproportionate attention has been paid to Northern Ireland for more than a decade and there is a sense that it's sorted. Attention will wane.

In 1998, when I was Senator Ted Kennedy's foreign policy adviser, I contacted a Massachusetts company with a call centre in Northern Ireland, thinking the company might like a photo opportunity with Senator Kennedy when he visited Northern Ireland.

That was the last thing they wanted. Many of their clients didn't know where the call centre was located.

They feared they would associate Northern Ireland with disruption and that wouldn't be good for business. Northern Ireland must dispel any remaining doubts that it is bad for business. Nothing will say that like walls coming down.

It is no coincidence that the walls are in the most economically disadvantaged neighbourhoods of Belfast and it is these neighbourhoods that have so much to gain by their removal.

It is worth considering how much the walls prevent problems and how much they are an invitation to confrontation.

A fundamental shift in thinking about neighbours previously not known, feared and hated is required. It won't happen overnight. But there are some hopeful signs. There are excellent cross-community projects at several interfaces.

The parades season went off peacefully. And those inciting violence at interfaces are no longer paramilitaries but alcohol-fuelled teenagers.

While such anti-social behaviour by teenagers can be found in most American cities, the danger in Belfast is the potential those otherwise minor incidents have to turn into riots.

Many in interface neighbourhoods feel powerless, left behind, and they know that the walls are holding them back, economically as well as psychologically. But the removal of walls is something they do have control over.

This will be for people there to decide. We are simply providing a date on the horizon with the hope that it might spur conversation and consideration. In order to most accurately assess what the people at interfaces think, we will soon commission a survey of people living at interfaces.

When will peace truly come to Northern Ireland? When walls fall. There is nothing more evocative of Northern Ireland's divided past, and nothing more indicative of a shared future than their removal.

Trina Vargo is the president of the U.S.-Ireland Alliance.

CELEBRATING THE 108TH BIRTHDAY OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. SUNUNU. Mr. President, I rise today to recognize an extraordinary organization with a membership consisting of the best and the bravest America has to offer. On Saturday, September 29, 2007, we honor the Veterans of Foreign Wars of the United States, more commonly known as the VFW, by celebrating the organization's 108th birthday.

The VFW is defined by a record of service and commitment to our country and our veterans. From initially fighting to protect our freedom overseas, to later ensuring that veterans have the compensation and care they deserve back home, the 2.3 million members in approximately 8,400 Posts worldwide deserve our thanks and recognition.

Since 1899, when a group of 13 Spanish-American War veterans convened to advocate for the benefits then denied to their comrades in arms, the VFW has worked tirelessly to protect the rights of fellow veterans while continuously honoring the service of those who made the ultimate sacrifice to protect our way of life.

One of the many privileges I have in serving New Hampshire is working with representatives of the Granite State's VFW Auxiliary Posts. Never losing sight of the organization's mission or obligations, the straightforward approach of members serves as a breath of fresh air. They ask direct questions and expect direct answers. New Hampshire's VFW members should be proud of their representation.

Nationally, the VFW is committed to its mission to ''honor the dead by helping the living'' through veterans' service, community service, and steadfast advocacy of a strong national defense. This dedication can be witnessed through the organization's work to create the Veterans Administration, its efforts to establish numerous memorials in memory of those who have served, and its devotion to improving the educational, health, and other benefits owed to returning veterans. Moreover, the VFW's efforts in the community, annually providing more than 13 million hours of volunteerism and donating $2.5 million in college scholarships, further endears the organization and its members to all Americans.

At a time of ongoing conflict abroad, the VFW welcomes our returning servicemembers with support, guidance, and camaraderie as they readjust to life on the home front. Additionally, as they continue to serve the communities around them, VFW members act as role models whose experiences and commitment to service provide a beacon of light in today's society. For their longstanding and continued contributions, the VFW and its members deserve our immense respect and sincere gratitude.

50TH ANNIVERSARY OF LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION

Mr. DODD. Mr. President, this week marks the 50th anniversary of the desegregation of Little Rock Central High School, a victory for equality in education that was only secured with the help of Federal troops. The images that came out of Little Rock in September 1953 remain indelible: the National Guard literally standing in the way of equal education; a citizens' blockade threatening to break into mob violence at the mere thought of sharing their school with Black students; and the quiet dignity and courage of the Little Rock Nine. Their determination to claim their rights is still a source of inspiration, but the rest of the Little Rock crisis is a source of shame.

So we do two things on this 50th anniversary. First and foremost, we honor the nine young students who integrated Little Rock and who gave eloquent testimony that equality begins with education. We thank them today: Ernest Green, Elizabeth Eckford, Jefferson Thomas, Terrence Roberts, Carlotta Walls LaNier, Minnijean Brown, Gloria Ray Karlmark, Thelma Mothershed, and Melba Pattillo Beals.

But second, we need to forthrightly face the truth this week: 50 years later and 53 years after Brown v. Board of Education, the work they helped begin is still incomplete. Segregation in law is over, but who can doubt that it persists in fact? National Guard troops may no longer be blocking children from the door to an equal eduation, but the forces that have taken their place, if less visible, are no less potent.

Whether an American child has good teachers, whether that child has up-to-date textbooks, whether that child goes to school in a safe, modern building—all of these educational essentials depdend far too much on where that child happens to live. In fact, America—the country that struck down segregation more than a half-century ago—ranks at the bottom of developed countries in the disparity of schooling it offers to the rich and the poor. Why doesn't that gap shame us just as much as anything that happened in Little Rock?

Mr. President, a textbook published in this millenium should not be a luxury. Modern school buildings and computers and libraries should not be luxuries. Qualified teachers, competent guidance counselors, rigorous curricula, small classes—they should not

be luxuries. Children should not be entitled to them because they happen to live in affluence; they are entitled to them because they live in America.

Let us look to this important anniversary for inspiration to desegregate American education for good and for all—to complete the work begun so bravely by the Little Rock Nine.

COURAGE AND BRUTALITY IN BURMA

Mr. LEAHY. Mr. President, for the past 10 days, people around the world have watched with admiration and increasing trepidation as over 100,000 courageous Burmese citizens, led by thousands of maroon clad Buddhist monks, have demonstrated peacefully in Burma's capital city in support of democracy and human rights. They have been calling for an end to military dictatorship and the release of Burma's rightful, democratically elected leader, Aung San Suu Kyi, who has been either in prison or under house arrest for 11 of the past 18 years.

Today, there are reports that Burmese soldiers had cordoned off the streets, fired tear gas, shot and killed several of the protesters and a Japanese journalist, raided monasteries and arrested opposition party members and hundreds of monks. The vicious response by the Burmese military against masses of peaceful, dignified, unarmed citizens, while not surprising, is intolerable and should be universally condemned.

Earlier this week, President Bush made a forceful statement before the United Nations General Assembly criticizing the repression of Burma's military leaders and announcing tighter sanctions and visa restrictions. The President's announcement is welcome.

U.S. leadership is essential, but it can only go so far. Bringing democracy and human rights to the Burmese people will require far stronger pressure from its neighbors and trading partners such as China, Thailand, Russia, and India. It will require these and other nations to disavow the failed policies of engagement with the Burmese junta.

I have long believed that engagement is most often the best policy, but there comes a time when it has demonstrably failed, and there is no more obvious example of this than Burma. A different approach is long overdue.

Burma's friends and allies must make unequivocally clear what President Bush and others have said, and what the brave citizens of Burma are calling for: Burma will suffer severe economic sanctions unless Aung San Suu Kyi and other political prisoners are released and the generals in charge agree to hand over power.

In his own speech at the United Nations, Secretary General Ban Ki-moon voiced hope that the Burmese junta would ''exercise utmost restraint'' and engage in a dialogue with ''relevant parties'' in seeking national reconciliation. Obviously, that has not happened. Since then, the Secretary General has sent his special envoy to Burma to try to convince the Burmese junta to resolve this crisis peacefully.

It is very disappointing that China, Burma's largest trading partner, has once again put its economic interests, and Burma's corrupt generals, above the fundamental rights of the Burmese people. China, which has more influence over the Burmese junta than any other government, blocked the U.N. Security Council from adopting a resolution condemning the violence.

It is a sad commentary on a country that the rest of the world entrusted to host the next Olympics. While China has urged the generals to exercise restraint, history has shown that in Burma words alone are not enough. We hoped China would act differently this time, but so far we have been mistaken.

Many times in the past, peaceful protests in Burma have been put down with brute force. Countless Burmese citizens have been imprisoned or killed for doing nothing more than speaking out in support of democracy.

The past 10 days of protests have attracted far greater crowds, and because of the Internet the whole world can see their numbers, their bravery, and the strength of their conviction. The people of Burma are an inspiration to people everywhere, and they are asking for our support. Without it they cannot succeed. If all nations stand united behind them now, Burma's long nightmare can finally come to an end.

CRITICAL ACCESS HOSPITAL IMPROVEMENTS

Mr. CONRAD. As the chairman knows, many rural hospitals are facing significant financial pressure and are finding it increasingly difficult to operate under the Medicare prospective payment system. In response, the chairman and I have worked closely to support our rural facilities and established the Critical Access Hospital Program in 1997. This program was designed to help small, rural facilities remain financially viable in the face of inadequate Medicare reimbursement, and it has been tremendously beneficial to maintaining access to hospital care across North Dakota and other rural states.

Mr. BAUCUS. I share my colleague's support for the Critical Access Hospital Program. Like North Dakota, Montana struggles to maintain sufficient access to hospital care. The Critical Access Hospital Program has been an important component in ensuring that our hospitals can remain open and continue to serve Medicare beneficiaries.

Mr. CONRAD. Despite the successes that have been achieved under the Critical Access Hospital Program, changes made as part of the Medicare Modernization Act of 2003 have harmed the ability of certain critical hospitals, such as St. Joseph's Hospital in Dickinson, ND, to become critical access hospitals. It is imperative that flexibility be reinstated in the program to allow States to deem hospitals as necessary providers and, therefore, eligible for critical access hospital status. I have spoken with you about this issue in the past and am pleased that you are willing to consider this issue during consideration of a Medicare package later in the year.

Mr. DORGAN. I strongly support reinstating the ability of States to deem necessary providers to be critical access hospitals. The Critical Access Hospital Program has helped ensure that the doors stay open at many hospitals in rural America. Without this program, many Medicare beneficiaries in my State would have to drive hours to receive health care. I think it is important to give States flexibility to deem necessary providers as critical access hospitals and not rely on a one-size-fits-all definition. If we don't address this issue, I am worried that one of our hospitals in western North Dakota, St. Joseph's Hospital, may not be able to survive. I appreciate Chairman BAUCUS' commitment to work with us to address this issue and to consider modifications to the Critical Access Hospital Program that would allow St. Joseph's Hospital in Dickinson, ND, to participate.

Mr. BAUCUS. I applaud my colleague's efforts on this issue and assure you that I am committed to working with you to enact modifications and improvements to the Critical Access Hospital Program in Medicare legislation later this year that will assist hospitals like St. Joseph's.

Mr. CONRAD. I thank my colleague for his commitment and look forward to working with you to craft a reasonable solution that benefits St. Joseph's.

NATIONAL LEARN AND SERVE CHALLENGE

Mr. KENNEDY. Mr. President, this week marks the first-ever nationwide Learn and Serve Challenge, a series of events occurring across the country to raise awareness about the value of service learning and the role of Learn and Serve America in supporting and promoting it.

Service learning is a way for schools, colleges, and communities to combine community service and academic learning in ways that increase student learning, strengthen partnerships between schools and the communities they serve, and perhaps most importantly, tap into young people's endless ideas and enthusiasm for solving problems.

We know that the real benefits of service learning go far beyond the events of a week, or even a year. They last a lifetime, because countless students who participate in service learning continue to serve throughout their lives.

As my brother Robert Kennedy said, each time persons stand up for an

ideal, or act to improve the lot of others, or strike out against injustice, they send forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

When young students create such ripples and see their effects, they remember them all their lives. They remember their own ability to help others, and the joy and satisfaction it can bring. They develop a habit of service that follows them throughout their careers. And this is what makes service learning so very important.

Through community service, all of us have the opportunity to make our own lives better by helping others. And through strong service learning, schools are teaching generations of young people the joy of helping others. We are also doing much more. We are making our democracy stronger. Our democracy depends on the active involvement of citizens to shape our government and shape our communities.

There is no question that America needs students who are well-educated in every way. We are working to do better in this respect, but we need to do much more. We need students who grow up understanding what it is to serve, to give back to their community, to help others. Our nation will always draw strength from a committed and engaged citizenry. Service learning helps us build that better citizenry, one student at a time.

Seventeen years ago, I was the original sponsor of the National and Community Service Act of 1990. We reached across the aisle to recognize an important priority: to encourage and increase service in America. Among the many accomplishments of that legislation was the creation of Serve America, a new program to promote the practice of service learning in American schools.

That program, now called Learn and Serve America, has exceeded the high expectations we had for it. Last year, 1.4 million students participated in service learning nationwide through Learn and Serve. Since the creation of the program, over 14 million students have served their communities because of it. It's an impressive accomplishment to have touched so many lives. I congratulate all of those who have participated in Learn and Serve over the years, and especially those who have guided the program so successfully.

The Learn and Serve Challenge events taking place across America this week are an effective way to bring new and well-deserved attention to the program and to the benefits of service learning, and I look forward to even more impressive successes of this unique program in the years ahead.

PROJECTS SPONSORSHIP—S. 1745

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science, and related agencies, I rise today to clarify for the U.S. Senate the sponsorship of several congressionally designated projects included in the report accompanying S. 1745, the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2008, S. Rpt. 110–124. Specifically:

The report should indicate that funding provided through the Department of Justice for the Presidential Candidate Nominating Conventions for 2008 was requested by Senators ALLARD, COLEMAN, KLOBUCHAR, and SALAZAR.

Senator LEVIN should be listed as having requested funding for Grand Rapids Public Schools, Grand Rapids, MI, for an academic prevention and workforce skills program funded through the Department of Justice.

Senator STABENOW should be listed as having requested funding for the Ruth Ellis Center, Highland Park, MI, for an outreach program funded through the Department of Justice.

Senators SCHUMER and BILL NELSON should not be listed as having requested funding for Regional Climate Centers funded through the Department of Commerce.

Finally, Senator MCCASKILL has withdrawn her request for the following activities funded through the Department of Justice: Rape, Abuse & Incest National Network, RAINN, Partnership for a Drug Free America Meth360 Program, and Big Brothers, Big Sisters.

RETIREMENT OF GENERAL PETER PACE

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to a true patriot and exceptional leader of our military, GEN. Peter Pace, Chairman of the Joint Chiefs of Staff, for his more than 40 years of dedicated service to the U.S. Armed Forces and to our country.

General Pace has devoted his life to service of his country. For him, duty, honor, and commitment have been more than words. They have been a career and a way of life. America is great because of the service and sacrifice of Americans like General Pace. We are deeply grateful for his service.

General Pace has consistently put the military ideal of service to country before himself and has shown exceptional concern for the well-being of our men and women in uniform. Indeed, if there is one trait that can be said to define the character of General Pace, it is that he has been guided in all his decisions by an intense feeling of duty to the soldiers, sailors, airmen, and marines who defend the freedoms we all enjoy.

This brave patriot is retiring October 1, marking the end of a long and distinguished military career.

GEN. Peter Pace began his service to America at the U.S. Naval Academy. In 1968, after completing officer training at the Basic School in Quantico, Virginia, General Pace was assigned to the 2nd Battalion, 5th Marines, of the 1st Marine Division in Vietnam.

In Vietnam, he served first as a rifle platoon leader and subsequently became an assistant operations officer. He joined the platoon during the battle for Hue City and was the unit's third platoon leader in as many weeks.

For his service and heroism, General Pace was decorated for valor during his tour in Vietnam. Yet what mattered most to him were the troops he led, some of whom, tragically, lost their lives for the country we love. General Pace holds as one of his most valued treasures the photo of LCpl Guido Farinaro, the first marine he lost in combat. The lance corporal's forever young likeness is under the glass on General Pace's desk, each day reminding him of the impact of his decisions as a military leader. General Pace has often been quoted as saying that it is the duty of every soldier to live his or her life in an exemplary way and take on an extra measure of responsibility for those fellow soldiers who have been killed and whose families now live without them. This dedication to the fallen, and to the survivors, is characteristic of General Pace.

Following Vietnam, General Pace was assigned to Marine Barracks, Washington, DC, where he served as security detachment commander at Camp David, a White House social aide, and platoon leader of Special Ceremonial Platoon.

Over the next two decades, General Pace held command at virtually every level and served our country throughout the world. While a brigadier general, he served as deputy commander of Marine Forces, Somalia, from December of 1992 to February of 1993, and as deputy commander of Joint Task Force—Somalia from October 1993 to March 1994.

On September 30, 2005, General Pace became the country's senior military leader when he was sworn in as the 16th Chairman of the Joint Chiefs of Staff on September 30, 2005. General Pace also made history—he had the distinction of being the first marine to serve in this role and of being the first Italian American to do so.

I know from my personal conversations with him that General Pace took modest pride from that last fact. And believe that General Pace—whose name means ''peace'' in Italian—knew full well that his was a fitting name for a soldier because the path to achieving peace, and to preserving it, is through the kind of strong and capable a military to which he devoted his career.

The Chairman of the Joint Chiefs is always a challenging job but never more so than at a time when the Nation is at war. He has been a respected source of military counsel for our country's leaders. He has worked to help transform the military so that it will be able to address the myriad of global challenges during this time of

war. Now, he leaves his chairmanship knowing that our Armed Forces in Iraq have been making new progress there, thanks to a new strategy put in place under his watch.

As has been his practice since he left Annapolis 40 years ago, General Pace has always kept the best interests of our men and women in uniform in the forefront of discussions. General Pace is known for his thoughtful manner, his sense of humor, and above all his consummate integrity. One Pace trademark we have all come to value is his constant reference to ''PFC Pace'' in all military-related discussion, his attempt to ensure that the President, the Secretary of Defense, the National Security Council, the Homeland Defense Council, and the Congress consider the impact of their decisions on the most junior members of our military. General Pace's leadership has made a significant contribution to improving the security of the United States as we wage this war to protect our Nation and our liberty.

As Chairman of the Joint Chiefs, General Pace has had a valued partner in helping to improve the quality of life for the family members who sustain our all-recruited force. His wife Lynne has diligently worked with her husband to assist military families in quite literally every clime and place. Throughout her husband's career, at each duty station, she focused on working to improve their quality of life, both as a key volunteer, where she provided advice on family readiness and financial assistance issues, and as a LINKS volunteer—Lifestyles, Insights, Networking, Knowledge, and Skills—where she was a mentor to other military spouses and helped them adapt to the unique challenges of military life. In addition to serving on the boards of CARE, which works to eradicate world poverty through education, health, and economic programs, and the Armed Services YMCA, Lynne has worked with the USO, Americans with Disabilities, and numerous other volunteer groups. She also helped to develop a curriculum for spouses that became an integral part of the Commanders Course.

The Paces' proudest accomplishment undoubtedly is their two children, Peter, a captain in the U.S. Marine Corps Reserve, and Tiffany Marie, who is an accountant. This is truly a family that embodies the greatness of our blessed land.

General Pace will indeed be remembered as a dedicated Chairman of the Joint Chiefs of Staff, a true patriot, a courageous warrior, a distinguished general, and a dedicated leader with the highest integrity and compassion for all who had the distinct honor of serving with him.

When General Pace was appointed to become Chairman of the Joint Chiefs, President Bush remarked, ''To the American people, the Marine is shorthand for can-do, and I'm counting on Pete Pace to bring the Marine spirit to these new responsibilities.'' General Pace has always lived his life and served his country in the Marine spirit. A grateful nation extends her appreciation.

Semper Fi.

ADDITIONAL STATEMENTS

ALBUQUERQUE READS PROGRAM

• Mr. DOMENICI. Mr. President, I wish to recognize the Albuquerque Reads program and Pat Dee for the work he has done on this immensely successful program.

Albuquerque Reads has helped thousands of students in the Albuquerque area gain proficiency in reading. Reading can expand a student's imagination and open their minds to new ideas. Reading is the gateway to attaining knowledge. This very basic skill can catapult students into new levels of understanding and give them the tools they need to excel. I have always been an avid reader, which has helped me become what I am today. I never stop learning, and I hope these students never stop either.

It was a pleasure to visit with Pat Dee when I was in New Mexico a few weeks ago. The work he has done with this program has been noticed by many, including the President of the United States. Mr. Dee received a Volunteer Service Award from the President for the many hours he has dedicated to helping students learn to read. He directs over 300 volunteers who help facilitate the program and is looking to expand it with an additional 200 volunteers. Albuquerque Reads places these volunteers in underperforming schools to tutor kindergarteners. With their help, reading proficiency has increased 40 percent.

I want to say thank you to Albuquerque Reads and Pat Dee for all that you have done for students in the area. I wish you much success in the future.•

RETIREMENT OF HIRO PAUL MIZUE

• Mr. INOUYE. Mr. President, on September 29, 2007, Mr. Hiro Paul Mizue, Chief of the Civil and Public Works Branch, Honolulu Engineer District, HED, U.S. Army Corps of Engineers, will retire from U.S. Government service following 34 years of exemplary service to Hawaii, the Pacific Region, the U.S. military, and our Nation.

Over the course of these 34 years, Mr. Mizue has served with integrity and distinction. I have personally witnessed his conviction to duty and steadfast dedication to improving the lives of citizens and servicemembers.

Mr. Mizue has demonstrated the highest values and ideals over his years of distinguished service, excelling at every assignment in his career, which covers every facet of civil and military planning and design management. He has exercised exceptional leadership and management skills on behalf of the Army Corps of Engineers to achieve much lauded success.

His professional career in water resources began with the Los Angeles County Flood Control District in 1968 as a hydraulic engineer. Called to duty by the U.S. Army in 1969, he was assigned to HED as a civil engineer where he worked in the Civil Works Branch at Fort Armstrong. Upon discharge in 1971, he returned to the Los Angeles Flood Control District. In 1974, he relocated to Hawaii, joining the Honolulu firm of Belt Collins and Associates as a civil engineer. He rejoined the Honolulu District in late 1975 as a hydraulic engineer, managing water resources feasibility studies.

In 1983, Mr. Mizue transferred to HED's military engineering division where he served as the Chief of the Family Housing/Hospital Division until 1995. During this period, he provided exceptional project management support culminating with $271 million in construction of new family housing for our brave servicemembers on Hickam AFB, Wheeler AAF, Schofield Barracks, Aliamanu Military Reservation, and Fort Shafter. Also of note are Mr. Mizue's efforts in managing $100 million in design-build contracts for a much needed expansion of the Tripler Army Medical.

Having demonstrated exemplary leadership and management skills, Mr. Mizue was promoted to Chief of Planning Division in 1995; this office later became Civil and Public Works Branch. In this capacity, Mr. Mizue provided high-quality planning services to the State of Hawaii, Guam, Commonwealth of the Northern Marianas, and American Samoa. In addition, he implemented comprehensive/holistic planning by having Corps planning studies evaluate water resources problems broadly and at a watershed level. This approach formed the basis for Federal, State, and local agencies to implement integrated water resources development projects. Mr. Mizue typified customer care by constantly striving to provide the highest quality planning services and products in a responsive manner.

In 2006, Mr. Mizue led HED's response to assist the State and counties with dam safety inspections after the Kaloko Dam failure and later following a 6.7-magnitude earthquake. HED's responses to these disasters demonstrated the exceptional working relationship with the State of Hawaii. Through his leadership, expertise, and experience, HED became recognized as the proven leader in project execution, accomplishment, and responsiveness.

During his 12 years as Chief of Civil and Public Works Branch for the Honolulu District, Mr. Mizue parlayed his extensive leadership skills to accomplish notable Branch achievements. A major civil works project built during his tenure was the Alenaio Stream Flood Control project, on the Big Island, completed in 1997 at a cost of $16

million. During the storm of November 2000, the improvement prevented approximately $13 million worth of damages and remains fully functional today.

More recently, Mr. Mizue successfully led the district through its biggest civil works construction program in many years with highly visible and vital projects, such as the $28 million Kaumalapau Harbor Project on the Island of Lanai, the $124 million Palau Compact Road Project in the Republic of Palau, and the $19 million Kikiaola Small Boat Harbor Project on the Island of Kauai. Under his tutelage, the Honolulu District has achieved the highest customer satisfaction rating for its civil works program in its history. While these accomplishments attest to his commitment to client satisfaction, his nurturing, and pragmatic management style earned him a reputation as a solid team player and a supportive, fair supervisor and mentor to his staff. Mr. Mizue exemplifies not only an effective manager but, more importantly, a dedicated and caring leader.

Mr. Mizue is a recognized representative of the Corps in the Pacific Region. Under his management, the civil works and capital improvement programs expanded in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, providing for the essential needs of these communities. Mr. Mizue's exemplary administrative and leadership skills have always led the way. He has established lasting relationships with the Hawaii congressional delegation, as well as the Governors of Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands. The assets that he brings to bear on behalf of the Corps of Engineers are considerable.

Born in Tokyo, Japan and raised in California, Mr. Mizue is a registered professional engineer in California and Hawaii, a member of the American Society of Civil Engineers, and a graduate of the CP–18 Executive Development Program. He holds a bachelors of science degree in engineering from the University of California, Los Angeles and a master of science degree in Water Resource Engineering from Utah State University. He received the Commander's Award for Civilian Service in 1993 and 2002. Mr. Mizue is married to the former Ruby E. Ibaraki. They have three children, Evan, Reid, and Cara.

Mr. President, Mr. Mizue's lifelong contributions to the Army are considerable. His recognized leadership and management skills, his ability to forge lasting substantive relationships, and his clear direction and vision point to a truly outstanding individual who has dedicated his life to service. The Honolulu Engineer District will continue to serve as ''America's Engineers in the Pacific.'' Paul Mizues's legacy of unwavering dedication to duty to the U.S. Army will carry on. Thank you, Mr. Mizue for a job well done. You have the gratitude of a grateful nation.●

IN RECOGNITION OF PAUL WICE

● Mr. NELSON of Nebraska. Mr. President, I wish to congratulate a radio legend in my home State of Nebraska. Paul Wice, who has been a talk show host, news reporter, and news director at KGFW Radio in Kearney, NE, for nearly 40 years, is retiring and will broadcast his final show on September 28, 2007.

Paul got his start in radio working part time, while earning a bachelor's degree in 1966 in speech and music from what was then known as Kearney State College. His first full-time radio job was at KWBE in Beatrice, NE, where he served as news director.

In 1967 Paul returned to Kearney as the afternoon announcer and news director at KGFW. Deciding to try something other than radio, he left the station just a year later to join the Kearney Hub newspaper. He quickly found that his heart was in radio and returned to KGFW as its news director in 1969. Paul has been there ever since and is now in his 38th consecutive year of broadcasting on KGFW to the people of central Nebraska.

While working full time, Paul went on to earn a master's degree in speech communication in 1988 and has served as an adjunct instructor at the University of Nebraska-Kearney since then. He is responsible for KGFW receiving the coveted Mark Twain Award from the Nebraska Associated Press five times, including three consecutive years from 1997 to 1999.

A past president of Nebraska Associated Press Broadcasters, Paul was also the first recipient of the Lifetime Achievement Award from the Nebraska AP. He currently serves on the Freedom of Information Committee of the Nebraska Broadcasters Association. He has covered it all for KGFW, including riding on the Robert F. Kennedy train in 1968, just months before the Presidential contender was assassinated. On the other end of the political spectrum, Paul attended a White House Radio-Television News Directors Association luncheon with then-President Ronald Reagan. He also served as the Nebraska Broadcasters Association's official witness to the first execution in Nebraska in decades.

Paul made his mark serving the people of Kearney and central Nebraska, not only as a successful broadcaster but as a dependable source of news year after year. It is highly unusual in this day and age for someone to be able to say they have worked for the same employer for nearly four decades, especially in the highly competitive field of broadcasting.

At every turn in my own political career, from my days as State insurance director to my terms as Governor to my present role as a U.S. Senator, Paul has been there to cover the news, and I will miss interviewing with him in the future.

Paul Wice has definitely been ''The Talk of the Town,'' as his radio program is called. His absence from the airways will leave a void that will be tough to fill, but I am sure I join all Nebraskans in wishing him well in retirement as he signs off the air for the very last time.●

WEST VIRGINIA'S 2007 ANGEL IN ADOPTION

● Mr. ROCKEFELLER. Mr. President, it is my great honor to highlight the work of a devoted and difference-making West Virginian. Dennis Sutton, through his work in the Children's Home Society, has been a true asset to adoptive and foster parents and adoption agencies both in West Virginia and across the Nation. I would like to take a moment to highlight his service to his community and congratulate him on receiving the Congressional Adoption Caucus's Angel of Adoption Award.

As the CEO of Children's Home Society of West Virginia, Dennis Sutton has dedicated his organization's program to securing loving homes for West Virginia's children in need—a derivative from his belief that every child is entitled to a loving family and home. Children's Home Society of West Virginia's utmost priority of bringing children and families together has been the result of more than 110 year experience, skilled and well-informed staff, certification by the National Council on Accreditation, and readily available statewide service.

Dennis Sutton's commitment to our Nation's vulnerable children can be further seen in his participation as a founding member of Children's Home Society of America. A national organization, CHSA is comprised of the leading child welfare agencies across the country and aims to promote the safety, nurturing, and well-being of vulnerable children. This remarkable organization is working to make the adoption process easier for everyone involved but put children in the care of stable families, give them the tools to succeed in today's world, and give them hope.

To me, it is clear that this kind of work merits the Angel in Adoption Award. Because of Children's Home Society of America, more than 250,000 children are now living in stable environments. That is an extraordinary accomplishment, one that will benefit our communities now and in the future. Dennis truly has been a passionate advocate for our children in need, has laid the groundwork for a better adoption process, and has put forth the bold vision to enrich and strengthen the fabric of this Nation.

I am delighted to have had this opportunity to highlight not only the wonderful cause but the person who is working on this in my State of West Virginia. To Dennis and the Children's Home Society of America, I offer my most profound respects and deepest appreciation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-PERU TRADE PROMOTION AGREEMENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Peru Trade Promotion Agreement (Agreement). The Agreement represents a historic development in our relations with Peru, and it reflects the commitment of the United States to supporting democracy and economic growth in Peru. It will also help Peru battle illegal crop production by creating alternative economic opportunities.

In negotiating this Agreement, my Administration was guided by the objectives set out in the Trade Act of 2002. The Agreement will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening new markets and eliminating barriers.

Under the Agreement, tariffs on approximately 80 percent of U.S. exports will be eliminated immediately. This will help to level the playing field, since over 97 percent of our imports from Peru already enjoy duty-free access to our market under U.S. trade preference programs. United States agricultural exports will enjoy substantial new improvements in access. Almost 90 percent, by value, of current U.S. agricultural exports will be able to enter Peru duty-free immediately, compared to less than 2 percent currently. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and high levels of environmental protection in Peru.

The Agreement forms an integral part of my Administration's larger strategy of opening markets around the world through negotiating and concluding global, regional, and bilateral trade initiatives. The Agreement provides the opportunity to strengthen our economic and political ties with the Andean region, and underpins U.S. support for democracy and freedom while contributing to further hemispheric integration.

Approval of this Agreement is in our national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 27, 2007*.

MESSAGE FROM THE HOUSE

At 1:38 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2693. An act to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 217. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3580; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2693. An act to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 27, 2007, she had presented to the President of the United States the following enrolled bill:

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3443. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly; Removal of Quarantined Area'' (Docket No. APHIS–2007–0051) received on September 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3444. A communication from the Assistant to the Board, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks'' (Docket No. R–1279) received on September 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3445. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Saudi Arabia including equipment and services needed to support a greenfield petrochemical plant; to the Committee on Banking, Housing, and Urban Affairs.

EC–3446. A communication from the Secretary, Office of Investment Adviser Regulations, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule Regarding Principal Trades with Certain Advisory Clients'' (RIN3235–AJ96) received on September 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3447. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Definitions of Terms and Exemptions Relating to the 'Broker' Exceptions for Banks'' (RIN3235–AJ74) received on September 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3448. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Practice Before the Internal Revenue Service'' ((RIN1545–BA72) (TD 9359)) received on September 25, 2007; to the Committee on Finance.

EC–3449. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Use of Campaign Funds for Donations to Non-Federal Candidates and Any Other Lawful Purpose Other Than Personal Use'' (Notice 2007–18) received on September 25, 2007; to the Committee on Rules and Administration.

EC–3450. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the second quarter report of the Joint Improvised Explosive Device Defeat Organization; to the Committee on Armed Services.

EC–3451. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a standard competition of the Vehicle Operations and Maintenance function at Travis Air Force Base; to the Committee on Armed Services.

EC–3452. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Oxides of Nitrogen Regulations, Phase II'' (FRL No. 8472–4) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3453. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Alabama; Clean Air Interstate Rule'' (FRL No. 8475–9) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3454. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Approval of Implementation Plans of Kentucky: Clean Air Interstate Rule'' (FRL No. 8475–4) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3455. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Mississippi; Clean Air Interstate Rule'' (FRL No. 8475–8) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3456. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Jersey; Clean Air Interstate Rule'' (FRL No. 8472–5) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3457. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Implementation Plans; North Carolina: Clean Air Interstate Rule'' (FRL No. 8475–6) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3458. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Florasulam; Pesticide Tolerance'' (FRL No. 8148–4) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3459. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tembotrione; Pesticide Tolerance'' (FRL No. 8148–2) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3460. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quinclorac; Pesticide Tolerance'' (FRL No. 8149–5) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3461. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the biennial report relative to the status of children in Head Start Programs for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3462. A communication from the Chief Acquisition Officer, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation'' (FAC 2005–19) received on September 26, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3463. A communication from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report relative to the compliance of courts of appeals and district courts with time limitations established for deciding habeas corpus death penalty petitions; to the Committee on the Judiciary.

EC–3464. A communication from the Chief Executive Officer, Air Force Sergeants Association, transmitting, pursuant to law, a report relative to the financial statements of the Association for the year ended April 30, 2007; to the Committee on the Judiciary.

EC–3465. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Flexibility Program'' (71 FR 4035) received on September 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3466. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Passive Foreign Investment Purging Elections'' (TD 9360) received on September 26, 2007; to the Committee on Finance.

EC–3467. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Rev. Rul. 2007–54'' (Rev. Rul. 2007–61) received on September 26, 2007; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 258. A resolution recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicultural dialogue, education, and cooperation.

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

S.J. Res. 13. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 45. A concurrent resolution commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Gen. Kevin P. Chilton, 0000, to be General.

Air Force nomination of Maj. Gen. Ted F. Bowlds, 0000, to be Lieutenant General.

Army nomination of Maj. Gen. Thomas G. Miller, 0000, to be Lieutenant General.

Army nomination of Gen. William E. Ward, 0000, to be General.

Army nomination of Brig. Gen. David N. Blackledge, 0000, to be Major General.

Army nomination of Col. Keith D. Jones, 0000, to be Brigadier General.

Army nomination of Brig. Gen. Christopher A. Ingram, 0000, to be Major General.

Army nomination of Col. Oliver J. Mason, Jr., 0000, to be Brigadier General.

Marine Corps nomination of Lt. Gen. James N. Mattis, 0000, to be General.

Navy nomination of Vice Adm. Mark P. Fitzgerald, 0000, to be Admiral.

Navy nomination of Rear Adm. Carl V. Mauney, 0000, to be Vice Admiral.

Navy nomination of Adm. Gary Roughead, 0000, to be Admiral.

Navy nomination of Vice Adm. Jonathan W. Greenert, 0000, to be Admiral.

Navy nomination of Capt. Lawrence S. Rice, 0000, to be Rear Admiral (lower half).

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the Records on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Laura E. Barnes and ending with Kevin L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Dana M. Adams and ending with Monica L. Wheaton, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nomination of William H. Sneeder, Jr., 0000, to be Colonel.

Air Force nomination of Frank W. Shagets, 0000, to be Colonel.

Air Force nominations beginning with Mark W. Duff and ending with Andrew Stoy, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Air Force nomination of John M. Alden, Jr., 0000, to be Lieutenant Colonel.

Air Force nomination of Frederick M. Abruzzo, 0000, to be Major.

Air Force nominations beginning with William W. Dodson and ending with John R. Shaw, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Air Force nominations beginning with Thomas E. Marchiondo and ending with Kyung L. Boen, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Air Force nominations beginning with David W. Ashley and ending with Marc D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Army nomination of Dwayne S. Tupper, 0000, to be Major.

Army nomination of Suzanne R. Todd, 0000, to be Major.

Army nomination of Ralph C. Beaton, 0000, to be Major.

Army nomination of Kristen M. Bauer, 0000, to be Major.

Army nomination of Jose M. Torres, 0000, to be Major.

Army nominations beginning with Richard D. Ares and ending with Yvette Woods, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2007.

Army nominations beginning with Kenneth E. Despain and ending with Thomas J. Steinbach, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2007.

Army nominations beginning with Marvella Bailey and ending with Gayla W. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2007.

Army nominations beginning with Cara M. Alexander and ending with D060835, which nominations were received by the Senate and

appeared in the Congressional Record on August 2, 2007.

Army nomination of Shirley Haynes, 5987, to be Major.

Army nomination of Adam R. Liberman, 0000, to be Major.

Army nominations beginning with Joseph W. Brown and ending with Cynthia D. Sanchez, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nomination of Pamela J. Meyers, 7318, to be Major.

Army nomination of Jerry D. Michel, 0000, to be Lieutenant Colonel.

Army nominations beginning with Antonio Marinezluengo and ending with Thomas R. Roesel, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Daniel L. Ducker and ending with Paul J. Watkins, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nomination of Scott T. Krawczyk, 0000, to be Colonel.

Army nomination of Roland D. Aut, 0000, to be Colonel.

Army nomination of Eileen G. McGonagle, 0000, to be Colonel.

Army nomination of Val L. Peterson, 0000, to be Colonel.

Army nomination of Jordan T. Jones, 0000, to be Colonel.

Army nomination of Martin E. Weisse, 0000, to be Colonel.

Army nominations beginning with Jeffrey L. Anderson and ending with David S. Lee, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Michael J. Norton and ending with William J. Thomas, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with John J. Garcia and ending with Keith E. Knowlton, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Daniel C. Danaher and ending with Jesse D. Wade, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Tracy R. Norris and ending with Gary B. Tooley, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nomination of David M. Ruffin, 0000, to be Major.

Army nomination of Todd A. Wichman, 0000, to be Major.

Army nominations beginning with Donald S. Abbottmccune and ending with D070066, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Malik A. Abdulshakoor and ending with D060714, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Jesse Abreu and ending with D060773, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Hector J. Acostarobles and ending with D060704, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Albert J. Abbadessa and ending with D070028, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with David W. Alley and ending with X1966, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nomination of Shawn D. Smith, 0000, to be Major.

Army nominations beginning with Brian D. Allen and ending with Michael R. Conners, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Marine Corps nomination of Jon B. Livingston, 0000, to be Major.

Marine Corps nomination of Arthur E. Verdugo, 0000, to be Colonel.

Navy nomination of Ronnie M. Citro, 0000, to be Lieutenant Commander.

Navy nominations beginning with Kathleen M. Baldwin and ending with Tanya D. Lehmann, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Michael L. Farmer and ending with Thomas S. Price, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Suzanna G. Brugler and ending with Erik J. Reynolds, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Aldrith L. Baker and ending with Ennis E. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Victor Allende and ending with Darren B. Wright, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Erik E. Anderson and ending with William Wright, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Lane C. Askew and ending with Richard M. Zamora, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Sharon D. Barnes and ending with Deborah B. Yusko, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Jay P. Aldea and ending with Eric D. Wyatt, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Daryl G. Adamson and ending with Michael D. Yelanjian, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Jeffrey J. Abbadini and ending with Ronald W. Zitzman, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Charles R. Allen and ending with Michael D. Vancas, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nomination of Martin K. De Fant, 0000, to be Lieutenant Commander.

Navy nomination of Gregory E. Walters, 0000, to be Lieutenant Commander.

Navy nominations beginning with Brett T. Bowlin and ending with Jeanine B. Womble, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Ruben D. Acosta and ending with Luke A. Zabrocki, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Paul H. Abbott and ending with Carol B. Zwiebach, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Rene J. Alova and ending with Joyce N. Yang, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Mark E. Allen and ending with Georgina L. Zuniga, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with Don N. Allen, Jr. and ending with Jeffery S. Young, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with Cerino O. Bargola and ending with Teddy L. Williams, Jr., which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with James Alger and ending with Jason N. Wood, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with Douglas E. Baker and ending with Sheila R. Williams, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of Thomas T. Pequignot, 0000, to be Lieutenant.

Coast Guard nominations beginning with Joseph E. Vorbach and ending with Thomas W. Denucci, which nominations were received by the Senate and appeared in the Congessional Record on September 18, 2007.

Coast Guard nominations beginning with Jeffrey G. Anderson and ending with Conrad W. Zvara, which nominations were received by the Senate and appeared in the Congessional Record on September 18, 2007.

Coast Guard nominations beginning with Christopher D. Alexander and ending with Steven A. Weiden, which nominations were received by the Senate and appeared in the Congessional Record on September 18, 2007.

By Mr. DORGAN for the Committee on Indian Affairs.

*Kristine Mary Miller, of Colorado, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2010.

*Brenda L Kingery, of Texas, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

*Julie E. Kitka, of Alaska, to be a Member of the Board of Trustees of the Institute of

American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

*Sonya Kelliher-Combs, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2008.

*Perry R. Eaton, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

By Mr. LEAHY for the Committee on the Judiciary.

James Russell Dedrick, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. FEINSTEIN:

S. 2104. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the temporary suspension of duty for certain DVD readers and writers; to the Committee on Finance.

By Mr. HAGEL:

S. 2105. A bill to provide for the establishment of the Federal Health Care Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. SCHUMER, Mrs. CLINTON, Mr. CRAPO, and Mr. MARTINEZ):

S. 2106. A bill to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 2107. A bill to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the ''Dennis P. Collins Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MURRAY (for herself, Mr. BAUCUS, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. DODD, Mr. INOUYE, Mr. KERRY, and Mr. LAUTENBERG):

S. 2108. A bill to establish a public education and awareness program relating to emergency contraception; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 2109. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2110. A bill to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA (for himself, Mr. DURBIN, and Mr. SANDERS):

S. 2111. A bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of early intervention services, particularly school-wide positive behavior supports; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself, Mr. ALEXANDER, and Mr. AKAKA):

S. 2112. A bill to amend the Public Health Service Act to establish the Nurse-Managed Health Clinic Investment program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. GRASSLEY) (by request):

S. 2113. A bill to implement the United States-Peru Trade Promotion Agreement; to the Committee on Finance pursuant to section 2103(b) of Public Law 107-210.

By Mrs. CLINTON:

S. 2114. A bill to amend the Truth in Lending Act, to provide for enhanced disclosures to consumers and enhanced regulation of mortgage brokers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARDIN:

S. 2115. A bill to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the ''Welcome to Medicare'' physical examination and to provide for the coverage and waiver of cost-sharing for preventive services under the Medicare 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. LUGAR:

S. Res. 334. A resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and Palestine; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. CARDIN, Mr. SCHUMER, and Mr. DURBIN):

S. Res. 335. A resolution recognizing that the occurrence of prostate cancer in African American men has reached epidemic proportions and urging Federal agencies to address that health crisis by designating funds for education, awareness outreach, and research specifically focused on how that disease affects African American men; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. LEAHY, Mr. LUGAR, Mr. WEBB, Mr. REID, Mr. CONRAD, Mr. DODD, Mr. ALLARD, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. ALEXANDER, Mr. DORGAN, Mr. STEVENS, Mr. LOTT, Mr. KENNEDY, Mr. ROBERTS, Mr. BENNETT, Mr. COCHRAN, Mr. COLEMAN, and Mr. BUNNING):

S. Res. 336. A resolution recognizing and honoring the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 156

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 396

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 396, a bill to amend the Internal Revenue Code of 1986 to treat controlled foreign corporations in tax havens as domestic corporations.

S. 446

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 721

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 739

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 887

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 887, a bill to restore import and entry agricultural inspection functions to the Department of Agriculture.

S. 911

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 941

At the request of Mr. SANDERS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 941, a bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically-underserved areas.

S. 959

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 959, a bill to award a grant to enable Teach for America, Inc., to implement and expand its teaching program.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 979

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 979, a bill to establish a Vote by Mail grant program.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1102

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to expedite the application and eligibility process for low-income subsidies under the Medicare prescription drug program and to revise the resource standards used to determine eligibility for an income-related subsidy, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1284

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1284, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1543

At the request of Mr. BINGAMAN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Louisiana (Mr. VITTER), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. AKAKA), the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1895

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1925

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1925, a bill to amend the Truth in Lending Act, to prevent credit card issuers from taking unfair advantage of college students and their parents, and for other purposes.

S. 1944

At the request of Mr. LAUTENBERG, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. THUNE) 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. 1965

At the request of Mr. STEVENS, the names of the Senator from Maine (Ms. SNOWE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Massachusetts (Mr. KERRY) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1965, a bill 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. 1970

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1970, a bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2031

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2031, a bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration.

S. 2070

At the request of Mr. DEMINT, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Wyoming (Mr. ENZI) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2070, a bill to prevent Government shutdowns.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2094

At the request of Mr. SANDERS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2094, a bill to increase the wages and benefits of blue collar workers by strengthening labor provisions in the H–2B program, to provide for labor recruiter accountability, and for other purposes.

S. 2103

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2103, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S.J. RES. 18

At the request of Mr. BINGAMAN, the name of the Senator from Michigan

(Mr. LEVIN) was added as a cosponsor of S.J. Res. 18, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to a cost limit for providers operated by units of government and other provisions under the Medicaid program.

S. CON. RES. 47

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Con. Res. 47, a concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

AMENDMENT NO. 2236

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2236 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. 2251

At the request of Mr. LAUTENBERG, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 2251 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. 2897

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of amendment No. 2897 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. 2905

At the request of Mr. SANDERS, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 2905 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. 2925

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2925 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. 2944

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 2944 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. 2960

At the request of Mr. NELSON of Florida, his name was withdrawn as a cosponsor of amendment No. 2960 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. 2999

At the request of Mr. WEBB, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2999 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 2999 proposed to H.R. 1585, supra.

AMENDMENT NO. 3003

At the request of Mrs. MCCASKILL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), the Senator from Tennessee (Mr. CORKER), the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3003 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. 3073

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 3073 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. 3074

At the request of Mr. SPECTER, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 3074 intended to be proposed to H.J. Res. 52, a joint resolution making continuing appropriations for the fiscal year 2008, and for other purposes.

AMENDMENT NO. 3075

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 3075 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. SCHUMER, Mrs. CLINTON, Mr. CRAPO, and Mr. MARTINEZ):

S. 2106. A bill to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to the offer the Procedural Fairness for September 11 Victims Act, a simple bill that ensures procedural fairness for the parties to litigation arising out of the terrible events of September 11, 2001.

When we passed the September 11 Victims Compensation Fund of 2001, we established a Federal cause of action in the U.S. District Court for the Southern District of New York as the exclusive remedy for damages arising out of the September 11 attacks. The Federal Rules of Civil Procedure effectively limit service of a subpoena by a party to an action under the Victims Compensation Fund to within 100 miles of the Southern District of New York. Litigating a Federal cause of action under the Victims Compensation Fund is likely to involve the testimony and the production of documents by a substantial number of witnesses who may not reside within 100 miles of the

Southern District of New York. Neither the Victims Compensation fund statute nor the Federal rules, however, currently provide an effective means for securing such testimony or documents.

The Procedural Fairness for September 11 Victims Act addresses this oversight by allowing parties to Victims Compensation Fund actions to subpoena witnesses and documents from anywhere in the U.S. The court retains its authority to quash or modify any such subpoena if it is unduly burdensome to the witness subpoenaed.

Justice requires that the parties to cases arising under the Victims Compensation Fund have access to all the testimony and documents relevant to their claims, regardless of where in the U.S. the witnesses or documents are located. By granting the parties to such cases nationwide subpoena authority, administered by the Federal court, this act ensures that they do. As the bipartisan cosponsorship of the act attests, ensuring procedural fairness in these cases bearing on the terrible attacks of September 11 is not a Democratic issue or Republican issue, it is an American issue. I strongly encourages my colleagues from both sides of the aisle to join me and the other cosponsors of this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Procedural Fairness for September 11 Victims Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) establishes a Federal cause of action in the United States District Court for the Southern District of New York as the exclusive remedy for damages arising out of the hijacking and subsequent crash of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001.

(2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure effectively limit service of a subpoena to any place within, or within 100 miles of, the district of the court by which it is issued, unless a statute of the United States expressly provides that the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

(3) Litigating a Federal cause of action under the September 11 Victims Compensation Fund of 2001 is likely to involve the testimony and the production of other documents and tangible things by a substantial number of witnesses, many of whom may not reside, be employed, or regularly transact business in, or within 100 miles of, the Southern District of New York.

SEC. 3. NATIONWIDE SUBPOENAS.

Section 408(b) of the September 11 Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following:

''(4) NATIONWIDE SUBPOENAS.—

''(A) IN GENERAL.—A subpoena requiring the attendance of a witness at trial or a hearing conducted under this section may be served at any place in the United States.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to diminish the authority of a court to quash or modify a subpoena for the reasons provided in clause (i), (iii), or (iv) of subparagraph (A) or subparagraph (B) of rule 45(c)(3) of the Federal Rules of Civil Procedure.''.

By Mrs. BOXER:

S. 2109. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today, I am proud to introduce the California Desert and Mountain Heritage Act. This bipartisan legislation will protect nearly 200,000 acres of pristine and ecologically sensitive lands in Riverside County as Wilderness or Potential Wilderness, the highest level of protection and conservation for Federal public lands in American law.

Over the past year, I worked with my colleague, Representative MARY BONO, who represents the areas protected in this bill. Together, we worked to reach consensus with local officials, environmentalists, businesses, sportsmen, and Indian tribes. The result is this bipartisan, bicameral bill.

Riverside County contains some of California's, indeed, America's, most spectacular desert and mountain vistas and landscapes. The breathtaking lands protected in this bill also provide habitat for threatened bighorn sheep and the desert tortoise, as well as many other species such as mule deer, mountain quail, and bald eagles.

Specifically, the bill protects 150,531 acres of lands as wilderness, highest level of protection and conservation for Federal public lands in American law. Another 41,100 acres of land would be designated as potential wilderness. Once the final inholding claims are settled by the National Park Service, these lands will become ''wilderness'' without the necessity of an additional act of Congress. In the meantime, these lands will be managed by the Park Service as ''wilderness.''

The bill also designates 31 miles of river as wild and scenic on four California Rivers: North Fork San Jacinto River, Fuller Mill Creek, Palm Canyon Creek, and Bautista Creek. These rivers are biologically important watersheds in this dry part of my State.

Many of these lands were included in my statewide wilderness bill, the California Wild Heritage Act, which I reintroduced in February.

The bill has broad, local support including from Riverside County supervisors, municipalities, chambers of commerce, environmentalists, sportsmen, and businesses. The bill includes important provisions clarifying that Federal agencies could use all the tools necessary to fight and prevent wildfires. The wilderness boundaries were drawn in consultation with local communities and tribes.

I look forward to working with local interests and all of my colleagues to see this important legislation enacted.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2110. A bill to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office''; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr President, I rise today to introduce legislation honoring a fallen hero, Army Staff Sergeant Larry S. Pierce.

This bill would rename a post office in Taft, California after Staff Sergeant Pierce.

Staff Sergeant Pierce moved to Taft, California as a young child and attended Taft city schools and Taft Union High School, which my own father graduated from in 1922.

Staff Sergeant Pierce would have graduated with the Taft Union High School class of 1959, but he chose to join the U.S. Army in 1958.

On September 20, 1965, Staff Sergeant Pierce was killed near Ben Cat in the Republic of Vietnam. He made the ultimate sacrifice to protect his comrades, smothering the blast of an anti-personnel mine with his body.

He was only 24 years old.

He left behind his wife, Verlin, and three children: Teresa, Kelley, and Gregory.

President Lyndon B. Johnson posthumously awarded Staff Sergeant Pierce the Medal of Honor on February 24, 1966. The citation on his Medal of Honor reads as follows:

For conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty. Sgt. Pierce was serving as squad leader in a reconnaissance platoon when his patrol was ambushed by hostile forces.

Through his inspiring leadership and personal courage, the squad succeeded in eliminating an enemy machinegun and routing the opposing force. While pursuing the fleeing enemy, the squad came upon a dirt road and, as the main body of his men entered the road, Sgt. Pierce discovered an antipersonnel mine emplaced in the road bed.

Realizing that the mine could destroy the majority of his squad, Sgt. Pierce saved the lives of his men at the sacrifice of his life by throwing himself directly onto the mine as it exploded. Through his indomitable courage, complete disregard for his safety, and profound concern for his fellow soldiers, he averted loss of life and injury to the members of his squad.

Sgt. Pierce's extraordinary heroism, at the cost of his life, are in the highest traditions of the U.S. Army and reflect great credit upon himself and the Armed Forces of his country.

Naming the Taft Post Office in Staff Sergeant Pierce's honor is a fitting commemoration and meaningful way for the community to remember the

dedication and sacrifices of the members of our Armed Forces.

I would like to thank the members of the Taft City Council, who passed a resolution on September 4, 2007 to request that Congress rename the Taft Post Office the Larry S. Pierce Post Office.

I sincerely hope that my colleagues will support this resolution to honor the service and sacrifice of Staff Sergeant Pierce.

I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. OBAMA (for himself, Mr. DURBIN, and Mr. SANDERS):

S. 2111. A bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of early intervention services, particularly school-wide positive behavior supports; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, today I am introducing legislation to provide teachers an extra tool for the important work they do. This legislation will expand an approach that is successfully improving student behavior and the climate for learning in thousands of schools across the country: Positive Behavior Supports. I am pleased to be joined by Senators DURBIN and SANDERS in introducing the Positive Behavior for Effective Schools Act, and I urge other colleagues to join us.

Good school climate supports good teaching. Positive Behavior Supports are already being used in my home State of Illinois, where there is a network to provide assistance for schools that adopt this approach. In these schools, students are taught about positive behavior, teachers and administrators are supported in learning motivational techniques, and adults set the same high standards for student conduct as they do for student achievement. Students are helped to see the importance of behaving in a way so that they and their classmates can learn. The components necessary to do this on a school-wide basis include an agreement by the entire staff to define and support appropriate student behavior. Although this seems simple, it is often more effective than surveillance cameras, zero tolerance or other get-tough approaches to school discipline.

Positive Behavior Supports programs deal with discipline problems based on one simple premise: stop problem behavior before it starts. The specifics of the program are research-based, backed by both experiment and experience. With Positive Behavior Supports, learning time increases, and students do better. It makes sense that with fewer disruptions, with less time in the principal's office, or out of school, students can focus more, and so learn more.

Positive Behavior Supports are already established in many places. Universities and resource centers work with over 6,700 schools in 38 States. To help teachers teach our children, today I propose that we expand this innovative program. The Positive Behavior for Effective Schools Act amends ESEA to allow Title I funds to be used for Positive Behavior Supports, and creates an office in the Department of Education to assist in these efforts. The act provides flexibility for schools and districts to use Title I funds, so that schools and teachers can choose to receive assistance to improve school climate and thereby support teaching and opportunities for students to learn.

My good friend from Illinois, Congressman PHIL HARE, has introduced companion legislation in the House, and I urge my colleagues to join our effort in the Senate. Let us give our teachers an additional tool to support their teaching. Let us give our children the benefit of high expectations and supports for good behavior. Let us give our schools the opportunity to adopt this approach. Let us help our kids by supporting Positive Behavior Supports.

By Mr. CARDIN:

S. 2115. A bill to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the ''Welcome to Medicare'' physical examination and to provide for the coverage and waiver of cost-sharing for preventive services under the Medicare program; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise to introduce the Medicare Preventive Services Coverage Act of 2007. It has been ten years since Congress enacted the first comprehensive package of preventive services for Medicare beneficiaries. At the time Medicare was created in 1965, it was modeled closely after the indemnity health insurance policies of the time. As such, Medicare only covered the treatment of illnesses, and it paid for tests only when a symptom was present, but it did not cover preventive services. Over the next 3 decades, the medical community learned a great deal about the importance of preventive care. Although as early as the 1970s, health maintenance organizations had begun to cover cancer screenings and other wellness services, traditional Medicare had not kept pace.

The Balanced Budget Act of 1997 changed that. Working across the aisle, I introduced legislation that year to provide coverage for lifesaving screenings to Medicare beneficiaries. With strong bipartisan support, Congress added our language to BBA 1997, ensuring coverage for preventive services, including: an annual screening mammography for women over age 39; screening pap smear and pelvic examination for cervical cancer; prostate cancer screening; colorectal cancer screening; bone mass measurement for osteoporosis; and diabetes testing supplies and self-management training services.

Congress expanded this list of benefits in subsequent Medicare legislation. Now traditional Medicare also covers cardiovascular screenings to help prevent heart attacks and strokes; diabetes screenings; flu shots to help prevent influenza, glaucoma screening, medical nutrition therapy services, Hepatitis B vaccine, and ultrasound screening for aortic aneurysm.

Medicare also now covers a one-time ''Welcome to Medicare Visit'' within the first 6 months of Part B enrollment. This is an initial physical examination where beneficiaries can receive education and counseling about their medical history and needs, have some preventive screenings performed, and get referrals for other services.

Yes, over the past decade, Medicare has indeed made great strides toward helping our seniors get screened for diseases. But we have far to go.

The participation rate for Medicare preventive benefits is low. One key obstacle is financial. America's seniors still have the highest out-of-pocket costs of any age group. A 2007 Kaiser Family Foundation study compared out-of-pocket health care spending among age groups. For nonprescription drug expenses, it found that average spending for the over-65 population was nearly twice that for under-65 group. It also showed that on average, seniors in one-person households are spending 12.5 percent of their incomes on health care, versus 2.2 percent of those under 65. This means that excluding prescription drug costs, despite Medicare Part D, seniors will have very high medical bills that stretch their fixed incomes. It is no wonder that preventive services that require cost-sharing will be delayed or not received at all.

Over the years, we have also improved the benefits. We have waived the deductible for mammograms and colorectal cancer screenings. But cost sharing is still an obstacle for many seniors. They still must satisfy the deductible before getting reimbursed for the physical exam and most other services, and they must pay coinsurance for all other services except laboratory tests.

The bill that I am introducing today will waive the cost sharing for all preventive screenings and the Welcome to Medicare physical examination. It will also grant the Secretary of Health and Human Services the authority to add additional benefits as he or she determines to be ''reasonable and necessary for the prevention or early detection of an illness or disability.'' These determinations would take into account evidence-based recommendations by the U.S. Preventive Services Task Force and other organizations. Finally, my bill would extend eligibility for the Welcome to Medicare Visit from its current time frame of 6 months to 1 year.

This bill will mean the difference between early screening and delayed diagnosis and treatment. It will mean the difference between detecting a serious illness and providing hundreds of thousands of dollars of services later.

Let me explain why. Preventive services such as mammography and colonoscopy are important tools in the fight against serious disease. The earlier they are detected, the greater the chances of survival. For example, when caught in the first stages, the 5-year survival rate for breast cancer is 98 percent. But if the cancer has spread, that rate declines to 26 percent. Similarly, if colorectal cancer is detected in its early states, the survival rate is 90 percent, but only 10 percent if found when it is most advanced.

Our seniors are at particular risk for cancer. The greatest single risk factor for colorectal cancer is being over the age of 50, when more than 90 percent of cases are diagnosed. In addition to increasing survival rates, identifying diseases early reduces Medicare costs. In the case of colorectal cancer, Medicare will pay $207 for a screening colonoscopy in a medical facility, but if the patient is not diagnosed until the disease has metastasized, the cost of care can exceed $60,000 over the patient's lifetime. Medicare pays $98 for a mammogram, but if breast cancer is not detected early, treatment can cost tens of thousands of dollars more, depending on when the cancer is found and the course of treatment used. One drug used to treat late stage breast cancer can cost as much as $40,000 a year. There can be no doubt that these services are both life saving and cost saving. But if seniors cannot afford the copayments for these services, they may delay getting them.

In addition to cancer, diabetes is another prevalent disease among seniors. The statistics associated with diabetes are staggering. Nearly 20 million Americans are estimated to have diabetes. Approximately half know they have diabetes and another half have diabetes but do not know it. But once diagnosed, the co-morbidities associated with diabetes can be avoided. It is estimated that 90 percent of diabetes-related blindness is preventable, 50 percent of kidney disease requiring dialysis is preventable, 50 percent of diabetic-related amputations are preventable and 50 percent of diabetic-related hospitalizations are preventable.

Diabetes and its complications are not only disabling, but costly to Medicare as well. The cost of medical care of people with diabetes is about $150 billion a year, according to data from the Department of Health and Human Services. In its direct costs, diabetes was the most costly of the 39 diseases reported. Despite the fact that 9 percent of the Medicare population is diagnosed with diabetes, about 27 percent of the Medicare budget is used to treat their diabetes.

Most of the cost for medical care of people with diabetes is for the treatment of the complications, which are largely preventable with modern treatment including blood sugar control. Clearly, prevention of the complications of diabetes would reduce the costs of diabetes in lives and in dollars.

Numerous studies have found that once diabetes management training is provided, populations see a nearly 50 percent reduction in emergency room visits. In addition, the number of outpatient visits, doctor office visits, and other medical expenses all decline. Diabetes can lead to amputations, blindness, heart disease, and stroke, all of which can be prevented with training and management.

This bill also gives the Secretary of Health and Human Services the authority to add new preventive services based on the recommendations of the U.S. Preventive Services Task Force. As we have seen, it can take a very long time for Congress to change health policy in this country. In order to add new preventive services to Medicare, it now requires legislative action. Under current law, as our researchers discover new, more efficient, and more accurate screening methods to detect disease, Congress would have to pass new legislation authorizing coverage for each one. This provision would enable Medicare to provide coverage for new types of screenings based on up-to-date scientific evidence.

The Preventive Services Task Force has a long and distinguished record. It dates back to 1984, when the U.S. Public Health Service convened a panel of primary and preventive health care specialists to develop guidelines for preventive services. From this panel, the U.S. Preventive Services Task Force's Guide to Clinical Preventive Services was born. While many other respected professional and research organizations have issued their own recommendations, the Task Force's publication is regarded as the ''gold standard'' reference on preventive services. In December of 1995, a new Task Force released an updated and expanded second edition of the Guide which includes findings on 200 preventive interventions for more than 70 diseases and conditions. The Task Force employed a rigorous methodology to review the evidence for and against hundreds of preventive services, assessing more than 6,000 studies. The Task Force recommended specific screening tests, immunizations, or counseling interventions only when strong evidence demonstrated the effectiveness of preventive services. My bill will give the Secretary the authority to use this gold standard to expand Medicare's basic benefit package to include the tests that studies have shown to be effective.

The newest benefit is the Welcome to Medicare Visit, an initial physical examination for new beneficiaries. We know that large numbers of people in the 55 to 64 age group lack health insurance, so it is particularly important for them to get a baseline examination and screenings for diseases that affect elderly people But as of July 2006, only 2 percent of all new beneficiaries, or about 8,000 people, have received this physical exam. Uptake has been slow for a number of reasons. You must get the exam within 6 months of enrolling in Medicare Part B. But many seniors don't learn about the benefit until they have been enrolled for a while, and even then it can take several months to schedule a physical examination with a doctor. So the vast majority of our seniors are missing out on this important benefit. My bill extends eligibility from 6 months after enrolling in Part B to 1 year.

Finally, I want to address the matter of cost, and that is the appropriate thing to do under our budget scoring principles. The elimination of cost sharing for preventive services has been scored by the Congressional Budget Office at $1.1 billion over 5 years. Based on CBO estimates from the 2003 Medicare law, extending the eligibility period for the Welcome to Medicare Visit from six months to one year will cost approximately $1.2 billion over years. But I believe that the members of this body also understand that, although dynamic scoring is not used by CBO, preventive health care will save money. If we detect diseases earlier, the overall cost to our society will be less. Our seniors will save out of pocket costs and all taxpayers will save money.

This bill is supported by the American Cancer Society's Cancer Action Network, the American Federation of State, County and Municipal Employees, the Center for Medicare Advocacy, the Colorectal Cancer Coalition, C3, and the Society of Vascular Surgeons. I urge my colleagues to join me in this effort to get improve seniors' access to lifesaving preventive services.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 334—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEGRADATION OF THE JORDAN RIVER AND THE DEAD SEA AND WELCOMING COOPERATION BETWEEN THE PEOPLES OF ISRAEL, JORDAN, AND PALESTINE

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 334

Whereas the Dead Sea and the Jordan River are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world;

Whereas the world's 3 great monotheistic faiths—Christianity, Islam, and Judaism—consider the Jordan River a holy place;

Whereas local governments have diverted more than 90 percent of the Jordan's traditional 1,300,000,000 cubic meters of annual water flow in order to satisfy a growing demand for water in the arid region;

Whereas the Jordan River is the primary tributary of the Dead Sea and the dramatically reduced flow of the Jordan River has been the primary cause of a 20 meter fall in the Dead Sea's water level and a ⅓ decline in the Dead Sea's surface area in less than 50 years;

Whereas the Dead Sea's water level continues to fall about a meter a year;

Whereas the decline in water level of the Dead Sea has resulted in significant environmental damage, including loss of freshwater springs, river bed erosion, and over 1,000 sinkholes;

Whereas mismanagement has resulted in the dumping of sewage, fish pond runoff, and salt water into the Jordan River and has led to the pollution of the Jordan River with agricultural and industrial effluents;

Whereas the World Monuments Fund has listed the Jordan River as one of the world's 100 most endangered sites;

Whereas widespread consensus exists regarding the need to address the degradation of the Jordan River and the Dead Sea;

Whereas the Governments of Jordan and Israel, as well as the Palestinian Authority (the ''Beneficiary Parties''), working together in an unusual and welcome spirit of cooperation, have attempted to address the Dead Sea water level crisis by articulating a shared vision of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas Binyamin Ben Eliezar, the Minister of National Infrastructure of Israel, has said, ''The Study is an excellent example for cooperation, peace, and conflict reduction. Hopefully it will become the first of many such cooperative endeavors'';

Whereas Mohammed Mustafa, the Economic Advisor for the Palestinian Authority, has said, ''This cooperation will bring wellbeing for the peoples of the region, particularly Palestine, Jordan, and Israel . . . We pray that this type of cooperation will be a positive experience to deepen the notion of dialogue to reach solutions on all other tracks'';

Whereas Zafer al-Alem, the former Water Minister of Jordan, has said, ''This project is a unique chance to deepen the meaning of peace in the region and work for the benefit of our peoples'';

Whereas the Red Sea-Dead Sea Water Conveyance Concept envisions a 110-mile pipeline from the Red Sea to the Dead Sea that would descend approximately 1,300 feet creating an opportunity for hydroelectric power generation and desalination, as well as the restoration of the Dead Sea;

Whereas some have raised legitimate questions regarding the feasibility and environmental impact of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas the Beneficiary Parties have asked the World Bank to oversee a feasibility study and an environmental and social assessment whose purpose is to conclusively answer these questions;

Whereas the Red Sea-Dead Sea Water Conveyance Concept would not address the degradation of the Jordan River;

Whereas the Beneficiary Parties could address the degradation of the Jordan River by designing a comprehensive strategy that includes tangible steps related to water conservation, desalination, and the management of sewage and agricultural and industrial effluents; and

Whereas Israel and the Palestinian Authority are expected to hold high-level meetings in Washington in November 2007 to seek an enduring solution to the Arab-Israeli crisis: Now, therefore, be it

Resolved, That the Senate—

(1) calls the world's attention to the serious and potentially irreversible degradation of the Jordan River and the Dead Sea;

(2) applauds the cooperative manner with which the Governments of Israel and Jordan, as well as the Palestinian Authority (the ''Beneficiary Parties''), have worked to address the declining water level and quality of the Dead Sea and other water-related challenges in the region;

(3) supports the Beneficiary Parties' efforts to assess the environmental, social, health, and economic impacts, costs, and feasibility of the Red Sea-Dead Sea Water Conveyance Concept in comparison to alternative proposals;

(4) encourages the Governments of Israel and Jordan, as well as the Palestinian Authority, to continue to work in a spirit of cooperation as they address the region's serious water challenges;

(5) urges Israel, Jordan, and the Palestinian Authority to develop a comprehensive strategy to rectify the degradation of the Jordan River; and

(6) hopes the spirit of cooperation manifested by the Beneficiary Parties in their search for a solution to the Dead Sea water crisis might serve as a model for addressing the degradation of the Jordan River, as well as a model of peace and cooperation for the upcoming meetings in Washington between Israel and the Palestinian Authority as they seek to resolve long-standing disagreements and to develop a durable solution to the Arab-Israeli crisis.

Mr. LUGAR. Mr. President, I rise to introduce a resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan and Palestine.

The Jordan River and the Dead Sea are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world. However, both the Jordan River and Dead Sea face serious problems. The governments of Israel and Jordan, as well as the Palestinian Authority, have worked together in an unusual and welcome spirit of cooperation to address many of the water challenges confronting the region. The Senate applauds this cooperation and urges Israel, Jordan and the Palestinian Authority to continue to work in a spirit of cooperation as they address the degradation of the Jordan River and Dead Sea.

Furthermore, the Senate hopes this cooperation might serve as a model for Israel and the Palestinian Authority as they prepare to meet in Washington this fall to seek a durable solution to the Arab-Israeli crisis.

SENATE RESOLUTION 335—RECOGNIZING THAT THE OCCURRENCE OF PROSTATE CANCER IN AFRICAN AMERICAN MEN HAS REACHED EPIDEMIC PROPORTIONS AND URGING FEDERAL AGENCIES TO ADDRESS THAT HEALTH CRISIS BY DESIGNATING FUNDS FOR EDUCATION, AWARENESS OUTREACH, AND RESEARCH SPECIFICALLY FOCUSED ON HOW THAT DISEASE AFFECTS AFRICAN AMERICAN MEN

Mr. KERRY (for himself, Mr. CARDIN, Mr. SCHUMER, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 335

Whereas the incidence of prostate cancer in African American men is 60 percent higher than any other racial or ethnic group in the United States;

Whereas African American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is 140 percent higher than other ethnic and racial groups;

Whereas that rate of mortality represents the largest disparity of mortality rates in any of the major cancers;

Whereas prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient;

Whereas African Americans are more likely to be diagnosed earlier in age and at a later stage of cancer progression than for all other ethnic and racial groups, thereby leading to lower cure rates and lower chances of survival; and

Whereas, according to a paper published in the Proceedings of the National Academy of Sciences, researchers from the Dana Farber Cancer Institute and Harvard Medical School have discovered a variant of a small segment of the human genome that accounts for the higher risk of prostate cancer in African American men: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prostate cancer has created a health crisis for African American men; and

(2) urges Federal agencies to designate additional funds for—

(A) research to address and attempt to end the health crisis created by prostate cancer; and

(B) efforts relating to education, awareness, and early detection at the grassroots levels to end that health crisis.

Mr. KERRY. Mr. President, today, I am reintroducing a Senate resolution to raise awareness of the prostate cancer crisis that exists among African-American men. This resolution challenges Congress to provide the funds necessary to increase research funding, prevent and fight the disease, and to encourage African-American men to get screened.

For me, this is personal. I am a prostate cancer survivor, and my experience opened my eyes to the horrific disparities in prevention, treatment, and long-term prognosis for prostate cancer in the African-American community. I learned a lot from my friend Tom Farrington. Tom and I are both lucky. We were diagnosed with prostate cancer—and we got cured. Our fathers weren't so lucky. Prostate cancer took them away from us. But once I got well, and once T om got well, we started learning more and more, and a statistic that stays with me and with Tom, who is African American, speaks volumes. African-American men are 80 percent more likely to die of prostate cancer than White men. Prostate cancer is the second leading cause of cancer related death for African-American men, who have the highest incidence and mortality rate due to prostate cancer of any ethnic or racial group. African-American men are dying at a rate of 140 percent—almost 2½ times—higher than other groups. That is the largest disparity for any major cancer. I started digging more and discovered the unacceptable apartheid of health care in America— and I believe that just as the doctrine of ''separate but

equal'' was wrong in education, i t is wrong in health care. The quality of health care should never depend on the color of any American's skin.

Epidemic levels of prostate cancer amongst African Americans have not changed. We all need to work together to support those suffering from prostate cancer and to encourage regular screening and early detection. It is a tragedy that so many Af rican-American men are dying today from treatable illnesses they don't discover until it is too late—and righting this wrong is a matter of social justice as well as public policy.

I urge every Member of Congress to support this resolution.

SENATE RESOLUTION 336—RECOGNIZING AND HONORING THE 20 YEARS OF SERVICE AND CONTRIBUTIONS OF DR. JAMES HADLEY BILLINGTON AS LIBRARIAN OF CONGRESS

Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. LEAHY, Mr. LUGAR, Mr. WEBB, Mr. REID, Mr. CONRAD, Mr. DODD, Mr. ALLARD, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. ALEXANDER, Mr. DORGAN, Mr. STEVENS, Mr. LOTT, Mr. KENNEDY, Mr. ROBERTS, Mr. BENNETT, Mr. COCHRAN, Mr. COLEMAN, and Mr. BUNNING) submitted the following resolution; which was considered and agreed to:

S. RES. 336

Whereas Dr. James H. Billington was nominated to be the 13th Librarian of Congress by President Ronald Reagan in 1987, and was confirmed by the Senate and sworn in as Librarian of Congress on September 14, 1987;

Whereas the world renowned collections of the Library of Congress, the largest and most comprehensive in history, have grown by almost 50,000,000 items since Dr. Billington became Librarian, totaling more than 135,000,000 today;

Whereas, during Dr. Billington's tenure, the Library of Congress modernized its collection through the creation of the National Digital Library Program, the American Memory program, THOMAS, and the World Digital Library;

Whereas the Librarian created the first ever private sector philanthropic and advisory group, The Madison Council, to spearhead countless programs for the Library and assist in its funding efforts;

Whereas the Library of Congress has successfully acquired the 1507 Martin Waldseemuller map, the Martin Carson collection of early Americana, the Jay Kislak early Americas collection, and has also continued the preservation of Library collections and promoted cultural and educational outreach programs through the added assistance of private contributions and in-kind gifts collected during Dr. Billington's tenure;

Whereas, during James Billington's Librarianship, the Library of Congress has displayed its treasures and those of other Nations in more than 300 spectacular and enriching exhibitions at the Library and on its Internet website;

Whereas, during Dr. Billington's tenure, the Library of Congress has been a leader in the library world in establishing systems to protect vast collections such as the National Recording Registry and the National Digital Information Infrastructure and Preservation Program, developing cutting edge preservation developments to maintain and protect multiple format collections for future generations, and also ensuring the security of staff, researchers, and visitors;

Whereas the Kluge Center at the Library of Congress was established during the Librarian's tenure to foster mutually enriching interaction between the scholarly world and policy makers and supports the $1,000,000 Kluge Prize honoring lifetime achievements in the humanities;

Whereas the Library of Congress Thomas Jefferson and John Adams buildings were restored by Congress over a multi-year period and reopened to the public in 1997, restoring in particular the century-old Jefferson Building to its former glory as one of the most beautiful buildings in America;

Whereas Dr. Billington has overseen the consolidation of the Library's recorded sound and moving images in a large-scale digital storage archive at the Packard Campus for Audio-Visual Conservation, which was constructed through a unique private-public partnership with the Packard Humanities Institute;

Whereas the Library of Congress and First Lady Laura Bush instituted and have cosponsored the very popular National Book Festival annually since 2001, celebrating the joy of reading and the creativity of America's writers and illustrators;

Whereas the programs of the Library of Congress, including the National Digital Library which processed over 5,000,000,000 transactions in 2006 alone, have made freely available to the American people millions of historical items in the Library's incomparable collection through online databases, including 11,000,000 rare primary source materials from its collection, to invigorate and promote lifelong learning in every locality in the United States: Now, therefore, be it

Resolved, That the Senate recognizes and honors the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3076. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 3077. Mr. KENNEDY (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3078. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mr. LIEBERMAN, Mrs. MCCASKILL, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3079. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3080. Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, Ms. LANDRIEU, Mr. FEINGOLD, Mr. BAYH, Mr. PRYOR, Mr. BYRD, Mrs. CLINTON, Mr. DURBIN, Mr. LAUTENBERG, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3081. Mr. LAUTENBERG (for himself, Mr. DODD, Mr. COBURN, Mr. HAGEL, Mr. FEINGOLD, Mr. WEBB, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3082. Mr. SANDERS (for himself, Mr. BYRD, Mr. BOND, Mr. FEINGOLD, Mr. WEBB, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3083. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3084. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3085. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3086. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3087. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3088. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3089. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3090. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3091. Ms. MIKULSKI (for herself, Mr. WARNER, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3092. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3093. Mr. CHAMBLISS (for himself, Mr. HATCH, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3094. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3095. Ms. LANDRIEU submitted an amendment intended to be proposed to

amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3096. Mr. VOINOVICH (for himself, Mr. ALEXANDER, Mrs. DOLE, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3097. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3098. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3099. Mr. REED (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3100. Mr. REED (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3101. Mr. HATCH (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3102. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3103. Mr. McCONNELL (for Mr. McCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3104. Mr. McCONNELL (for Mr. McCAIN (for himself, Mr. CORNYN, Mr. SESSIONS, Mr. CONRAD, Mr. SHELBY, Mrs. HUTCHISON, and Mr. HATCH)) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3105. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3106. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3107. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3108. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2188 submitted by Mr. LIEBERMAN and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3109. Mr. REID (for Mr. KENNEDY (for himself, Mrs. McCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) submitted an amendment intended to be proposed to amendment SA 3058 proposed by Mr. KENNEDY (for himself, Mrs. McCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3110. Mr. REID (for Mr. KENNEDY (for himself, Mrs. McCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3111. Mr. BROWN (for Mr. HARKIN) proposed an amendment to the bill H.R. 327, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

TEXT OF AMENDMENTS

SA 3076. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

SEC. 1234. REPORT ON FAMILY REUNIONS BETWEEN UNITED STATES CITIZENS AND THEIR RELATIVES IN NORTH KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on family reunions between United States citizens and their relatives in the Democratic People's Republic of Korea.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An estimate of the current number of United States citizens with relatives in North Korea, and an estimate of the current number of such United States citizens who are more than 70 years of age.

(2) An estimate of the number of United States citizens who have traveled to North Korea for family reunions.

(3) An estimate of the amounts of money and aid that went from the Korean-American community to North Korea in 2007.

(4) A summary of any allegations of fraud by third-party brokers in arranging family reunions between United States citizens and their relatives in North Korea.

(5) A description of the efforts, if any, of the President to facilitate reunions between the United States citizens and their relatives in North Korea, including the following:

(A) Negotiating with the Democratic People's Republic of Korea to permit family reunions between United States citizens and their relatives in North Korea.

(B) Planning, in the event of a normalization of relations between the United States and the Democratic People's Republic of Korea, to dedicate personnel and resources at the United States embassy in Pyongyang, Democratic People's Republic of Korea, to facilitate reunions between United States citizens and their relatives in North Korea.

(C) Informing Korean-American families of fraudulent practices by certain third-party brokers who arrange reunions between United States citizens and their relatives in North Korea, and seeking an end to such practices.

(D) Developing standards for safe and transparent family reunions overseas involving United States citizens and their relatives in North Korea.

(6) What additional efforts in the areas described in paragraph (5), if any, the President would consider desirable and feasible.

SA 3077. Mr. KENNEDY (for himself and Mr. McCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

SEC. 132. LITTORAL COMBAT SHIP (LCS) PROGRAM.

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

(1) The plan of the Chief of Naval Operations to recapitalize the United States Navy to at least 313 battle force ships is essential for meeting the long-term requirements of the National Military Strategy.

(2) Fiscal challenges to the plan to build a 313-ship fleet require that the Navy exercise discipline in determining warfighter requirements and responsibility in estimating, budgeting, and controlling costs.

(3) The 55-ship Littoral Combat Ship (LCS) program is central to the shipbuilding plan of the Navy. The inability of the Navy to control requirements and costs on the two lead ships of the Littoral Combat Ship program raises serious concerns regarding the capacity of the Navy to affordably build a 313-ship fleet.

(4) According to information provided to Congress by the Navy, the cost growth in the Littoral Combat Ship program was attributable to several factors, most notably that—

(A) the strategy adopted for the Littoral Combat Ship program, a so-called ''concurrent design-build'' strategy, was a high-risk strategy that did not account for that risk in the cost and schedule for the lead ships in the program;

(B) inadequate emphasis was placed on ''bid realism'' in the evaluation of contract proposals under the program;

(C) late incorporation of Naval Vessel Rules into the program caused significant design delays and cost growth;

(D) the Earned Value Management System of the contractor under the program did not adequately measure shipyard performance, and the Navy program organizations did not independently assess cost performance;

(E) the Littoral Combat Ship program organization was understaffed and lacking in the experience and qualifications required for a major defense acquisition program;

(F) the Littoral Combat Ship program organization was aware of the increasing costs of the Littoral Combat Ship program, but did not communicate those cost increases directly to the Assistant Secretary of the Navy in a time manner; and

(G) the relationship between the Naval Sea Systems Command and the program executive offices for the program was dysfunctional.

(b) REQUIREMENT.—In order to halt further cost growth in the Littoral Combat Ship program, costs and government liability under future contracts under the Littoral Combat Ship program shall be limited as follows:

(1) LIMITATION OF COSTS.—The total amount obligated or expended for the procurement costs of the fifth and sixth vessels in the Littoral Combat Ship (LCS) class of vessels shall not exceed $460,000,000 per vessel.

(2) PROCUREMENT COSTS.—For purposes of paragraph (1), procurement costs shall include all costs for plans, basic construction, change orders, electronics, ordnance, contractor support, and other costs associated with completion of production drawings, ship construction, test, and delivery, including work performed post-delivery that is required to meet original contract requirements.

(3) CONTRACT TYPE.—The Navy shall employ a fixed-price type contract for construction of the fifth and following ships of the Littoral Combat Ship class of vessels.

(4) LIMITATION OF GOVERNMENT LIABILITY.—The Navy shall not enter into a contract, or modify a contract, for construction of the fifth or sixth vessel of the Littoral Combat Ship class of vessels if the limitation of the Government's cost liability, when added to the sum of other budgeted procurement costs, would exceed $460,000,000 per vessel.

(5) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in paragraphs (1) and (4) for either vessel referred to in such paragraph by the following:

(A) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2007.

(B) The amounts of outfitting costs and costs required to complete post-delivery test and trials.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) is repealed.

SA 3078. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mr. LIEBERMAN, Mrs. MCCASKILL, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. ADMINISTRATIVE SEPARATIONS OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) CLINICAL REVIEW OF ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REVIEW OF SEPARATIONS OF CERTAIN MEMBERS.—Not later than 30 days after the date of the enactment of this Act, and continuing until the Secretary of Defense submits to Congress the report required by subsection (b), a covered member of the Armed Forces may not, except as provided in paragraph (2), be administratively separated from the Armed Forces on the basis of a personality disorder.

(2) CLINICAL REVIEW OF PROPOSED SEPARATIONS BASED ON PERSONALITY DISORDER.—

(A) IN GENERAL.—A covered member of the Armed Forces may be administratively separated from the Armed Forces on the basis of a personality disorder under this paragraph if a clinical review of the case is conducted by a senior officer in the office of the Surgeon General of the Armed Force concerned who is a credentialed mental health provider and who is fully qualified to review cases involving maladaptive behavior (personality disorder), diagnosis and treatment of post-traumatic stress disorder, or other mental health conditions.

(B) PURPOSES OF REVIEW.—The purposes of the review with respect to a member under subparagraph (A) are as follows:

(i) To determine whether the diagnosis of personality order in the member is correct and fully documented.

(ii) To determine whether evidence of other mental health conditions (including depression, post-traumatic stress disorder, substance abuse, or traumatic brain injury) resulting from service in a combat zone may exist in the member which indicate that the separation of the member from the Armed Forces on the basis of a personality disorder is inappropriate pending diagnosis and treatment, and, if so, whether initiation of medical board procedures for the member is warranted.

(b) SECRETARY OF DEFENSE REPORT ON ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all cases of administrative separation from the Armed Forces of covered members of the Armed Forces on the basis of a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality order forming the basis for such separations.

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

(C) A summary of the policies, by Armed Forces, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces prematurely or unjustly on the basis of a personality order.

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not prematurely or unjustly processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

(c) COMPTROLLER GENERAL REPORT ON POLICIES ON ADMINISTRATIVE SEPARATION BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General shall submit to Congress a report on the policies and procedures of the Department of Defense and of the military departments relating to the separation of members of the Armed Forces based on a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall—

(A) include an audit of a sampling of cases to determine the validity and clinical efficacy of the policies and procedures referred to in paragraph (1) and the extent, if any, of the divergence between the terms of such policies and procedures and the implementation of such policies and procedures; and

(B) include a determination by the Comptroller General of whether, and to what extent, the policies and procedures referred to in paragraph (1)—

(i) deviate from standard clinical diagnostic practices and current clinical standards; and

(ii) provide adequate safeguards aimed at ensuring that members of the Armed Forces who suffer from mental health conditions (including depression, post-traumatic stress disorder, or traumatic brain injury) resulting from service in a combat zone are not prematurely or unjustly separated from the Armed Forces on the basis of a personality disorder.

(d) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term ''covered member of the Armed Forces''includes the following:

(1) Any member of a regular component of the Armed Forces of the Armed Forces who has served in Iraq or Afghanistan since October 2001.

(2) Any member of the Selected Reserve of the Ready Reserve of the Armed Forces who served on active duty in Iraq or Afghanistan since October 2001.

SA 3079. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. ASSESSMENT OF TERMINATION OF RICHARD M. BARLOW FROM DEPARTMENT OF DEFENSE EMPLOYMENT.

(a) ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall appoint an independent expert with appropriate clearances not currently affiliated with the Department of Defense to assess whether Richard Barlow was wrongfully terminated for his actions while employed by the Department of Defense.

(b) REVIEW OF MATERIALS.—The independent expert is deemed to have a need to know of all materials, classified and unclassified, necessary to make an informed judgment of Richard Barlow's termination. The Secretary of Defense shall supply materials requested by the independent expert on an expedited basis.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than one year after appointment of the independent expert, the independent expert shall submit to the Secretary of Defense a report on the assessment conducted under subsection (a).

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) a recommendation as to whether Richard Barlow was wrongfully terminated; and

(B) if the recommendation is that Richard Barlow was wrongfully terminated, a recommendation as to the amount of compensation he is entitled to for such wrongful termination.

(3) FORM.—The report submitted under subsection (a) shall be submitted in classified and unclassified forms.

(d) AUTHORIZATION.—The Secretary of Defense is authorized to pay out of available funds such amount as is recommended by the independent expert in (c)(2)(B).

(e) NO INFERENCE OF LIABILITY.—Nothing in this section shall be construed as an inference of liability on the part of the United States.

(f) NO AGENTS AND ATTORNEYS FEES.—None of the payment authorized by this section may be paid to or received by any agent or attorney for any services rendered in connection with obtaining such payment. Any person who violates this subsection shall be guilty of a misdemeanor and shall be subject to a fine in the amount provided in title 18, United States Code.

(g) NON-TAXABILITY OF PAYMENT.—The payment authorized by this section is in partial reimbursement for losses incurred by Richard Barlow as a result of the personnel actions taken by the Department of Defense and is not subject to Federal, State, or local income taxes.

SA 3080. Mr. WEBB (for himself, Mrs. MCCASKILL, MS. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, Ms. LANDRIEU, Mr. FEINGOLD, Mr. BAYH, Mr. PRYOR, Mr. BYRD, Mrs. CLINTON, Mr. DURBIN, Mr. LAUTENBERG, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Wartime Contracting'' (in this subsection referred to as the ''Commission'').

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(D) VACANCY.—In the event of a vacancy in the Commission, the individual appointed to fill the membership shall be of the same political party as the individual vacating the membership.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable;

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support; and

(vi) the extent of the misuse of force and violations of the laws of war or Federal law by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—On January 15, 2009, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies, and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths (provided that the quorum for a hearing shall be three members of the Commission); and

(ii) provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) INABILITY TO OBTAIN DOCUMENTS OR TESTIMONY.—In the event the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall

notify the committees of Congress of jurisdiction and appropriate investigative authorities.

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term ''contingency operation'' has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development, conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security, intelligence, and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

SA 3081. Mr. LAUTENBERG (for himself, Mr. DODD, Mr. COBURN, Mr. HAGEL, Mr. FEINGOLD, Mr. WEBB, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XV, add the following:

SEC. 1535. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

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

(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.

(2) Since the fall of the Taliban, the United States has provided Afghanistan with over $20,000,000,000 in reconstruction and security assistance. However, repeated and documented incidents of waste, fraud, and abuse in the utilization of these funds have undermined reconstruction efforts.

(3) There is a stronger need for vigorous oversight of spending by the United States on reconstruction programs and projects in Afghanistan.

(4) The Government Accountability Office (GAO) and departmental Inspectors General provide valuable information on such activities.

(5) The congressional oversight process requires more timely reporting of reconstruction activities in Afghanistan that encompasses the efforts of the Department of State, the Department of Defense, and the United States Agency for International Development and highlights specific acts of waste, fraud, and abuse.

(6) One example of such successful reporting is provided by the Special Inspector General for Iraq Reconstruction (SIGIR), which has met this objective in the case of Iraq.

(7) The establishment of a Special Inspector General for Afghanistan Reconstruction (SIGAR) position using SIGIR as a model will help achieve this objective in Afghanistan. This position will help Congress and the American people to better understand the challenges facing United States programs and projects in that crucial country.

(8) It is a priority for Congress to establish a Special Inspector General for Afghanistan position with similar responsibilities and duties as the Special Inspector General for Iraq Reconstruction. This new position will monitor United States assistance to Afghanistan in the civilian and security sectors, undertaking efforts similar to those of the Special Inspector General for Iraq Reconstruction.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the ''Inspector General''), who shall be appointed by the President. The President may appoint the Special Inspector General for Iraq Reconstruction to serve as the Special Inspector General for Afghanistan Reconstruction, in which case the Special Inspector General for Iraq Reconstruction shall have all of the duties, responsibilities, and authorities set forth under this section with respect to such

appointed position for the purpose of carrying out this section.

(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) DEADLINE FOR APPOINTMENT.—The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(e) DUTIES.—

(1) OVERSIGHT OF AFGHANISTAN RECONSTRUCTION.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of appropriated funds by the United States Government, and of the programs, operations, and contracts carried out utilizing such funds in Afghanistan in order to prevent and detect waste, fraud, and abuse, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among the departments, agencies, and entities of the United States Government, and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Afghanistan and other donor countries in the implementation of the Afghanistan Compact and the Afghanistan National Development Strategy and the efficient utilization of funds for economic reconstruction, social and political development, and security assistance; and

(G) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) COORDINATION OF EFFORTS.—In carrying out the duties, and responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

(A) The Inspector General of the Department of State.

(B) The Inspector General of the Department of Defense.

(C) The Inspector General of the United States Agency for International Development.

(f) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In carrying out the duties specified in subsection (e), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (e)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(g) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) RESOURCES.—The Secretary of State shall provide the Inspector General with appropriate and adequate office space at appropriate United States Government locations in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein. The Secretary of State shall not charge the Inspector General or employees of the Office of the Inspector General for Afghanistan Reconstruction for International Cooperative Administrative Support Services.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of Defense and the Secretary of State and the appropriate committees of Congress without delay.

(h) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General, including a summary of lessons learned, and summarizing the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues of the United States Government associated with reconstruction and rehabilitation activities in Afghanistan, including the following information:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the United States Government entity or entities involved in the contract or grant identified, and solicited offers from, potential contractors or grantees to perform the contract or grant, together with a list of the potential contractors or grantees that were issued solicitations for the offers;

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition; and

(v) a description of any previous instances of wasteful and fraudulent activities in Afghanistan by current or potential contractors, subcontactors, or grantees and whether and how they were held accountable.

(G) A description of any potential unethical or illegal actions taken by Federal employees, contractors, or affiliated entities in the course of reconstruction efforts.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered

into by the United States Government with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Afghanistan.

(B) To establish or reestablish a political or societal institution of Afghanistan.

(C) To provide products or services to the people of Afghanistan.

(3) SEMIANNUAL REPORT.—Not later than December 31, 2007, and semiannually thereafter, the Inspector General shall submit to the appropriate congressional committees a report meeting the requirements of section 5 of the Inspector General Act of 1978.

(4) PUBLIC TRANSPARENCY.—The Inspector General shall post each report required under this subsection on a public and searchable website not later than 7 days after the Inspector General submits the report to the appropriate congressional committees.

(5) LANGUAGES.—The Inspector General shall publish on a publicly available Internet website each report under this subsection in English and other languages that the Inspector General determines are widely used and understood in Afghanistan.

(6) FORM.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex as the Inspector General determines necessary.

(7) LIMITATION ON PUBLIC DISCLOSURE OF CERTAIN INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(i) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (3) of subsection (h) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register not later than the date on which the report required under paragraph (1) or (3) of subsection (h) is submitted to the appropriate congressional committees. The report shall specify whether waivers under this subsection were made and with respect to which elements.

(j) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term ''amounts appropriated or otherwise made available for the reconstruction of Afghanistan'' means—

(A) amounts appropriated or otherwise made available for any fiscal year—

(i) to the Afghanistan Security Forces Fund;

(ii) to the program to assist the people of Afghanistan established under section 1202(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455); and

(iii) to the Department of Defense for assistance for the reconstruction of Afghanistan under any other provision of law; and

(B) amounts appropriated or otherwise made available for any fiscal year for Afghanistan reconstruction under the following headings or for the following purposes:

(i) Operating Expenses of the United States Agency for International Development.

(ii) Economic Support Fund.

(iii) International Narcotics Control and Law Enforcement.

(iv) International Affairs Technical Assistance.

(v) Peacekeeping Operations.

(vi) Diplomatic and Consular Programs.

(vii) Embassy Security, Construction, and Maintenance.

(viii) Child Survival and Health.

(ix) Development Assistance.

(x) International Military Education and Training.

(xi) Nonproliferation, Anti-terrorism, Demining and Related Programs.

(xii) Public Law 480 Title II Grants.

(xiii) International Disaster and Famine Assistance.

(xiv) Migration and Refugee Assistance.

(xv) Operations of the Drug Enforcement Agency.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, Foreign Affairs, and Homeland Security of the House of Representatives.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2008 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by section 1512 for the Afghanistan Security Forces Fund is hereby reduced by $20,000,000.

(l) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General for Afghanistan Reconstruction shall terminate on September 30, 2010, with transition operations authorized to continue until December 31, 2010.

(2) FINAL ACCOUNTABILITY REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final accountability report on all referrals for the investigation of any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities made to the Department of Justice or any other United States law enforcement entity to ensure further investigations, prosecutions, or remedies.

SA 3082. Mr. SANDERS (for himself, Mr. BYRD, Mr. BOND, Mr. FEINGOLD, Mr. WEBB, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—

(1) ADDITIONAL AMOUNT.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army is hereby increased by $15,000,000, with the amount of the increase to be allocated to Medical Advanced Technology (PE #0603002A) for the Army to carry out, as part of its Congressionally Directed Medical Research Programs, a program for Gulf War Illnesses Research.

(2) OFFSET.—The amount authorized to be appropriated by section 101(2) for missile procurement for the Army is hereby decreased by $15,000,000, with the amount of the decrease to be allocated to amounts available for Patriot System Summary (Line 2) for Patriot PAC–3 missiles.

(b) PURPOSE.—The purpose of the program shall be to develop diagnostic markers and treatments for the complex of symptoms commonly known as ''Gulf War Illnesses (GWI)'', including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program shall be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) COMPETITIVE SELECTION AND PEER REVIEW.—The program shall be conducted using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individuals with recognized expertise in Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes.

SA 3083. Mr. BAYH (submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, insert the following:

SEC. 1031. DEADLINE FOR ELECTRONIC ABSENTEE VOTING GUIDELINES.

Not later than 180 days after the date of the enactment of this Act, the Election Assistance Commission shall—

(1) establish electronic absentee voting guidelines in connection with the electronic voting demonstration project under section 1604 of the National Defense Authorization Act for Fiscal Year 2002 (42 U.S.C. 1973ff); and

(2) certify to the Secretary of Defense that the Commission will assist in carrying out such demonstration project.

SA 3084. Mr. BAYH submitted an amendment intended to be proposed to

amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, insert the following:

SEC. 1031. MODIFICATIONS TO ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) LIMITATION ON AUTHORITY TO DELAY IMPLEMENTATION.—The first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (42 U.S.C. 1973ff note) is amended by inserting '', but in no case later than the regularly scheduled general election for Federal office in November 2008'' before the period at the end.

(b) INCLUSION OF OVERSEAS VOTERS.—Section 1604 of such Act is amended—

(1) in subsections (a)(1) and (c), by inserting ''and overseas voters'' after ''absent uniformed services voters'' each place it appears; and

(2) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph:

''(2) OVERSEAS VOTER.—The term 'overseas voter' has the meaning given such term in section 107(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(5)).''.

(c) DEMONSTRATION PROJECT TO COVER FEDERAL, STATE, AND LOCAL ELECTIONS.—Section 1604(b) of such Act is amended by adding at the end the following new sentence: ''Such agreements shall provide that absent uniformed service voters and overseas voters may, in addition to casting ballots in elections for Federal office, also cast ballots in elections for State and local office through an electronic voting system which is chosen by the State and which meets the requirements of subsection (c) and the electronic absentee voting guidelines established by the Election Commission Assistance.''.

(d) SOFTWARE REQUIREMENTS.—Section 1604 of such Act, as amended by subsection (b), is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) SOFTWARE REQUIREMENTS.—Software used in the demonstration project under subsection (a)(1) shall—

''(1) utilize open-source code;

''(2) permit the voter to verify the votes selected by the voter before the ballot is cast and counted;

''(3) provide the voter an opportunity to change the ballot before the ballot is cast and counted; and

''(4) produce a record with an audit capacity.''.

(e) REPORTING DEADLINE.—Subsection (d) of section 1604 of such Act, as redesignated by subsection (d), is amended by striking ''Not later than June 1 of the year following the year in which the demonstration project is conducted'' and inserting ''Not later than 120 days after the election for which the demonstration project is conducted''.

(f) REPORT TO ELECTION ASSISTANCE COMMISSION.—Section 1604 of such Act, as amended by subsection (d), is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) REPORT TO ELECTION ASSISTANCE COMMISSION.—If the demonstration project under subsection (a)(1) is carried out before the Election Assistance Commission has established the electronic voting absentee guidelines described in subsection (a)(2), the Secretary of Defense shall report to the Election Assistance Commission on the results of the demonstration project for the purpose of establishing such guidelines.''.

(g) ESTABLISHMENT OF LONG-TERM PLAN.—Section 1604 of such Act, as amended by subsections (d) and (f), is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) LONG-TERM PLAN.—

''(1) IN GENERAL.—The Secretary of Defense shall, based on the results of the demonstration project under subsection (a)(1) and after consultation with stakeholders described in paragraph (2), develop a long-term plan for implementing a program under which absent uniformed service voters and overseas voters may vote in Federal, State, and local elections through electronic voting systems.

''(2) STAKEHOLDERS.—The stakeholders described in this paragraph are—

''(A) absent uniformed service voters;

''(B) State and local election officials;

''(C) the Election Assistance Commission;

''(D) the National Institute of Standards and Technology;

''(E) enterprises involved with successful online public voting programs; and

''(F) such other parties as the Secretary of Defense determines would be necessary or helpful to developing the plan described in paragraph (1).''.

SA 3085. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. HUBZONES.

(a) IN GENERAL.—Section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) is amended—

(1) by redesignating clauses (i), (ii), (iii), and (iv) as subclauses (I), (II), (III), and (IV), respectively, and adjusting the margin accordingly;

(2) by striking ''means lands'' and inserting the following ''means—

''(i) lands''; and

(3) by striking the period at the end and inserting the following: ''; and

''(ii) during the 5-year period beginning on the date that a military installation is closed under an authority described in clause (i), areas adjacent to or within a reasonable commuting distance of lands described in clause (i), which shall not include any area that is more than 15 miles from the exterior boundary of that military installation, that are substantially and directly economically affected by the closing of that military installation, as determined by the Secretary of Housing and Urban Development.''.

(b) FEASIBILITY STUDY.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study of the feasibility of, and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding, designating as a HUBZone (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act) any area that does not qualify as a HUBZone solely because that area is located within a county located within a metropolitan statistical area (as defined by the Office of Management and Budget). The report submitted under this subsection shall include any legislative recommendations relating to the findings of the feasibility study conducted under this subsection.

SA 3086. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title X, insert the following:

SEC. 10____. Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report describing actions taken by the Department of Defense to ensure the provision of quality service and procurement in a fiscally sound manner to schools participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) that receive fresh fruits and vegetables purchased by the Department of Defense under an agreement with the Department of Agriculture.

SA 3087. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. REPORT ON UTILIZATION OF TUITION ASSISTANCE BY MEMBERS OF THE ARMED FORCES.

(a) REPORTS REQUIRED.—Not later than April 1, 2008, the Secretary of each military department shall submit to the congressional defense committees a report on the utilization of tuition assistance by members of the Armed Forces, whether in the regular components if the Armed Forces or the reserve components of the Armed Forces, under the jurisdiction of such military department during fiscal year 2007.

(b) ELEMENTS.—The report with respect to a military department under subsection (a) shall include the following:

(1) Information on the policies of such military department for fiscal year 2007 regarding utilization of, and limits on, tuition assistance by members of the Armed Forces under the jurisdiction of such military department, including an estimate of the number of members of the reserve components of

the Armed Forces under the jurisdiction of such military department whose requests for tuition assistance during that fiscal year were unfunded.

(2) Information on the policies of such military department for fiscal year 2007 regarding funding of tuition assistance for each of the regular components of the Armed Forces and each of the reserve components of the Armed Forces under the jurisdiction of such military department.

SA 3088. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VII, add the following:

SEC. 703. REPORT ON MEDICAL PHYSICAL EXAMINATIONS OF MEMBERS OF THE ARMED FORCES BEFORE THEIR DEPLOYMENT.

Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The results of a study of the frequency of medical physical examinations conducted by each component of the Armed Forces (including both the regular components and the reserve components of the Armed Forces) for members of the Armed Forces within such component before their deployment.

(2) A comparison of the policies of the military departments concerning medical physical examinations of members of the Armed Forces before their deployment, including an identification of instances in which a member (including a member of a reserve component) may be required to undergo multiple physical examinations, from the time of notification of an upcoming deployment through the period of preparation for deployment.

(3) A model of, and a business case analysis for, each of the following:

(A) A single predeployment physical examination for members of the Armed Forces before their deployment.

(B) A single system for tracking electronically the results of examinations under subparagraph (A) that can be shared among the military departments and thereby eliminate redundancy of medical physical examinations for members of the Armed Forces before their deployment.

SA 3089. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VII, add the following:

SEC. 703. CONTINUATION OF TRANSITIONAL HEALTH BENEFITS FOR MEMBERS OF THE ARMED FORCES PENDING RESOLUTION OF SERVICE-RELATED MEDICAL CONDITIONS.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking ''Transitional health care'' and inserting ''Except as provided in paragraph (6), transitional health care''; and

(2) by adding at the end the following new paragraph:

''(6)(A) Before the end of the period of availability of transitional health care for a member under paragraph (3), the Secretary concerned shall ensure that the unit commander of the member requires a physical examination of the member in order to determine whether or not the member has a medical condition relating to service on active duty covered by paragraph (2) that warrants further medical care.

''(B) A member determined under subparagraph (A) to have a medical condition described in that subparagraph shall be entitled to receive medical and dental care for such medical condition as if the member were a member of the armed forces on active duty until such medical condition is resolved.

''(C) The Secretary concerned shall ensure that the Defense Enrollment and Eligibility Reporting System (DEERS) is continually updated in order to reflect the continuing entitlement of members covered by subparagraph (B) to the medical and dental care referred to in that subparagraph.''.

SA 3090. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 656. COMPUTATION OF YEARS OF SERVICE FOR PURPOSES OF RETIRED PAY FOR NON-REGULAR SERVICE.

Section 12733(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period and inserting ''before the year of service that includes October 30, 2007; and''; and

(3) by adding at the end the following new subparagraph:

''(D) 130 days in the year of service that includes October 30, 2007, and any subsequent year of service.''.

SA 3091. Ms. MIKULSKI (for herself, Mr. WARNER, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL AND SEASONAL BUSINESSES.

(a) SHORT TITLE.—This section may be cited as the ''Save our Small and Seasonal Businesses Act of 2007''.

(b) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended, by striking ''an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.'' and inserting the following: ''an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective during the 3-year period beginning on October 1, 2007.

SA 3092. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 342. SENSE OF SENATE ON THE AIR FORCE LOGISTICS CENTERS.

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

(1) Air Force Air Logistics Centers have served as a model of efficiency and effectiveness in providing integrated sustainment (depot maintenance, supply management, and product support) for fielded weapon systems within the Department of Defense. This success has been founded in the integration of these dependent processes.

(2) Air Force Air Logistics Centers have embraced best practices, technology changes, and process improvements, and have successfully managed increased workload while at the same time reducing personnel.

(3) Air Force Air Logistics Centers continue to successfully sustain an aging aircraft fleet that is performing more flying hours, with less aircraft, than at any point in the last thirty years.

(4) The Global Logistics Support Center (GLSC) concept represents an attempt to apply an enterprise approach to supply chain management.

(5) The purpose of Global Logistics Support Center is to eliminate redundancies and improve efficiencies across the Air Force in order to best provide capable aircraft to the warfighter.

(6) The Air Force is to be commended for attempting to identify potential means to create further efficiencies in the Air Force logistics network.

(7) While centralizing the execution and chain of command for supply within the Air Force logistics network may add value, the impact on integrated sustainment support may prove detrimental and more complex and could negatively affect delivery of deployment-capable aircraft to the warfighter.

(b) REPORTS REQUIRED.—

(1) PERIODIC REPORTS REQUIRED.—In order to provide Congress with appropriate insight into the impact on integrated sustainment capabilities during the development of the Global Logistics Support Center concept, the Secretary of the Air Force shall submit to the congressional defense committees on a periodic basis (not less than every 120 days) reports on the plans of the Air Force regarding the Global Logistics Support Center.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report with respect to the development of the Global Logistics Support Center, the following:

(A) Milestones, including criteria for achieving such milestones.

(B) Planned or potential realignments of personnel through either a change of reporting official or change in geographical location.

(C) Proposed changes and potential impact to the integrated aircraft sustainment process.

(D) Proposed changes to program management, product support responsibilities, or both for fielded weapon systems.

(E) Proposed changes to the depot maintenance responsibilities as such responsibilities relate to the sustainment of weapon systems.

SA 3093. Mr. CHAMBLISS (for himself, Mr. HATCH, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1029 and insert the following:

SEC. 1029. JOINT CARGO AIRCRAFT.

(a) IN GENERAL.—

(1) APPLICABILITY OF CERTAIN DOCUMENT ON AIR MOBILITY OPERATIONS.—All documents, plans, budgets, and strategies pertaining to the Joint Cargo Aircraft (JCA) program referred to in paragraph (2) shall be consistent with and informed by Department of Defense Joint Publication 3–17, entitled ''Joint Doctrine, Tactics, Techniques, and Procedures for Air Mobility Operations'', with specific reference to Chapter IV of that publication, entitled ''Airlift'', and the relevant sections of that chapter regarding Airlift Missions, Operational Support Airlift, and Service Organic Operations.

(2) DOCUMENTS, PLANS, BUDGETS, AND STRATEGIES.—The documents, plans, budgets, and strategies referred to in this paragraph are all documents, plans, budgets, and strategies relating to the Joint Cargo Aircraft program, including, but not limited to, the following:

(A) The Memorandum of Agreement between the Department of the Army and the Department of the Air Force on the Joint Cargo Aircraft Program.

(B) The Joint Cargo Aircraft Acquisition Decision Memorandum.

(C) The Acquisition Program Baseline for the Joint Cargo Aircraft Program.

(D) The Joint Cargo Aircraft Concept of Operations.

(E) The Fleet mix analysis for the Joint Cargo Aircraft.

(F) The Acquisition Strategy for the Future Cargo Aircraft.

(b) SENSE OF SENATE ON JOINT CARGO AIRCRAFT.—It is the Sense of the Senate that the Army and the Air Force should pursue an integrated maintenance and sustainment strategy for the Joint Cargo Aircraft that takes maximum advantage of capabilities organic to the United States Government.

SA 3094. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 522. PROHIBITION ON AVAILABILITY OF FUNDS FOR PAYMENT OF ENLISTMENT BONUSES TO CERTAIN FELONS FOR ENLISTMENT IN THE ARMED FORCES.

No amounts authorized to be appropriated by this Act may be obligated or expended for the payment to an individual of a bonus for enlistment in the Armed Forces if the individual has been convicted under Federal or State law of any felony offense as follows:

(1) Aggravated assault with a deadly weapon.

(2) Arson.

(3) Hate crime.

(4) Sexual misconduct.

(5) Terrorist threatening.

SA 3095. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end title VI, insert the following:

Subtitle D—Iraq Refugee Crisis

SEC. 1541. PROCESSING MECHANISMS.

(a) IN GENERAL.—The Secretary of State shall establish processing mechanisms in Iraq and in countries in the region in which

(1) aliens described in section 1542 may apply and interview for admission to the United States as refugees; and

(2) aliens described in section 1543(b) may apply and interview for admission to the United States as special immigrants.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, :in consultation with the Secretary of Homeland Security, shall submit a report that contains the plans and assessment described in paragraph (2) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) describe the Secretary's plans to establish the processing mechanisms described in subsection (a); and

(B) contain an assessment of in-country processing that makes use of video-conferencing.

SEC. 1542. UNITED STATES REFUGEE PROGRAM PRIORITIES.

(a) IN GENERAL.—Priority 2 refugees of special humanitarian concern under the refugee resettlement priority system shall include—

(1) an unmarried person under the age of 18 years old who:

(A) is a national of Iraq; and

(B) has been orphaned due to the death or disappearance of their biological or adoptive parent, parents, or legal guardians as a result of or incidental to U.S. or Coalition military action in Iraq subsequent to March 1, 2003, or resulting from or incidental to sectarian or religious violence since March 1, 2003; and

(C) has been determined to be without a living relative between and including the ages of 30 and 70 years and are willing and able to provide for their care either in Iraq or in another country apart from the United States based upon a review by the Iraqi government and

a. the United States Department of State, or

b. the United States Department of Homeland Security; or

c. the United Nations High Commissioner for Refugees; or

d. other non-governmental organizations or entities experienced in assisting refugees and locating their nearest living relatives.

(b) SECURITY.—An alien is not eligible to participate in the program authorized under this section if the alien is otherwise inadmissible to the United States under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

SEC. 1543. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

(a) IN GENERAL.—Subject to subsection (c)(1) and notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101 (a)(27)), if the alien—

(1) or an agent acting on behalf of the alien, submits to the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa; and

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)).

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is an unmarried person under the age of 18 years old; and

(B) is a national of Iraq; and

(C) has been orphaned due to the death or disappearance of their biological or adoptive parent, parents, or legal guardians as a result of or incidental to U.S. or Coalition military action in Iraq subsequent to March 1, 2003, or resulting from or incidental to sectarian or religious violence since March 1, 2003; and

(D) has been determined to be without a living relative between and including the ages of 30 and 70 years and are willing and able to provide for their care either in Iraq or in another country apart from the United States based upon a review by the Iraqi government and

i. the United States Department of State, or

ii. the United States Department of Homeland Security; or

iii. the United Nations High Commissioner for Refugees; or

iv. other non-governmental organizations or entities experienced in assisting refugees and locating their nearest living relatives.

(c) NUMERICAL LIMITATIONS AND BENEFITS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed an annual limit that the United States Department of Homeland Security determines in consultation with the United Nations High Commissioner for Refugees and the United States Department of State for each of the 5 fiscal years beginning after the date of the enactment of this Act.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) BENEFITS.—Aliens provided special immigrant status under this section shall be eligible for the same resettlement assistance, entitlement programs, and other benefits as unaccompanied minor refugees admitted under section 207 of the Immigration and Naturalization Act (8 U.S.C. 1157).

(4) CARRY FORWARD.—If the numerical limitation under paragraph (1) is not reached during a given fiscal year, the numerical limitation under paragraph (1) for the following fiscal year shall be increased by a number equal to the difference between—

(A) the number of visas authorized under paragraph (1) for the given fiscal year; and

(B) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with other relevant Federal agencies, shall provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq of such alien if the Secretary determines that such alien is in imminent danger.

(f) SECURITY.—An alien is not eligible to participate in the program authorized under this section if the alien is otherwise inadmissible to the United States under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

(g) DEFINITIONS.—Notwithstanding any contrary definitions set forth in this section, the terms defined in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) have the same meanings when used in this section.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the provisions of this section, including requirements for background checks;

(i) SAVINGS PROVISION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

SEC. 1544. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SA 3096. Mr. VOINOVICH (for himself, Mr. ALEXANDER, Mrs. DOLE, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows;

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

SEC. 1535. REDUCTION OF UNITED STATES FORCES IN IRAQ.

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

(1) Only a political solution amongst the Iraqi themselves can end the violence and bring about lasting stability in Iraq.

(2) The Iraqi political leaders have not met their own benchmarks.

(3) The Iraq Study Group under the leadership of James Baker and Lee Hamilton reported in December 2006 that ''the United States should not make an open-ended commitment to keep large numbers of American troops deployed in Iraq'' and ''if the Iraqi government does not make substantial progress toward the achievement of milestones on national reconciliation, security, and governance, the United States should reduce its political, military, or economic support for the Iraqi government''.

(4) The Iraq Study Group also reported that ''[b]y the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all [U.S.] combat brigades not necessary for force protection could be out of Iraq. At that time, U.S. combat forces in Iraq could be deployed only in units embedded with Iraqi forces, in rapid-reaction and special operations teams, and in training, equipping, advising, force protection, and search and rescue''.

(5) The Iraq Study Group also stated that the redeployment of troops from Iraq should be ''subject to unexpected developments in the security situation on the ground''.

(6) The Independent Commission on the Security Forces of Iraq under the leadership of retired Marine General Jim Jones recently reported that a number of Iraqi Army battalions that are capable of taking the lead in combating violence and sectarian conflict are not in the lead and recommended further that the size of ''our national footprint in Iraq be reconsidered with regard to its efficiency, necessity, and its cost'' and that ''[s]ignificant reductions, consolidations, and realignments would appear to be possible and prudent''.

(7) The President stated in his speech to the nation on September 13, 2007, that ''[o]ver time our troops will shift from leading operations, to partnering with Iraqi forces—and eventually to overwatching those forces. As this transition in our mission takes place, our troops will focus on a more limited set of tasks, including counterterrorism operations and training, equipping and supporting Iraqi forces''.

(8) General David Petraeus has stated that progress is being achieved at different rates in different provinces of Iraq and that further progress is likely to continue to vary from province to province.

(9) The precipitous withdrawal of all United States forces from Iraq is not desirable and could have dangerous consequences for the national security of the United States and our allies.

(10) The United States must remain engaged in Iraq and the Middle East region for the foreseeable future to protect our national security interests.

(11) There are limits on the forces the United States has available for deployment, and those limits necessitate a reduction in United States forces in Iraq and a transition of those forces to a focused set of missions.

(12) The Iraq Study Group recommended that ''[t]he United States should not make an open-ended commitment to keep large numbers of American troops in Iraq''.

(13) General Petraeus has stated that a reduction in the number of United States forces in Iraq to approximately the pre-surge level will be imminent as a result of security gains in Iraq and the limits on United States forces available for deployment.

(b) IN GENERAL.—The Secretary of Defense shall commence a reduction in the number of United States forces in Iraq not later than 90 days after the date of the enactment of this Act.

(c) IMPLEMENTATION OF REDUCTION ALONG WITH A COMPREHENSIVE STRATEGY.—

(1) IN GENERAL.—The reduction in the number of United States forces required by this section shall be implemented along with a comprehensive diplomatic, political, and economic strategy that will include increased engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(2) LARGER INTERNATIONAL ROLE IN POLITICAL STRATEGY.—In carrying out the strategy described in paragraph (1), the President shall instruct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of a senior representative of the Secretary General of the United Nations to Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process and to promote the engagement of Iraq's neighbors.

(3) SENSE OF CONGRESS.—It is the sense of Congress that, in carrying out the strategy described in paragraph (1), the President should—

(A) work with the United Nations to continue the efforts initiated at Sharm El Sheikh in May 2007 and implement fully the terms of the International Compact with respect to Iraq; and

(B) support the decision of the United Nations Security Council on August 10, 2007, to strengthen the mandate of the United Nations Assistance Mission in Iraq in areas such as national reconciliation, regional dialogue, humanitarian assistance, and human rights.

(d) LIMITED PRESENCE OF UNITED STATES FORCES AFTER REDUCTION AND TRANSITION.—After the completion of the reduction of United States forces that commences pursuant to subsection (b), the Secretary of Defense may deploy or maintain United States forces in Iraq only for the following missions:

(1) Protecting United States and coalition personnel and infrastructure, including by targeted border security operations.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces, including Iraqi security forces operating against extremist militia groups, such as Jaish al Mahdi, that conduct attacks against

United States forces and Iraqi security forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations, including providing support to Sunni operations that oppose such groups and organizations.

(4) Providing personnel and support to Provisional Reconstruction Teams, until civilian personnel can be recruited to fill positions on such teams.

(5) Sharing information and intelligence as necessary with Iraqi Security Forces to achieve the missions described in paragraphs (1) through (4).

(e) COMPLETION OF TRANSITION.—The goal for the completion of the transition of United States forces in Iraq to a limited presence and missions as described in subsection (d) shall be a date not later than 15 months after the date of the enactment of this Act.

(f) REPORT ON REDUCTION AND TRANSITION.—Not later than 90 days after the date of the enactment of this Act and every 90 days thereafter, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The plan for carrying out the reduction and transition of United States forces in Iraq to a limited presence whose missions do not exceed the missions specified in subsection (d), including the associated force reductions, adjustments, and expectations with respect to timelines.

(2) A comprehensive description of efforts to prepare for the reduction and transition of United States forces in Iraq in accordance with this section and to limit any destabilizing consequences of such reduction and transition, including a description of efforts to work with the United Nations and countries in the region toward that objective.

SA 3097. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 472, in the table following line 11, insert after the item relating to North Kingstown, Rhode Island, the following:

Tennessee	Tullahoma	$264,000

On page 476, line 3, strike ''$458,515,000'' and insert ''$458,779,000''.

SA 3098. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 474, in the table following line 11, in the item relating to McGhee-Tyson Airport, Tennessee, strike ''$3,200,000'' in the amount column and insert ''$4,320,000''.

On page 476, line 9, strike ''$216,417,000'' and insert ''$217,537,000''.

SA 3099. Mr. REED (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 132. ADVANCED PROCUREMENT FOR VIRGINIA CLASS SUBMARINE PROGRAM.

Of the amount authorized to be appropriated by section 102(a)(3) for shipbuilding and conversion for the Navy, $1,172,710,000 may be available for advanced procurement for the Virginia class submarine program, of which—$470,000,000 may be made available for advanced procurement for an additional Virginia class submarine, of which—

(1) $400,000,000 may be available for the procurement of a spare set of reactor components; and

(2) $70,000,000 may be available for advanced procurement of non-nuclear long lead time material in order to support a reduced construction span for the boats in the next multiyear procurement program.

SA 3100. Mr. REED (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. SENSE OF SENATE ON SERVICE ACADEMY SPONSOR PROGRAMS.

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

(1) Sponsor programs for the service academies assist individuals in their transition from civilian life to status as a cadet or midshipman and to status as a commissioned officer in the Armed Forces by helping them realize that military life involves families, homes, and community.

(2) Sponsors under such programs have the opportunity to contribute to the development of cadets and midshipmen at the service academies by exposing cadets and midshipmen to military traditions, customs, and courtesies in a social environment, while such sponsors and their families develop lasting relationships and learn more about life in the service academies.

(3) Sponsors under such programs have a significant impact on the overall education of cadets and midshipmen, and their responsibilities as role models and representatives of the service academies must be carefully considered.

(4) While the sponsor programs at each service academy may vary, to ensure the success of these programs, Congress has the responsibility to verify that the selection and oversight of sponsors under such programs is appropriately conducted, that the rights of cadets and midshipmen are protected, and that the program activities serve the best interests of cadets and midshipmen.

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

(1) not later than 180 days after the date of the enactment of this Act, each Superintendent of a service academy should conduct a review of the sponsor program at such service academy, together with a copy of the policy of the academy with respect to such program;

(2) each review under paragraph (1) should assess—

(A) the purpose of the policy regarding the sponsor program at the academy;

(B) the implementation of the policy;

(C) the method used to screen potential sponsors under such program;

(D) the responsibilities of sponsors under such program;

(E) the guidance provided to midshipmen and cadets regarding the sponsor program; and

(F) any recommendations for change in the sponsor program; and

(3) each Superintendent should provide to the Committee on Armed Services of the Senate, and to the public, a summary of such review and any modifications of the sponsor policy concerned as a result of such review.

SA 3101. Mr. HATCH (for himself and Mr. COBURN) submitted an amendment intended to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON COLUMBIA UNIVERSITY'S HONORING OF IRANIAN PRESIDENT MAHMOUD AHMADINEJAD.

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

(1) On September 24, 2007, at the request of the Iranian government, Columbia University provided a forum for Iranian President Mahmoud Ahmadinejad to speak.

(2) President Ahmadinejad has referred to the Holocaust as a ''myth''.

(3) President Ahmadinejad has called for the State of Israel to be ''wiped off the map''.

(4) President Ahmadinejad has attempted to justify chants of ''Death to America''.

(5) In a recent interview in which he defended his insulting request to visit the site of the terrorist attacks of September 11, 2001, President Ahmadinejad stated that he wanted to discuss the ''root causes'' of the murder of nearly 3,000 working men and women.

(6) General David Petraeus has stated that arms supplies from Iran, including 240mm rockets and explosively formed projectiles, ''contributed to a sophistication of attacks that would by no means be possible without Iranian support . . . The evidence is very, very clear.''.

(7) In 1979, American diplomats and citizens were taken hostage at the United States Embassy in Tehran, with 52 being held captive for 444 days in violation of international law, and several of those captives have identified President Ahmadinejad as 1 of the hostage takers.

(8) In 1969, the Columbia University administration expelled all ROTC programs from campus.

(9) Even today, Columbia University students wishing to serve their country by participating in an ROTC program must travel to other local colleges to do so.

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

(1) it was beneath the dignity of a great American university to provide a public forum, and propaganda opportunity, to a documented anti-Semite and avowed enemy of the United States; and

(2) such a forum was particularly inappropriate given Columbia's denial of opportunities to its own students to serve their country through participation in the military's ROTC program.

SA 3102. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 81____. (a) The Secretary of Energy shall develop a strategy to complete the remediation at the Moab site, and the removal of the tailings to the Crescent Junction site, in the State of Utah by not later than January 1, 2019.

(b) Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of each of the Senate and the House of Representatives a report describing the strategy developed under subsection (a) and changes to the existing cost, scope and schedule of the remediation and removal activities that will be necessary to implement the strategy.

SA 3103. Mr. McCONNELL (for Mr. McCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Air Force shall, commencing as soon as practicable after the date of the enactment of this Act, conduct a pilot program to assess the feasability and advisability of utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of the pilot program required by subsection (a) is to support, augment, or enhance the air refueling mission of the Air Force by utilizing commercial air refueling providers on a fee-for-service basis.

(2) ELEMENTS.—In order to achieve the purpose of the pilot program, the pilot program shall—

(A) demonstrate and validate a comprehensive strategy for air refueling on a fee-for-service basis by utilizing all participating aircraft in the mission areas of testing support, training support to receivers, homeland defense support, deployment support, air bridge support, aeromedical evacuation, and emergency air refueling; and

(B) integrate fee-for-service air refueling described in paragraph (1) into Air Mobility Command operations.

(c) COMPETITIVE PROVIDERS.—The pilot program shall include the services of not more than five commercial air refueling providers selected by the Secretary for the pilot program utilizing competitive procedures.

(d) MINIMUM NUMBER OF AIRCRAFT.—Each provider selected for the pilot program shall utilize no fewer than five air refueling aircraft in participating in the pilot program.

(e) AIRCRAFT UTILIZATION.—The pilot program shall provide for a minimum of 1,500 flying hours per year per air refueling aircraft participating in the pilot program.

(f) DURATION.—The period of the pilot program shall be not less than five years after the commencement of the pilot program.

SA 3104. Mr. McCONNELL (for Mr. McCAIN (for himself, Mr. CORNYN, Mr. SESSIONS, Mr. CONRAD, Mr. SHELBY, Mrs. HUTCHISON, and Mr. HATCH)) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE AIR FORCE STRATEGY FOR THE REPLACEMENT OF THE AERIAL REFUELING TANKER AIRCRAFT FLEET.

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

(1) A properly executed comprehensive strategy to replace Air Force tankers will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(2) With an average age of 45 years, it is estimated that it will take over 30 years to replace the KC-135 aircraft fleet with the funding currently in place.

(3) In addition to the KC-X program of record, which supports the tanker replacement strategy, the Air Force should immediately pursue that part of the tanker replacement strategy that would support, augment, or enhance the Air Force air refueling mission, such as Fee-for-Service support or modifications and upgrades to maintain the viability of the KC-135 aircraft force structure as the Air Force recapitalizes the tanker fleet.

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

(1) the timely modernization of the Air Force aerial refueling tanker fleet is a vital national security priority; and

(2) in furtherance of meeting this priority, the Secretary of the Air Force has initiated, and Congress approves of, a comprehensive strategy for replacing the aerial refueling tanker aircraft fleet, which includes the following elements:

(A) Replacement of the aging tanker aircraft fleet with newer and improved capabilities under the KC–X program of record which supports the tanker replacement strategy, through the purchase of new commercial derivative aircraft.

(B) Sustainment and extension of the legacy tanker aircraft fleet until replacement through depot-type modifications and upgrades of KC–135 aircraft and KC–10 aircraft.

(C) Augmentation of the aerial refueling capability through aerial refueling Fee-for-Service.

SA 3105. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1031. VOTING BY DEPARTMENT OF DEFENSE PERSONNEL.

(a) RESPONSIBILITY FOR OVERSIGHT OF VOTING WITHIN DOD.—The Secretary of Defense shall designate a single member of the Armed Forces to undertake responsibility for matters relating to voting by Department of Defense personnel. The member so designated shall report directly to the Secretary in the discharge of that responsibility.

(b) RESPONSIBILITY FOR OVERSIGHT OF VOTING WITHIN MILITARY DEPARTMENTS.—The Secretary of each military department shall designate a single member of the Armed Forces under the jurisdiction of such Secretary to undertake responsibility for matters relating to voting by personnel of such military department. The member so designated shall report directly to such Secretary in the discharge of that responsibility.

(c) MANAGEMENT OF MILITARY VOTING OPERATIONS.—The Business Transformation Agency shall oversee the management of business systems and procedures of the Department of Defense with respect to military and overseas voting, including applicable communications with States and other non-Department entities regarding voting by Department of Defense personnel. In carrying out that responsibility, the Business Transformation Agency shall be responsible for the implementation of any pilot programs and other programs carried out for purposes of voting by Department of Defense personnel.

(d) IMPROVEMENT OF BALLOT DISTRIBUTION.—The Secretary of Defense shall undertake appropriate actions to streamline the distribution of ballots to Department of Defense personnel using electronic and Internet-based technology. In carrying out such actions, the Secretary shall seek to engage stakeholders in voting by Department of Defense personnel at all levels to ensure maximum participation in such actions by State and local election officials, other appropriate State officials, and members of the Armed Forces.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of Defense shall submit to Congress a report on the status of efforts to implement the requirements of this section.

(2) REPORT ON PLAN OF ACTION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report setting forth a comprehensive plan of action to ensure that members of the Armed Forces have the full opportunity to exercise their right to vote.

SA 3106. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. ASSESSMENT OF TERMINATION OF RICHARD M. BARLOW FROM DEPARTMENT OF DEFENSE EMPLOYMENT.

(a) ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall appoint an independent expert with appropriate clearances not currently affiliated with the Department of Defense to assess whether Richard Barlow was wrongfully terminated for his actions while employed by the Department of Defense.

(b) REVIEW OF MATERIALS.—The independent expert is deemed to have a need to know of all materials, classified and unclassified, necessary to make an informed judgment of Richard Barlow's termination. The Secretary of Defense shall supply materials requested by the independent expert on an expedited basis.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than one year after appointment of the independent expert, the independent expert shall submit to the Secretary of Defense a report on the assessment conducted under subsection (a).

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) a recommendation as to whether Richard Barlow was wrongfully terminated; and

(B) if the recommendation is that Richard Barlow was wrongfully terminated, a recommendation as to the amount of compensation he is entitled to for such wrongful termination.

(3) FORM.—The report submitted under subsection (a) shall be submitted in classified and unclassified forms.

(d) AUTHORIZATION.—The Secretary of Defense is authorized to pay out of available funds such amount as is recommended by the independent expert in (c)(2)(B).

(e) NO INFERENCE OF LIABILITY.—Nothing in this section shall be construed as an inference of liability on the part of the United States.

(f) NO AGENTS AND ATTORNEYS FEES.—None of the payment authorized by this section may be paid to or received by any agent or attorney for any services rendered in connection with obtaining such payment. Any person who violates this subsection shall be guilty of a misdemeanor and shall be subject to a fine in the amount provided in title 18, United States Code.

SA 3107. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 508, between lines 3 and 4, insert the following:

SEC. 2854. MODIFICATION OF LEASE OF PROPERTY, NATIONAL FLIGHT ACADEMY AT THE NATIONAL MUSEUM OF NAVAL AVIATION, NAVAL AIR STATION, PENSACOLA, FLORIDA.

Section 2850(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–428)) is amended—

(1) by striking ''naval aviation and'' and inserting ''naval aviation,''; and

(2) by inserting before the period at the end the following: '', and, as of January 1, 2008, to teach the science, technology, engineering, and mathematics disciplines that have an impact on and relate to aviation''.

SA 3108. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2188 submitted by Mr. LIEBERMAN and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 10 through 18.

SA 3109. Mr. REID (for Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) submitted an amendment intended to be proposed to amendment SA 3058 proposed by Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment strike all after the first word and insert the following:

358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

''(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

''(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

''(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and''.

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the Department of Defense—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).''.

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after ''2003'' the following: '', or any successor circular''; and

(B) in subparagraph (D), by striking ''and reliability'' and inserting '', reliability, and timeliness''; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting ''of'' after ''examination''.

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31,

United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.''.

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

''For any protest of a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.''.

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests of public-private competitions.''.

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A–76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

''(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

''(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

''(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(3) In no case may a function being performed by executive agency personnel be—

''(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

''(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

''(A) The function for which such public-private competition is to be conducted.

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

''(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

''(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

''(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 43. Public-private competition required before conversion to contractor performance.''.

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years.

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required for any Department of Defense function before—

(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.''.

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

SA 3110. Mr. REID (for Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. 358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

''(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

''(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

''(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and''.

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and

Budget Circular A–76 whether to convert to contractor performance any function of the Department of Defense—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).''.

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after ''2003'' the following: '', or any successor circular''; and

(B) in subparagraph (D), by striking ''and reliability'' and inserting '', reliability, and timeliness''; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting ''of'' after ''examination''.

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.''.

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

''For any protest of a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.''.

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests of public-private competitions.''.

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A–76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

''(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

''(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

''(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(3) In no case may a function being performed by executive agency personnel be—

''(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

''(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

''(A) The function for which such public-private competition is to be conducted.

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

''(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

''(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

''(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 43. Public-private competition required before conversion to contractor performance.''.

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years.

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required for any Department of Defense function before—

(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.''.

This section shall take effect 1 day after date of enactment.

SA 3111. Mr. BROWN (for Mr. HARKIN) proposed an amendment to the bill H.R. 327, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Joshua Omvig Veterans Suicide Prevention Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as ''PTSD'') is a serious problem; and

(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act.

SEC. 3. COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.

(a) IN GENERAL.—

(1) COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1720F. Comprehensive program for suicide prevention among veterans

''(a) ESTABLISHMENT.—The Secretary shall develop and carry out a comprehensive program designed to reduce the incidence of suicide among veterans incorporating the components described in this section.

''(b) STAFF EDUCATION.—In carrying out the comprehensive program under this section, the Secretary shall provide for mandatory training for appropriate staff and contractors (including all medical personnel) of the Department who interact with veterans. This training shall cover information appropriate to the duties being performed by such staff and contractors. The training shall include information on—

''(1) recognizing risk factors for suicide;

''(2) proper protocols for responding to crisis situations involving veterans who may be at high risk for suicide; and

''(3) best practices for suicide prevention.

''(c) HEALTH ASSESSMENTS OF VETERANS.—In carrying out the comprehensive program, the Secretary shall direct that medical staff offer mental health in their overall health assessment when veterans seek medical care at a Department medical facility (including a center established under section 1712A of this title) and make referrals, at the request of the veteran concerned, to appropriate counseling and treatment programs for veterans who show signs or symptoms of mental health problems.

''(d) DESIGNATION OF SUICIDE PREVENTION COUNSELORS.—In carrying out the comprehensive program, the Secretary shall designate a suicide prevention counselor at each Department medical facility other than centers established under section 1712A of this title. Each counselor shall work with local emergency rooms, police departments, mental health organizations, and veterans service organizations to engage in outreach to veterans and improve the coordination of mental health care to veterans.

''(e) BEST PRACTICES RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on best practices for suicide prevention among veterans. Research shall be conducted under this subsection in consultation with the heads of the following entities:

''(1) The Department of Health and Human Services.

''(2) The National Institute of Mental Health.

''(3) The Substance Abuse and Mental Health Services Administration.

''(4) The Centers for Disease Control and Prevention.

''(f) SEXUAL TRAUMA RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on mental health care for veterans who have experienced sexual trauma while in military service. The research design shall include consideration of veterans of a reserve component.

''(g) 24-HOUR MENTAL HEALTH CARE.—In carrying out the comprehensive program, the Secretary shall provide for mental health care availability to veterans on a 24-hour basis.

''(h) HOTLINE.—In carrying out the comprehensive program, the Secretary may provide for a toll-free hotline for veterans to be staffed by appropriately trained mental health personnel and available at all times.

''(i) OUTREACH AND EDUCATION FOR VETERANS AND FAMILIES.—In carrying out the comprehensive program, the Secretary shall provide for outreach to and education for veterans and the families of veterans, with special emphasis on providing information to veterans of Operation Iraqi Freedom and Operation Enduring Freedom and the families of such veterans. Education to promote mental health shall include information designed to—

''(1) remove the stigma associated with mental illness;

''(2) encourage veterans to seek treatment and assistance for mental illness;

''(3) promote skills for coping with mental illness; and

''(4) help families of veterans with—

''(A) understanding issues arising from the readjustment of veterans to civilian life;

''(B) identifying signs and symptoms of mental illness; and

''(C) encouraging veterans to seek assistance for mental illness.

''(j) PEER SUPPORT COUNSELING PROGRAM.—(1) In carrying out the comprehensive program, the Secretary may establish and carry out a peer support counseling program, under which veterans shall be permitted to volunteer as peer counselors—

''(A) to assist other veterans with issues related to mental health and readjustment; and

''(B) to conduct outreach to veterans and the families of veterans.

''(2) In carrying out the peer support counseling program under this subsection, the Secretary shall provide adequate training for peer counselors.

''(k) OTHER COMPONENTS.—In carrying out the comprehensive program, the Secretary may provide for other actions to reduce the incidence of suicide among veterans that the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1720F. Comprehensive program for suicide prevention among veterans.''.

(b) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the comprehensive program under section 1720F of title 38, United States Code, as added by subsection (a).

(2) CONTENTS OF REPORT.—The report shall contain the following:

(A) Information on the status of the implementation of such program.

(B) Information on the time line and costs for complete implementation of the program within two years.

(C) A plan for additional programs and activities designed to reduce the occurrence of suicide among veterans.

(D) Recommendations for further legislation or administrative action that the Secretary considers appropriate to improve suicide prevention programs within the Department of Veterans Affairs.

NOTICE OF HEARING

COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN. Mr. President, today the Committee on Foreign Relations held a hearing to review the Convention on the Law of the Sea and the Agreement Relating to the Implementation of Part XI of the Convention (Treaty Doc. 103–39). The Committee heard testimony from representatives of the executive branch.

On Thursday, October 4, 2007, at 9:30 a.m. in SD–419, the Committee will conduct another hearing on the Convention on the Law of the Sea. Witnesses from outside the government will present testimony. Interested parties who have not been invited to testify may submit written testimony until the close of business on October 5, 2007 by sending it electronically to los@foreign.senate.gov or by faxing it to the Committee's Executive Clerk, Gail Coppage, at (202) 228–3612.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 27, 2007, at 9:30 a.m., in open session to consider the following nominations: Admiral Gary Roughead, USN for reappointment to the grade of Admiral and to be Chief of Naval Operations; General William E. Ward, USA for reappointment to the grade of General and to be Commander, United States Africa command; General Kevin P. Chilton, USAF for reappointment to the grade of General and to be Commander, United States Strategic Command; and Lieutenant General James N. Mattis, USMC to be General and to be Commander, United States Joint Forces Command and Supreme Allied Commander for Transformation.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, September 27, 2007, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

The hearing will focus on modernization and efforts to address the needs of the air traffic system and to improve the movement of aircraft and passengers. Subcommittee members will be provided the opportunity to review problems encountered by travelers during the summer 2007 travel season and to consider steps that can be taken to improve the air traffic system.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Thursday, September 27, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

During the Executive Session, Committee members will markup the following agenda items: S. 1578, Ballast Water Management Act of 2007; S. 1889, Railroad Safety Enhancement Act of 2007; S. 1453, Internet Tax Freedom Act (ITFA) Extension Act of 2007; S. 1965, Protecting Children in the 21st Century Act; S.J. Res. 17, a joint resolution 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; S. Con. Res. 39, a concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims; Nominations for Promotion in the United States Coast Guard (PN 878, PN 946, PN 947, and PN 948).

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, September 27, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on hard rock mining on Federal lands.

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

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 27, 2007, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to hear testimony on the ''Border Insecurity, Take Three: Open and Unmonitored''.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 27, 2007, at 2:30 p.m. to hold a hearing on the Convention on the Law of the Sea.

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

COMMITTEE ON INDIAN AFFAIRS

Mr KENNEDY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, September 27, 2007, at 9 a.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting to consider pending business, to be followed immediately by an oversight hearing on the prevalence of violence against Indian women.

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

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a markup on Thursday, September 27, 2007, at 10 a.m. in the Dirksen Senate Office Building room 226.

Agenda:

I. Bills: S. 1267, Free Flow of Information Act of 2007, (Lugar, Dodd, Graham), S. 2035, Free Flow of Information Act of 2007, (Specter, Schumer).

S.J. Res. 13, Joint resolution granting consent to the International Emergency Management Assistance Memorandum of Understanding, (Leahy, Snowe, Kennedy, Whitehouse), S. 980, Online Pharmacy Consumer Protection Act of 2007, (Feinstein, Sessions, Biden).

II. Resolutions: S. Con. Res. 45, commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month, (Cardin, Cornyn).

S. Res. 258, recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicultural dialogue, education, and cooperation, (Dodd).

III. Nominations: James Russell Dedrick to be United States Attorney for the Eastern District of Tennessee.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, September 27, 2007, in order to conduct a hearing on the Nomination of Paul J. Hutter to be General Counsel, Department of Veterans Affairs. The committee will meet in room 562 of the Dirksen Senate Office Building, at 9:30 a.m.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized conduct a hearing entitled ''An Examination of the Google-DoubleClick Merger and the Online Advertising Industry: What are the Risks for Competition and Privacy?'' on Thursday, September 27, 2007, at 2 p.m. in the Dirksen Senate Office Building room 226.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES AND INTERNATIONAL SECURITY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet on Thursday, September 27, 2007, at 3:30 p.m. in order to conduct a hearing entitled ''Cost Effective Airlift in the 21st Century''.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, September 27, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: 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, and for other purposes; S. 148, to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; S. 189, to decrease the matching funds requirement 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. 867, to adjust the boundary of Lowell National Historical Park, and for other purposes; S. 1039, a bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey; S. 1341, to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; S. 1476, to authorize the Secretary of the Interior to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine the suitability and feasibility of establishing a unit of the National Park System; S. 1709 and H.R. 1239, 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, and for other purposes; 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

U.S. Virgin Islands as a unit of the National Park System, and for other purposes.

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

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Christopher Caple and Monica Thurmond from Senator BILL NELSON's staff and David Pozen of my staff be accorded the privileges of the floor.

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

Mr. BAUCUS. I ask unanimous consent that George Serletis, Mollie Lane, Tim Kehrer, Sam Anderson, Amanda Mitchell, and Travis Cossitt of my Finance Committee staff be granted the privilege of the floor for the remainder of the floor debate on the Children's Health Insurance Program Reauthorization Act of 2007.

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

HONORING THE ACCOMPLISHMENTS OF STEPHEN JOEL TRACHTENBERG AS PRESIDENT OF THE GEORGE WASHINGTON UNIVERSITY

RECOGNIZING AND HONORING THE 20 YEARS OF SERVICE AND CONTRIBUTIONS OF DR. JAMES HADLEY BILLINGTON AS LIBRARIAN OF CONGRESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and the Senate now proceed to the consideration of S. Res. 210 and S. Res. 336, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolutions by title.

The bill clerk read as follows:

A resolution (S. Res. 210) honoring the accomplishments of Stephen Joel Trachtenberg as president of the George Washington University in Washington, DC, in recognition of his upcoming retirement in July 2007.

A resolution (S. Res. 336) recognizing and honoring the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

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

The resolutions (S. Res. 210 and S. Res. 336) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 210

Whereas Stephen Joel Trachtenberg has served since 1988 as the 15th president of The George Washington University;

Whereas Stephen Joel Trachtenberg served as the third president of the University of Hartford in Hartford, Connecticut, from 1977 to 1988;

Whereas Stephen Joel Trachtenberg, a native of Brooklyn, New York, was an accomplished author, scholar, and educator, and has earned the respect and admiration of his colleagues, peers, and students;

Whereas Stephen Joel Trachtenberg earned a bachelor of arts degree from Columbia University in 1959, a juris doctor degree from Yale University in 1962, and a master of public administration degree from Harvard University in 1966;

Whereas Stephen Joel Trachtenberg was selected as a Winston Churchill Traveling Fellow for study in Oxford, England, in 1968;

Whereas Stephen Joel Trachtenberg was celebrated by the Connecticut Region of Hadassah with the Myrtle Wreath Award in 1982, was presented with The Mt. Scopus Award from Hebrew University in Jerusalem in 1984, and received the Human Relations Award from the National Conference of Christians and Jews in 1987;

Whereas Stephen Joel Trachtenberg was honored with the Distinguished Public Service Award from the Connecticut Bar Association in 1988, and was recognized by the Hartford branch of the National Association for the Advancement of Colored People for his contributions to the education of minority students;

Whereas Stephen Joel Trachtenberg received the International Salute Award in honor of Martin Luther King, Jr. in 1992, and the Hannah G. Solomon Award from the National Council of Jewish Women;

Whereas Stephen Joel Trachtenberg was awarded the John Jay Award for Outstanding Professional Achievement in 1995 by Columbia University, the Newcomen Society Award, and the Spirit of Democracy Award from the American Jewish Congress;

Whereas Stephen Joel Trachtenberg received an honorary doctor of medicine degree from the Odessa State Medical University in Ukraine in 1996, the Distinguished Service Award from the American Association of University Administrators, and the B'nai B'rith Humanitarian Award;

Whereas Stephen Joel Trachtenberg received the Department of State Secretary's Open Forum Distinguished Public Service Award in 1997, and the Grand Cross, the highest honor of the Scottish Rite of Freemasonry;

Whereas ''Stephen Joel Trachtenberg Day'' was declared by resolution of the Council of the District of Columbia on January 22, 1998, in honor of his commitments to minority students, scholarship programs, public school partnerships, and community service;

Whereas Stephen Joel Trachtenberg was honored by Boston University in 1999, where he previously served as a vice president and as an academic dean, with an honorary doctor of humane letters degree;

Whereas Stephen Joel Trachtenberg received the Tree of Life Award from the Jewish National Fund;

Whereas Stephen Joel Trachtenberg was named a Washingtonian of the Year 2000 by Washingtonian Magazine, was decorated as a Grand Officier Du Wissam Al Alaoui by King Mohammed VI of Morocco in 2000, and was awarded the Order of St. John of Jerusalem, Knight Grand Cross for Distinguished Service to Freemasonry and Humanity;

Whereas Stephen Joel Trachtenberg received honorary doctor of laws degrees from Southern Connecticut State University, the University of New Haven, Mount Vernon College, and Richmond College in London;

Whereas Stephen Joel Trachtenberg was named a Fellow of the American Academy of Arts and Sciences, and was awarded the Department of the Treasury's Medal of Merit;

Whereas Stephen Joel Trachtenberg received the Humanitarian Award from the Albert B. Sabin Institute, and the District of Columbia Business Leader of the Year Award from the District of Columbia Chamber of Commerce;

Whereas Stephen Joel Trachtenberg performed public service as an attorney with the Atomic Energy Commission, as an aide to former Indiana Representative John Brademas, and as a special assistant at the Department of Health, Education, and Welfare;

Whereas Stephen Joel Trachtenberg authored ''Reflections on Higher Education'', published in 2002, ''Thinking Out Loud'', published in 1998, and ''Speaking His Mind'', published in 1994;

Whereas Stephen Joel Trachtenberg serves on the boards of the Chief of Naval Operations Executive Panel and the International Association of University Presidents, and as a member of the Council on Foreign Relations;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, opened new buildings for the School of Business and the Elliott School of International Affairs and a new hospital, and added the Mount Vernon Campus, formerly the Mount Vernon College for Women, to the university;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, created 5 new schools, the School of Public Health and Health Services, the School of Public Policy and Public Administration, the College of Professional Studies, the Graduate School of Political Management, and the School of Media and Public Affairs;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, ''reinvented'' the university's position and positive reputation as Washington, DC's center of scholarship;

Whereas Stephen Joel Trachtenberg will continue, after retiring as the third-longest-serving president of The George Washington University, as University Professor of Public Service and President Emeritus; and

Whereas Stephen Joel Trachtenberg and his wife, Francine Zorn Trachtenberg, have 2 sons, Adam and Ben: Now, therefore, be it

Resolved, That the Senate—

(1) honors and salutes the accomplishments of Stephen Joel Trachtenberg and recognizes his deeds throughout his 19 years of service as president of The George Washington University in Washington, DC;

(2) recognizes the accomplishments and achievements of Stephen Joel Trachtenberg in higher education, as an author, as an attorney, and as a public official; and

(3) based upon his service, extends its appreciation to Stephen Joel Trachtenberg in recognition of his retirement as president of The George Washington University.

S. RES. 336

Whereas Dr. James H. Billington was nominated to be the 13th Librarian of Congress by President Ronald Reagan in 1987, and was confirmed by the Senate and sworn in as Librarian of Congress on September 14, 1987;

Whereas the world renowned collections of the Library of Congress, the largest and most comprehensive in history, have grown by almost 50,000,000 items since Dr. Billington became Librarian, totaling more than 135,000,000 today;

Whereas, during Dr. Billington's tenure, the Library of Congress modernized its collection through the creation of the National Digital Library Program, the American Memory program, THOMAS, and the World Digital Library;

Whereas the Librarian created the first ever private sector philanthropic and advisory group, The Madison Council, to spearhead countless programs for the Library and assist in its funding efforts;

Whereas the Library of Congress has successfully acquired the 1507 Martin Waldseemuller map, the Martin Carson collection of early Americana, the Jay Kislak early Americas collection, and has also continued the preservation of Library collections and promoted cultural and educational outreach programs through the added assistance of private contributions and in-kind gifts collected during Dr. Billington's tenure;

Whereas, during James Billington's Librarianship, the Library of Congress has displayed its treasures and those of other Nations in more than 300 spectacular and enriching exhibitions at the Library and on its Internet website;

Whereas, during Dr. Billington's tenure, the Library of Congress has been a leader in the library world in establishing systems to protect vast collections such as the National Recording Registry and the National Digital Information Infrastructure and Preservation Program, developing cutting edge preservation developments to maintain and protect multiple format collections for future generations, and also ensuring the security of staff, researchers, and visitors;

Whereas the Kluge Center at the Library of Congress was established during the Librarian's tenure to foster mutually enriching interaction between the scholarly world and policy makers and supports the $1,000,000 Kluge Prize honoring lifetime achievements in the humanities;

Whereas the Library of Congress Thomas Jefferson and John Adams buildings were restored by Congress over a multi-year period and reopened to the public in 1997, restoring in particular the century-old Jefferson Building to its former glory as one of the most beautiful buildings in America;

Whereas Dr. Billington has overseen the consolidation of the Library's recorded sound and moving images in a large-scale digital storage archive at the Packard Campus for Audio-Visual Conservation, which was constructed through a unique private-public partnership with the Packard Humanities Institute;

Whereas the Library of Congress and First Lady Laura Bush instituted and have cosponsored the very popular National Book Festival annually since 2001, celebrating the joy of reading and the creativity of America's writers and illustrators;

Whereas the programs of the Library of Congress, including the National Digital Library which processed over 5,000,000,000 transactions in 2006 alone, have made freely available to the American people millions of historical items in the Library's incomparable collection through online databases, including 11,000,000 rare primary source materials from its collection, to invigorate and promote lifelong learning in every locality in the United States: Now, therefore, be it

Resolved, That the Senate recognizes and honors the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress.

JOSHUA OMVIG VETERANS SUICIDE PREVENTION ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 327 and that the Senate then proceed to its immediate consideration.

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

The bill clerk read as follows:

A bill (H.R. 327) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill as amended be read a third time, passed, and the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

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

The amendment (No. 3111) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Joshua Omvig Veterans Suicide Prevention Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as ''PTSD'') is a serious problem; and

(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act.

SEC. 3. COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.

(a) IN GENERAL.—

(1) COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1720F. Comprehensive program for suicide prevention among veterans

''(a) ESTABLISHMENT.—The Secretary shall develop and carry out a comprehensive program designed to reduce the incidence of suicide among veterans incorporating the components described in this section.

''(b) STAFF EDUCATION.—In carrying out the comprehensive program under this section, the Secretary shall provide for mandatory training for appropriate staff and contractors (including all medical personnel) of the Department who interact with veterans. This training shall cover information appropriate to the duties being performed by such staff and contractors. The training shall include information on—

''(1) recognizing risk factors for suicide;

''(2) proper protocols for responding to crisis situations involving veterans who may be at high risk for suicide; and

''(3) best practices for suicide prevention.

''(c) HEALTH ASSESSMENTS OF VETERANS.—In carrying out the comprehensive program, the Secretary shall direct that medical staff offer mental health in their overall health assessment when veterans seek medical care at a Department medical facility (including a center established under section 1712A of this title) and make referrals, at the request of the veteran concerned, to appropriate counseling and treatment programs for veterans who show signs or symptoms of mental health problems.

''(d) DESIGNATION OF SUICIDE PREVENTION COUNSELORS.—In carrying out the comprehensive program, the Secretary shall designate a suicide prevention counselor at each Department medical facility other than centers established under section 1712A of this title. Each counselor shall work with local emergency rooms, police departments, mental health organizations, and veterans service organizations to engage in outreach to veterans and improve the coordination of mental health care to veterans.

''(e) BEST PRACTICES RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on best practices for suicide prevention among veterans. Research shall be conducted under this subsection in consultation with the heads of the following entities:

''(1) The Department of Health and Human Services.

''(2) The National Institute of Mental Health.

''(3) The Substance Abuse and Mental Health Services Administration.

''(4) The Centers for Disease Control and Prevention.

''(f) SEXUAL TRAUMA RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on mental health care for veterans who have experienced sexual trauma while in military service. The research design shall include consideration of veterans of a reserve component.

''(g) 24-HOUR MENTAL HEALTH CARE.—In carrying out the comprehensive program, the Secretary shall provide for mental health care availability to veterans on a 24-hour basis.

''(h) HOTLINE.—In carrying out the comprehensive program, the Secretary may provide for a toll-free hotline for veterans to be staffed by appropriately trained mental health personnel and available at all times.

''(i) OUTREACH AND EDUCATION FOR VETERANS AND FAMILIES.—In carrying out the comprehensive program, the Secretary shall provide for outreach to and education for veterans and the families of veterans, with special emphasis on providing information to veterans of Operation Iraqi Freedom and Operation Enduring Freedom and the families of such veterans. Education to promote mental health shall include information designed to—

''(1) remove the stigma associated with mental illness;

''(2) encourage veterans to seek treatment and assistance for mental illness;

''(3) promote skills for coping with mental illness; and

''(4) help families of veterans with—

''(A) understanding issues arising from the readjustment of veterans to civilian life;

''(B) identifying signs and symptoms of mental illness; and

''(C) encouraging veterans to seek assistance for mental illness.

''(j) PEER SUPPORT COUNSELING PROGRAM.—(1) In carrying out the comprehensive program, the Secretary may establish and carry out a peer support counseling program, under which veterans shall be permitted to volunteer as peer counselors—

''(A) to assist other veterans with issues related to mental health and readjustment; and

''(B) to conduct outreach to veterans and the families of veterans.

''(2) In carrying out the peer support counseling program under this subsection, the Secretary shall provide adequate training for peer counselors.

''(k) OTHER COMPONENTS.—In carrying out the comprehensive program, the Secretary may provide for other actions to reduce the incidence of suicide among veterans that the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1720F. Comprehensive program for suicide prevention among veterans.''.

(b) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the comprehensive program under section 1720F of title 38, United States Code, as added by subsection (a).

(2) CONTENTS OF REPORT.—The report shall contain the following:

(A) Information on the status of the implementation of such program.

(B) Information on the time line and costs for complete implementation of the program within two years.

(C) A plan for additional programs and activities designed to reduce the occurrence of suicide among veterans.

(D) Recommendations for further legislation or administrative action that the Secretary considers appropriate to improve suicide prevention programs within the Department of Veterans Affairs.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 327), as amended, was read the third time and passed.

MAKING PERMANENT THE WAIVER AUTHORITY OF THE SECRETARY OF EDUCATION WITH RESPECT TO STUDENT FINANCIAL ASSISTANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3625, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 3625) to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operations or national emergency.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The bill (H.R. 3625) was ordered to be read a third time, was read the third time, and passed.

TMA, ABSTINENCE EDUCATION, AND QI PROGRAMS EXTENSION ACT OF 2007

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3668, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 3668) to provide for the extension of transitional medical assistance (TMA), the abstinence education program and the qualifying individuals (QI) program.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The bill (H.R. 3668) was ordered to be read a third time, was read the third time, and passed.

MEASURE READ THE FIRST TIME—H.R. 2693

Mr. BROWN. Mr. President, I understand that H.R. 2693 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl.

Mr. BROWN. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

SEQUENTIAL REFERRAL—NOMINATION OF JULIE MYERS

Mr. BROWN. Mr. President, as in executive session, I ask unanimous consent that when the Committee on Homeland Security reports the nomination of Julie Myers, PN 93, to be Assistant Secretary of Homeland Security, it be sequentially referred to the Judiciary Committee for up to 30 calendar days; further, that if the nomination is not reported by the completion of that time, the nomination be automatically discharged and placed on the Executive Calendar.

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

ORDERS FOR FRIDAY, SEPTEMBER 28, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m., Friday, September 28; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 1585.

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

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:57 p.m., adjourned until Friday, September 28, 2007, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JAVAID ANWAR, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2007, VICE ELMER B. STAATS, TERM EXPIRED.

JAVAID ANWAR, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2013. (REAPPOINTMENT)

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

MADONNA CYNTHIA DOUGLASS, OF VIRGINIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2013, VICE W. SCOTT RAILTON, TERM EXPIRED.

DEPARTMENT OF LABOR

DOUGLAS W. WEBSTER, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR, VICE SAMUEL T. MOK, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

ERNEST VALDEZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LAURA M. HUNTER, 0000
DOUGLAS JAMES, 0000
GEORGE W. RYAN, JR., 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MAX B. BULLEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

GERALD K. BEBBER, 0000
STEVEN L. BERRY, 0000
GARY W. BROWN, 0000
KENNETH W. BUSH, 0000
ROBERT M. COFFEY, 0000
ROGER D. CRINER, 0000
MICHAEL W. DUGAL, 0000
RODNEY A. LINDSAY, 0000
ROBERT T. MEEK, 0000
DANIEL J. MINJARES, 0000
RICHARD G. MOORE, 0000
DENNIS R. NEWTON, 0000
GARY L. NORRIS, 0000
KENNETH W. STICE, 0000
RONALD H. THOMAS, 0000
PHILLIP F. WRIGHT, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

JOHN A. MCHENRY, 0000

To be lieutenant colonel

JAMES B. CHAPMAN, 0000

To be major

DAVID P. LAW, 0000
ALAN S. WALLER, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

EDWARD F. FREDERICK, 0000

To be major

GREGORY CHARLTON, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

GERALD R. BROWN, 0000