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Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

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

Let us pray.

Almighty God, teach us the mystery of life. Help us to not be victims but victorious in the living of our days. Lead us to a place of understanding, in spite of sorrow and pain. Make us more than conquerors, because You love us.

Today instruct our lawmakers as they seek to do Your will. As they perform their daily tasks, guide their priorities. Show them Your truth so that they will be instruments of Your purposes. When their light of hope is threatened, renew them with faith in Your providence and power. Transform their lives from a hurried succession of days into a walk with You that brings enduring peace.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB 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, October 1, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that the prayer, the Pledge, and whatever remarks the two leaders make not count against morning business, that morning business be a full hour.

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

SCHEDULE

Mr. REID. Mr. President, following the period of morning business, the Senate will resume consideration of the Department of Defense authorization bill. Last week cloture was invoked on the substitute amendment. Approximately 200 amendments have been cleared or voted upon. There are lots of them still pending. Last week Senators LEVIN and WARNER worked their way through some of these. I don't know how many votes we will have this evening on germane amendments, but we will know before long. Any amendments that might be offered have to be germane and have to be timely filed. Currently pending is a first and second-degree amendment relating to contracting. Any votes today will begin around 5:30. It is too early to indicate how many votes will take place. Once action on DOD authorization has been concluded, it is my intention to have the Senate consider the DOD appropriations bill, to be followed by the consideration of Commerce-Justice-Science. Then we have a circuit court judge and several district court judges we plan on working on this week.

We have a lot to do. Hopefully we can finish quickly. We have next week the work period at home. Because of our being here for the time we are, having the weeks sometimes longer than what we would like, I have a lot to do at home. I am sure all other 99 Senators have as well.

FREEDOM OF SPEECH

Mr. REID. Freedom of speech is one of the country's most cherished values. Nothing sets us farther apart from the countries and regimes we oppose than our belief that everyone's opinion matters—everyone's—and that everyone has a right to express it. That is why when we hear things on the radio and other places that are offensive, by and large we tolerate them. But last week Rush Limbaugh went way over the line. While I respect his right to say anything he likes, his unpatriotic comments cannot be ignored. During his show last Wednesday, Limbaugh was engaged in one of his typical rants. This one was unremarkable and indistinguishable from his usual dribble which has been steadily losing listeners for years, until he crossed that line by calling our men and women in uniform who oppose the war in Iraq ''phony soldiers.'' This comment was so beyond the pale of decency we can't leave it alone. Yet he followed it up with denials and an attack on Congressman JACK MURTHA, who was a 37-year active member of the Marine Corps, a combat veteran.

We have been debating the Iraq war in the Senate and throughout the country, not for months but for years. There are good, patriotic Americans who favor the war and good, patriotic Americans who oppose President

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

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Bush's first getting us into war and the way he has handled the war. Neither party holds a patent on patriotism. I know all of my Republican colleagues would agree with this, or at least I hope so. Yet Rush Limbaugh took it upon himself to attack the courage and character of those fighting and dying for him and for all of us. Rush Limbaugh got himself a deferment from serving when he was a young man. He never served in uniform. He never saw a person in the extreme difficulty of maintaining peace in a foreign country engaged in civil war. He never saw a person in combat. Yet he thinks his opinion on the war is worth more than those who have been on the front lines. What is worse, Limbaugh's show is broadcast on Armed Forces Radio which means that thousands of troops overseas and veterans here at home were forced to hear this attack on their patriotism. Rush Limbaugh owes the men and women of our Armed Forces an apology.

This past Friday, many Democrats joined me in drafting a letter to the chief executive officer of Clear Channel, Mark Mays, that we will send out this week. Here is what we wrote:

Dear Mr. Mays, At the time we sign this letter, 3,801 American soldiers have been killed in Iraq, and another 27,936 have been wounded. 160,000 others awoke this morning on foreign sand, far from home, to face the danger and uncertainty of another day at war. Although Americans of goodwill debate the merits of this war, we can all agree that those who serve with such great courage deserve our deepest respect and gratitude. That is why Rush Limbaugh's recent characterization of troops who oppose the war as ''phony soldiers'' is such an outrage. Our troops are fighting and dying to bring to others the freedoms that many take for granted. It is unconscionable that Mr. Limbaugh would criticize them for exercising the fundamentally American right to free speech. Mr. Limbaugh has made outrageous remarks before, but this affront to our soldiers is beyond the pale. The military, like any community within the United States, includes members both for and against the war. Senior generals, such as General John Batiste and Paul Eaton, have come out against the war while others have publicly supported it. A December 2006 poll conducted by the Military Times found just 35 percent of service members approved of President Bush's handling of the war in Iraq, compared to 42 percent who disapproved. From this figure alone, it is clear that Mr. Limbaugh's insult is directed at thousands of American service members. Active and retired members of our armed forces have a unique perspective on the war and offer a valuable contribution to our national debate. In August, seven soldiers wrote an op-ed expressing their concern with the current strategy in Iraq. Tragically, since then, two of those seven soldiers have made the ultimate sacrifice in Iraq. Thousands of active troops and veterans were subjected to Mr. Limbaugh's unpatriotic and indefensible comments on your broadcast. We trust you will agree that not a single one of our sons, daughters, neighbors and friends serving overseas is a ''phony soldier.'' We call on you to publicly repudiate these comments that call into question their service and sacrifice and to ask Mr. Limbaugh to apologize for his comments.

Just as patriotism is the exclusive realm of neither party, taking a stand against those who spew hate and impugn the integrity of our troops is a job that belongs to both parties. I can't help but wonder how my Republican colleagues would have reacted if the tables were turned—if a well-known Democratic radio personality had used the same insulting line of attack against troops who support the war. The letter I read will be available on the Senate floor all day. During the votes, after the votes, colleagues on both sides of the aisle will have every chance to add their names to it. I encourage all to do so. If we take the Republican side at their word that last week's vote on another controversial statement related to the war was truly about patriotism, not politics, then I have no doubt they will stand with us against Limbaugh's comments with equal fervor.

I am confident we will see Republicans join with us in overwhelming numbers. ''Confident'' is the wrong word. ''Hopeful'' is the right word. I am hopeful we will see Republicans join with us in overwhelming numbers. Anything less would be a double standard that has no place in the Senate.

I ask my colleagues, Democrats and Republicans, to join together against this irresponsible, hateful, and unpatriotic attack by calling upon Rush Limbaugh to give our troops the apology they deserve. I hope all will sign this letter.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with the time equally divided between the majority and the Republicans, and with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Iowa.

NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN

Mr. GRASSLEY. Mr. President, as cochairman of the Senate Caucus on International Narcotics Control, I have had a distinct interest in the National Youth Antidrug Media Campaign and how we can improve its quality and improve its effectiveness. In 1998, the White House Office of National Drug Control Policy, with overwhelming bipartisan support from Congress, launched a historic initiative to encourage kids to stay drug free. That effort in 1998 built upon the success of former First Lady Nancy Reagan's ''just say no'' campaign. The National Youth Antidrug Media Campaign targets youths age 9 to 18. The campaign also targets parents and other adults who might have influence over the choices young people make about drugs.

Research has clearly shown that if we can keep children free from drugs until the age of 20, chances are very slim that they will ever try or become addicted to drugs. Maintaining a coherent antidrug message begins early in adolescence and continues throughout the growing years. This is essential for educating and enabling our young people to reject illegal drugs. Through realistic portrayals, the media campaign is designed to show kids the harmful effects of drugs and the benefits of a drug-free lifestyle.

I wish to call my colleagues' attention to the poster behind me. This is one of those famous antidrug advertisements that maybe they remember from a long time ago. They might recall this famous advertisement known for its unforgettable slogan: ''This is your brain; this is your brain on drugs.'' Created by the Partnership for a Drug Free America in 1987, it is widely recognized as one of the known influential ads of all time. While most of us have probably never seen an actual brain on drugs, this commercial helped to shape the view of an entire generation regarding the dangers of drugs.

The National Youth Anti-Drug Media Campaign is without a doubt the single most visible symbol of the Federal Government's commitment to youth drug prevention. These advertisements are an important source of information for kids and parents about the risks and dangers associated with illegal drugs. Sadly, though, we have come a long way from the cost and success of those early ads, such as the one you see on the easel.

In the 10 years prior to the creation of the media campaign in 1998, the Partnership for a Drug-free America was able to secure grants from various businesses, foundations, and agencies to create over 1,000 ads. Included in that number is the famous ''this is your brain on drugs'' ad which ran in 90 percent of America's households every day.

Between 1987 and 1998, national and local media outlets donated over $2.3 billion worth of free advertising space. If you adjust that number for today's pricetag, that would be nearly $3 billion worth of donated media time. Unfortunately, as drug use began to decline, then, as you might expect, so did the generous donations of free air time. By 1998, Congress decided—since it was not going to be free—to fund a paid media campaign employing the partnership's antidrug messages.

Since that time, the Federal Government has spent well over $1.5 billion to create, to research, to produce, and to distribute ads to prevent teen drug use. Yet I fear we are continuing to spend precious antidrug dollars to fund increasingly mediocre ads that fail to effectively reach our Nation's youth. In other words, they are nothing like the brain being fried ad I told you about.

A case in point are the spots running on TV today. The image you can see in this new ad I have before us in the Chamber is entitled ''Walk Yourself'' from the ''Above the Influence'' campaign. For those who might not be familiar with this ad, I will give a quick synopsis of what this ad says.

The commercial—which looks as though it could have been drawn by a 5-year-old—begins with a man smoking a marijuana cigarette while his dog looks on. When the man notices that his dog wants to go for a walk, he tells his dog to walk himself, presumably because he is too busy getting high. The dog responds, telling him he is disappointed in his master. The ad ends with the dog leaving and raising an ''Above the Influence'' flag.

Now, maybe I am missing the point, but I fail to see how an ad such as this realistically portrays the dangers or harmful effects of doing drugs.

We have a moral obligation in this country to ensure our young people have a chance to grow up without being accosted with drug pushers at every turn. We need, as a country, to create a strong moral context to help our young people know how to make the right choices. They need to know how to say no. They need to know that saying no is OK. And they need to know that saying no to drugs is the right thing to do. It is not just the safe thing, it is not just the healthier thing, it happens to be the right thing.

While funding for the media campaign has been relatively modest in terms of our overall Federal drug control budget, it, for many, is the most visible aspect of our Nation's war on drugs. With only so much money to go around, we must ensure we are getting the most bang for our buck. Although I support and encourage any agency that works to reduce or prevent drug abuse, as Members of Congress it is important we be good stewards of the taxpayers' dollars.

So I refer you to the Weiden-Kennedy chart—and I am not referring to Senator WYDEN or Senator KENNEDY. This is a different Weiden and a different Kennedy. We have had numerous studies over the years as to how the effectiveness of the present media campaign is very minimal, if not nonexistent.

In last year's Weiden-Kennedy test results of teenagers, the flags ads I referred to in the previous chart, as these ads are called—they are called ''flags ads''—were rated on their believability, persuasiveness, and honesty. When you add up the averages of the flags ads with the rest of the Partnership for a Drug-Free America ads, the flags ads perform well under the ratings of the previous ads. I think the most important categories an antidrug ad must deliver on would be the ones you see listed on this chart. That is why I am concerned the media campaign is failing to reach and deliver an important message to our teens.

Now, I would like to refer back to the funding because these are taxpayers' dollars, and we ought to see how they are being spent.

So I am not alone in this assessment about the believability or the effectiveness of these ads. There is a wide variety of studies beyond just the one I referred to showing a lack of effectiveness. Even the Government Accountability Office recommended that Congress reduce funding for the campaign until it can be proven to be an effective prevention tool.

Congress has slashed funding considerably. As you can see from this chart, the funding for the media campaign is only half of what it was 10 years ago. For fiscal year 2008, the House has slashed another $6 million off the campaign's budget to bring it to $93 million, though our Senate version keeps the funding level. If this is not a wake-up call to the Office of Drug Control Policy, I do not know what is. If Congress is to support the White House's request for a 30-percent budget increase, then the drug czar must take several steps to improve the quality and the effectiveness of the campaign.

The first thing that must be done is to improve the quality of the ads. This does not require a budget increase to do so. The ads need to be simple, they need to be direct, and, obviously, they need to show the consequences of drug use. Exaggerations like a girl flattened on a couch or ''smushed'' from pot use, along with poorly drawn cartoons where dogs speak and space aliens freely roam show unrealistic scenarios and damage the credibility of the campaign, as you saw in the previous chart.

The early antidrug public service announcements—I am talking about going back to that period of time 1987 through 1998—were simple, they were short, they were memorable. I believe the success of those early ads can be replicated by using a similar formula.

Secondly, the campaign could be more effective if its message was more diversified. Although the media campaign has begun an awareness campaign on meth, it took an act of Congress to force the campaign to spend 10 percent of its budget to do so. Most of the ads produced by the campaign so far have all been about marijuana. Although I believe it is important that we discourage marijuana use, there are new and alarming drug abuse patterns that are starting to emerge among teens.

Recent studies and articles are showing an alarming rate of teenagers who are abusing prescription drugs to get high. These drugs are easily accessible because kids can easily find and purchase them online or grab them from their parents' medicine cabinet. Many parents are not even aware of the trend or how they should go about discarding leftover medication. The media campaign could be a very useful tool to educate young people as well as parents on these new and emerging threats.

Finally, the campaign, along with Congress, should work to encourage media outlets to donate more air time for antidrug messages. Currently, the campaign spends most of its budget in purchasing air time. Although media outlets match the amount the campaign spends, it in no way compares to what was donated 20 years ago. I believe it is imperative we show these outlets the need for more donated time in light of the trends I have previously illustrated. With more donated time, it will enable the campaign to focus on producing more ads on emerging drugs without Congress having to balloon its budget in the process.

Some maybe think I have been against antidrug media campaigns because I have been overseeing some of that for a long period of time. But I am not against media campaigns. I am against wasting taxpayers' dollars on ineffective programs that show no effort at improvement. I believe the campaign can be remade into an effective tool to aid in our prevention efforts against teen drug abuse. But much has to change in order for that to happen.

So I intend to send a letter to Director Walters, our drug czar, to find out why the campaign is not having a positive impact on preventing teen drug use. What do they intend to do to change this trend? I am going to ask him. I look forward to hearing their response promptly and to begin the process of reforming and reenergizing the National Youth Antidrug Media Campaign.

Mr. President, let me ask my colleague from Iowa, who has been waiting to speak, I do not know whether we have the first half hour or whether we are going back and forth, but if the Senator does not need the floor right now, I have other remarks I want to make.

The ACTING PRESIDENT pro tempore. The time is equally divided, but the order says it is 10 minutes to each speaker. So if the junior Senator from Iowa wishes to speak, he is free to do so.

Mr. GRASSLEY. Go ahead.

Mr. HARKIN. Go ahead.

The ACTING PRESIDENT pro tempore. The senior Senator from Iowa is continued to be recognized.

Mr. GRASSLEY. Thank you, Mr. President. And I thank Senator HARKIN.

CHIP

Mr. GRASSLEY. Mr. President, last week, the Senate voted overwhelmingly to approve the bipartisan agreement to reauthorize the Children's Health Insurance Program. On Saturday, on television I saw that the President called our agreement—our bipartisan agreement, I want to emphasize—he called it irresponsible.

Specifically, in his radio address, the President said we ''put forward an irresponsible plan that would dramatically expand this program beyond its original intent.''

Well, I am here to respond to that accusation by President Bush. To call

what we agreed to as irresponsible is an insult to an agreement we reached and is an insult to 67 Members of the Senate and 265 Members of the House who voted in favor of it.

Calling our bipartisan proposal irresponsible ignores reality. The reality is that the current program—the program of the last 10 years, sunsetting yesterday—is out of control. The present program is failing. That is—to emphasize—the reason for passing the bipartisan bill that we passed. Because the present program is not working the way it was intended, and with this legislation we corrected a lot of problems to turn that around.

So the President is about to veto a bill that fixes the problems and improves the program for the future without having put a credible alternative on the table. We have not heard from the President as to what he would do about the SCHIP program except he wanted to save it and expand it.

The current program does not have adequate funding just to keep running with no changes. Under current law, the current program is authorized to spend $25 billion over the next 5 years. That is the baseline amount. But the Congressional Budget Office says the $25 billion baseline amount will not fully fund the program. So the President says he wants to keep the program going. You cannot do it the way it is funded right now.

Now, what does the Congressional Budget Office say? It says that without more funding, 840,000 kids would lose coverage. Without changes, as many as 22 States will not have any funding to run the program next year, and Iowa is one of those States—my home State. Senator HARKIN is on the floor; he would agree with that, I am sure.

Anyway, the President never said he wanted this program to lose kids, but the Congressional Budget Office says, doing what we are doing now, 840,000 kids would lose coverage. So keeping the current level of funding is not responsible, but if the President vetoes that bill, that is what we are doing. Of course, to the President, ignoring that fact is ignoring reality.

Let's look at what the President proposed. The President proposed a $5 billion increase in funding in his budget, but that is also insufficient funding. According to the Congressional Budget Office, the President's proposal would cause 840,000 children to lose coverage. That is right. The President's proposed $5 billion of new funding, without doing anything to get more kids covered, I think is hardly the responsible thing to do.

The proposal put forward by Senator LOTT and Senator KYL that we voted on 2 months ago—now maybe 3 months ago; I guess it was in July we voted on it—was an alternative to the bipartisan product we eventually passed. The proposal by Senators LOTT and KYL devoted twice as much funding as what the President did. To me, that is recognition enough that the President's thinking on the Children's Health Insurance Program is off track. The Lott-Kyl proposal was the alternative children's health insurance proposal offered during floor debate in July. My good friends put some serious thought into what they developed. They proposed about $10 billion in new Children's Health Insurance Program funding. That proposal covered 900,000 additional uninsured children, according to the Congressional Budget Office, but the Lott-Kyl proposal only received 35 votes—barely a third of the Senate.

There are good ideas in the Lott-Kyl proposal. They took a serious look at what populations should be covered by the SCHIP program, and it doesn't result in kids losing coverage as the President's proposals do, as the President's budget does, and that for sure is going to happen with a veto. But with all due respect to my friends, 35 votes is hardly a ringing success.

So how much funding is really needed to keep the program afloat? Well, the Congressional Budget Office says $24 billion of additional funding is needed to provide States with funding so that States can operate their programs as intended. That means $24 billion is needed to make sure there are no funding shortfalls, and $24 billion is needed just to fill the hole in the baseline and cover the kids whom States would like to cover if they had sufficient funding. The compromise agreement provides that level of funding and then goes an additional step by offering States incentives to cover more low-income kids, meaning kids and families under 200 percent of poverty. Now, that is the goal of reauthorization—to cover more low-income kids.

The bill we passed last week makes other important improvements to the program. Those improvements include better dental benefits, improves mental health coverage, with an outreach program to get the word out to kids for the kids to enroll. A bipartisan compromise is a responsible approach to funding the program and returning it to its original intent—covering lower income kids—and not covering more adults in 3 of our 50 States than our kids are being covered in those States.

Now let me shift gears and talk about the alternative to authorizing the program. The alternative to a reauthorization of SCHIP is a simple extension of current law, and calling for a simple extension of the current program without addressing the many problems it has—and I just suggested one: 3 States out of 50 cover more adults in the children's program than they cover children. Now, if you want to talk about the word ''responsible'' and whether Congress is responsible in this bill, I would say anybody who wants to leave the program the way it is—and that is what is going to happen with a veto—that is an irresponsible position to take, to keep a program going that is covering adults in a children's program. We want to cover kids, low-income kids. So the SCHIP program today, which is the way it has been for the last 10 years, is far off track.

The President has it backward when he says our bipartisan proposal ''expands the program beyond its original intent.'' With no changes, it is the current SCHIP program that has strayed far from the original intent. I wish to remind my colleagues of 1997, passing the State Children's Health Insurance Program. There is no ''A'' in SCHIP. It was never meant to cover adults, but adults are being covered. We want to get back to the original intent of this program being for kids.

First of all, the current program covers kids at incomes far above what was considered low income in 1997. It covers parents, and in some States it even covers adults who have no kids. Under the bipartisan agreement passed last week, this program will return to its roots: covering kids, covering low-income kids. Even though the administration approved of States covering childless adults—now, I want to emphasize that: This administration approved the States covering childless adults. Under our bill, childless adults will be phased completely out of the program. This is a responsible thing for Congress to do. This is one of the reasons the President should sign the bill, because the present policies are irresponsible.

Even though the administration approved of States covering parents, under our bill States will no longer be able to get enhanced Federal funding for covering parents. Even though the administration approved of States covering childless adults, under our bill States will only be able to cover higher income kids if they demonstrate they have covered their lowest income kids first.

The agreement passed last week creates new financial incentives to discourage States from spending a penny to cover anyone other than low-income children. All the financial incentives in the agreement are entirely focused on low-income children and, let me emphasize, families of under 200 percent of poverty.

The administration has done nothing to turn around this irresponsible program which is now on the books. In fact, they have made it worse. Yet they have the audacity to call our bill irresponsible. Those who say our bill is irresponsible clearly haven't read the bill. This bipartisan compromise provides coverage for more than 3 million low-income children who don't have coverage today.

If this bill is vetoed and if at the end of the day all we do is simply extend the program that has now been on the books for 10 years, what will we have accomplished? Will adults be gone from the program? 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 that States are not constantly challenged by funding shortfalls? No. Finally, will we have done anything to cover kids out there who are not covered today? The answer is no. No, no, no, no. Is that responsible? No. It is continuing current law. Let me emphasize, it is a continuation of the current law that is the irresponsible thing to do. The program is broken as evidenced in just one way: the 3 out of 50 States covering more adults than kids, in some instances covering adults who don't have any kids.

The program has strayed. It needs fixing. In fact, the bipartisan agreement follows the path laid down by the President himself. I have said this repeatedly. The President made a promise at the Republican Convention in New York:

> 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.

President Bush said that. An extension of current law will not do that. He may not want to hear this quote again and again, but until he honors the commitment he made in that speech by making a proposal to cover more low-income kids, I intend to keep repeating it.

The President can keep his commitment by signing the bill we passed last week. But if he is going to veto it, he owes those of us who tried to keep his commitment with our bill a sense of what serious policies Congress can adopt to cover more kids.

I yield the floor.

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

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak in morning business for 2 minutes to pay tribute to a great Louisianan who passed away.

The ACTING PRESIDENT pro tempore. The Senator has that right. We are in morning business.

Ms. LANDRIEU. And that Senator HARKIN would follow me for 15 minutes.

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

Ms. LANDRIEU. Mr. President, first let me associate myself with the remarks of the Senator from Iowa who just spoke so eloquently, strongly, and forcefully about the need for our children's health program in the country. I will be speaking later on that subject throughout the week as we all battle to get a better plan to cover more children at such a critical time now in that debate.

TRIBUTE TO HARRY LEE

Ms. LANDRIEU. Mr. President, I come to the floor today to speak just very briefly about a loss Louisiana has suffered—and, in many ways, the Nation—of a great political leader, a great political figure, and a friend to many.

Earlier this morning, Sheriff Harry Lee of Jefferson Parish passed away after a battle with leukemia. As my colleagues know, I come from a place of rich political heritage, colorful characters, and of amazing and fantastic stories at times about our political figures. Among the most colorful, though, was Sheriff Harry Lee, who stood out and stood tall for so many years. He served the people of Jefferson Parish since 1979 as their sheriff, but he started life in Louisiana in a much more humble way.

Harry was born in the back room of a Chinese laundry in downtown New Orleans to immigrant parents, Bing and Yip Lee, who instilled in him a strong and very determined spirit that would serve him well and serve all of us well for the rest of his life.

After a promising educational start at Francis T. Nicholls, where he served as both senior class president and student body president, Harry went on to college at Louisiana State University in Baton Rouge. He joined the ROTC Program there and was recognized early on as an outstanding cadet. He didn't stop there, though. His next step was to serve the country in the Air Force during the height of the Cold War. He served in the famous Strategic Command. His Air Force career led him to make a great decision in life, and that was to marry Lai Beet Woo, his wife of 40 years.

When Harry returned to Louisiana, he took over the family restaurant and convinced his father to allow him to attend law school. He excelled and became the first Federal magistrate for the Eastern District of Louisiana. He soon then, through many political contacts and his great spirit and gregarious nature and classwork, became parish attorney for Jefferson Parish.

Then, in 1975 and shortly thereafter, he was elected sheriff, a post he held for more than two decades, and he became a household name in Louisiana. This story has probably been tracked by others, but for Harry Lee, who comes from a Chinese-American background, at the time he was elected sheriff I think he was the highest ranking Chinese official and the only Chinese-American sheriff in the country. He was always extremely proud of that, proud of his heritage, always reminding us of that singular accomplishment.

After being a larger-than-life force in the realm of criminal justice for over 30 years, as I said this morning, he finally lost his own battle with leukemia. He had fought and won many battles on the streets in Jefferson Parish, in the courtrooms, and also in the court of public opinion.

Harry Lee's success says something important about our country—the son of immigrants who goes on to not only serve his parish, his city, his region, but went on to befriend Presidents, Republicans and Democrats, being the go-to person when people of great political distinction would come to our State. They always wanted to see and talk with Harry Lee.

Like all of us in public life, his tenure was not without controversy, but he was fiercely loyal to his deputies. There are thousands of deputies, current and former, who are mourning his passing today.

Looking back on a life like this, you can only think that his father and mother, Bing Yip Lee, who have long passed away, must have looked down and smiled on their son's accomplishments.

The loss of this singular figure in Louisiana politics is not only a loss to Jefferson Parish and to the State of Louisiana, but it is a loss to this great country that we all try our best to serve.

I want to extend my heartfelt condolences to the Lee family, to the deputies, to the law enforcement officials of Jefferson Parish in our State who are mourning this loss today. I hope we will all take some solace from the fact that they are being joined by so many mourners who recognize and appreciate a life well lived.

In closing, a not-so-secret hobby of Harry's was singing. I cannot say he would have ever made records, but he tried and he sang with great zest. At many jazz fests, he would be tempted to the stage by his friend Willie Nelson. They would often sing together. His favorite song was ''Welcome to My World.'' I would like to say to Harry today: Thank you for welcoming us to your world, Sheriff Lee. You served us well, and you will be missed.

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

ORDER OF PROCEDURE

Mr. HARKIN. Mr. President, I ask unanimous consent that at the closing of my remarks, the Senator from Montana, Mr. TESTER, be recognized.

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

Mr. HARKIN. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator has 15 minutes. The majority side has 22 minutes 40 seconds remaining.

GUARD AND RESERVE FAMILIES AMENDMENT

Mr. HARKIN. Mr. President, I thank my colleagues for accepting my amendment to support the families of those National Guard and Reserve individuals serving in Iraq and Afghanistan. I thank Senator LEVIN and Senator MCCAIN for their support and assistance in including it as part of the National Defense Authorization Act, on which we will be voting on final passage later today.

This is a new era for our National Guard and Reserves. They are shouldering a huge share of the combat burden in Iraq and Afghanistan, plus a

stepped-up role here in homeland security. It speaks volumes that more than four times as many Guard members have been killed in Iraq as during the entire Vietnam war.

With many Guard and Reserve members on their third or even fourth deployment, and with some deployments being stretched to at least 16 months, the stresses on their families are acute. Their children are at greater risk for depression, behavioral disorders, and academic problems. Long family separations often result in financial difficulties and troubled marriages.

Earlier this year, I introduced the Coming Together for National Guard and Reserve Families Act, which is the heart of this amendment. That amendment was accepted by the majority and the minority. The amendment does a number of things: It strengthens the family assistance program to ensure there are adequate resources for Guard and Reserve families throughout the deployment cycle. It provides special attention for the children of deployed servicemembers, who often react to parental separation with acting-out behaviors, anxiety, and depression. Finally, the amendment ensures that Guard and Reserve families receive appropriately timed information about the psychological symptoms that can appear long after coming home—such as anger, depression, alcohol abuse, or post-traumatic stress disorder—to help them take advantage of the services and support they may need.

Shortly after introducing the bill, I received a letter from the fiancé of an Iowa Guard member deployed in Iraq. It was one of many letters I received. I cannot read them all. I thought this portion of it summed it up:

> I received a letter from you today about the S. 902 bill that would help National Guard families, and I just wanted to say thank you. I cried when I first read this; for the first time in 2 years I feel like someone heard me. I hope this bill is passed and carried out. My fiancé is in Iraq with the 133rd Infantry of the Iowa National Guard. He was due home in March but now will be there until August. To say the least, I was devastated when I heard that he was extended, and honestly believe that it is such a terrible thing. Since he has been extended, many of his friends in the unit have tried to commit suicide and even more are deeply depressed. More times than not, I hear him saying how he wishes he could just have his life back. And I ask that you keep fighting for this because our soldiers' lives are hanging in the balance. My soldier and I will have to deal with the long-term consequences of his being in a war zone for so long for the rest of our lives, and we have to stop this before our children and grandchildren have to deal with this as well. . . . I am proud to live in the United States of America. However, my fiancé has done his part; he has protected this country for 22 months and he has been away from my side for that long. Let him come home, give us our lives back.

Mr. President, one happy result is that the brave men and women of the 1st Battalion of the 133rd Infantry of the Iowa National Guard—the same soldiers who inspired this amendment—returned home in July after serving as part of the longest continuous deployment of the Iraq war, spending nearly 2 years in active duty and 17 months in Iraq.

Senator GRASSLEY and I passed a resolution earlier honoring the service and sacrifices made by these brave soldiers and their families. But there is more we can do. Of course, I am working with my colleagues on this side of the aisle, and others, to begin the long, overdue process of redeploying our troops out of the civil war in Iraq. I hope we can make real progress on this in the coming weeks.

Until we are able to accomplish that, we must do everything we can to make sure the loved ones and family members of our deployed soldiers receive the support they need and deserve.

These families, many of whom are just starting their lives together, are dealing with tremendous stress. They include many small children who have grown up while their mothers or fathers were away.

Mr. President, this is a quiet crisis that we don't read about in the morning newspaper, but it is a crisis nonetheless. This amendment addresses that crisis by strengthening family assistance programs and doing outreach to parents and professionals who serve children—including mental health counselors and teachers—to alert them to the special needs of kids in military families, especially those with a parent in a war zone.

This amendment also ensures that families receive support after soldiers come home. The amendment ensures that families receive mental health information for up to 6 months post deployment so they can have access to the services and support they need.

Again, why is the amendment necessary? It became clear, after visiting with families of these National Guard troops and reservists who were overseas in Iraq that we have one set of family services and intervention and support for families of regular military personnel in the Army, Marines, Navy, and Air Force, but don't have the same support services for National Guard and Reserves. Many times in our small towns and communities you have one or two families who have a husband or a father overseas in the National Guard for an extended time, but those families don't get the same support and services as a family with a loved one in the regular Armed Forces, either throughout the deployment or when the soldier returns. Perhaps this made sense in the past. But the line between the Reserves and National Guard and the regular forces has become very blurred with the war in Iraq. So we see the National Guard carrying out what normally would have been done by the Active-Duty military. That is why this amendment, providing Guard and Reserve families with this support, is so important.

On a final note, the benefits of this amendment will apply to all Guard and Reserve troops, as well as their families—and I might point out, even those who disagree with President Bush and Vice President CHENEY. They can disagree and this amendment will still apply to them. I feel obliged to say this because a prominent conservative leader, Rush Limbaugh, of radio infamy, said men and women in uniform over in Iraq who oppose the war are ''phony soldiers,'' and are presumably unworthy of the American people's support.

Earlier today, I was here and I heard Senator REID, our majority leader, speak about this. This statement is outrageous and despicable. Our men and women in uniform in Iraq have made extraordinary sacrifices. 3,800 have been killed and nearly 28,000 have been wounded, many with amputations and brain injuries they will live with for the rest of their lives. Our troops live in constant danger. Meanwhile, their families at home have had to cope with repeated separations and with the constant dread of bad news from Iraq. The very thought of Rush Limbaugh sitting in his air-conditioned broadcast studio and ranting about ''phony soldiers'' in Iraq who dare to speak their mind is just shameful. Perhaps in Mr. Limbaugh's case the correct word is ''shameless.''

I realize he and some other extremists on the right hold the view that you are either with us or you are against us; you are either a good American or a bad American, depending upon whether you agree with the conservative Republican line. But that is not the way most Americans think. We respect disagreement. We value dissent. We don't resort to name-calling when our fellow Americans—especially those in uniform—express a differing point of view.

For the record, by labeling as ''phony soldiers'' those who disagree with the war or the President's comments, that denigrates many thousands of our Armed Forces serving in Iraq. Listen to this. A December 2006 poll conducted by the Military Times found that fully 42 percent of servicemembers disapproved of President Bush's handling of the war, while just 35 percent supported it.

In other words, our men and women in uniform are not much different from the rest of the American people, the majority of whom also disagree with Mr. Bush's conduct of the war. Frankly, it increases my respect for those soldiers' professionalism and sense of duty. They disagree with their Commander in Chief, but they continue to perform their jobs with enormous courage, confidence, and commitment. That is cause for admiration and praise, not name-calling and denigration.

I must add, as a veteran, I find it offensive that Rush Limbaugh, who never put on the uniform of this country, would attack the patriotism or dedication of any soldier fighting in Iraq. I have often said about someone like that, before they drape themselves in the flag of this country, they ought

to put on the uniform first to defend it. In Limbaugh's case, he would not do that.

Well, I also find it disturbing that his offensive comments have not been condemned by our Republican colleagues, or by the Commander in Chief, all of whom were so quick to condemn a similar personal attack on General Petraeus several weeks ago.

The Boxer-Levin-Durbin Amendment to the Defense authorization bill said the Senate ''strongly condemns all attacks on the honor, integrity, and patriotism of any individual who is serving in the Armed Services.'' I just point out that all but two Republican Senators voted against this amendment. Will any one of them stand up and be brave enough to take on Rush Limbaugh? Will anybody on that side of the aisle take on Rush Limbaugh for this statement? We have not heard anything yet, but I hope they do.

The silence from President Bush and the Republican leadership is simply deafening. Is this because they agree with Mr. Limbaugh, or they don't want to risk angering such a prominent conservative by taking him to task.

Mr. President, in August, seven soldiers published an op-ed in the New York Times criticizing the current strategy in Iraq. Tragically, two of those soldiers were subsequently killed in action, making the ultimate sacrifice for their country.

I only can assume by Mr. Limbaugh's definition that they, too, were phony soldiers. What is most despicable, Rush Limbaugh says these provocative things to make more money. So he castigates our soldiers. This makes more news. It becomes the news, more people tune in, he makes more money.

I don't know, maybe he was high on his drugs again. I don't know if he was or not. If so, he ought to let us know. That shouldn't be an excuse.

I wish to make it clear that I respect Mr. Limbaugh's right to say whatever he wants, but we also have a right. We have a right not to listen to him.

So I think the best thing to do for him is to tune him out, tune out Rush Limbaugh and listen to more responsible talk show hosts in this country.

I think that it is time, again, for us to stand up for our troops, as we have, I think, in the past, to give them every bit of support and give their families support. That is what my amendment does. I am pleased this amendment has been included in the National Defense Authorization Act, because it is an important step toward ensuring that our National Guard and Reserve families receive the kind of support the families of our regular forces also receive.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

TRIBUTE TO JOE PAPEZ

Mr. TESTER. Mr. President, I rise to pay tribute and thanks to Joe Papez, Technical Sergeant, U.S. Army retired. Joe is a veteran of World War II. In fact, he is believed to be the oldest living Purple Heart recipient in the United States, and he is one of the brave men who answered the call of their country and who helped the ''greatest generation'' earn that title.

Joe was injured three times during his stint in the Army, where he served in both Africa and Italy, in the campaigns of 1943 and 1944. He earned three Purple Hearts fighting in Casablanca, on the island of Sicily, and in Italy. But it was his last wound by a German artillery shell during the fierce fighting at Anzio, Italy, that earned him a free ticket back home.

The way Joe tells the story, after he was wounded in Anzio, he was put on a ship and sent home, but he doesn't remember the trip. He woke up in Virginia. After a while, he was shipped to Denver, where he recovered in a hospital. Then he was shipped to Oregon and finally to Santa Barbara.

When he finally got back on his feet, he kept on serving his country by caring for German prisoners of war in Utah, where he remained until the war was over.

Following the war, Joe returned to Red Lodge, MT. Disabled from his war wounds, he was unable to get a job. He made a drawing for a homestead in Powell, WY, but was told he was too sick to have it. However, with help from his brothers and a bank loan, he got into farming and ranching.

On December 19, Joe Papez will turn 100 years old or, should I say, 100 years young. He will turn 100 in the same town in which he has lived for nearly his entire life. Although he was born in Franklin, KS, the State of Montana is proud to claim Joe as one of our own.

Joe's family moved to Red Lodge when he was a year old. Residents of Red Lodge know he is a fixture in the town's Memorial Day parade, he is a regular in the Fourth of July parade, and even at his age, he marches in these parades to remember his brothers in arms with whom he served. And they will always remember him. Fittingly, the Billings chapter of the Military Order of the Purple Heart is named for Joe Papez.

Joe is spry and healthy and said he would serve his country again if he could. Joe Papez has served his country and his community, and he has done it very well.

So today we give thanks to him and Dorreen, and we pray for more folks just like Joe.

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

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

The bill clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for 10 minutes.

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

DOMESTIC VIOLENCE AWARENESS MONTH

Ms. KLOBUCHAR. Mr. President, today marks the beginning of domestic violence month, and it marks a time when we look at the progress we have made in this area and what challenges remain.

As a former prosecutor, I am well aware of the tragedies we see every day in this country from domestic violence. But it is also a time in our State where we look back at the lives of Paul and Sheila Wellstone, who devoted their time, their passion, and their energy to doing something about a problem that so often is overlooked or about which people do not want to talk.

This is, in fact, a few weeks on the calendar before their tragic death in a plane crash. Today we are going to welcome their son, David Wellstone, to the Capitol, and there will be a quilt displayed in the Russell rotunda, a quilt made by women and children from 13 different domestic violence centers across this country.

At the event today, we are going to have in Paul and Sheila's honor—we are not just going to look back on all they accomplished and stood for, but we are also going to look ahead to the work we all must do to carry their legacy forward, especially that commitment they had to ending domestic violence.

It is hard to believe it has already been nearly 5 years since we lost Paul and Sheila. It feels both so long ago and yet not that long ago. But we know their dreams and passions remain alive in each one of us, and that is why we are gathering tonight.

For me, I get my own special reminder of Paul Wellstone every day. His family gave me the flags that hung in his office. I am also reminded every day by ordinary people in the Capitol when I say I am from Minnesota—the tram drivers in the basement or the police officers or the secretaries in Senate offices who, when you say you are a Senator from Minnesota, they remember Paul, and they remember how well he treated people and the dignity with which he treated people every day.

Above all, I keep in mind, in front of my mind, the fundamental values for which he fought and struggled—being a voice to the voiceless, bringing power to the powerless, bringing justice to those who suffered injustice and above all, bringing hope to all of us that we can change the world and make it a better place.

There is no better way to honor Sheila's groundbreaking work in domestic violence than to mark the beginning of Domestic Violence Awareness Month with that quilt hanging in the Capitol.

I had the honor and opportunity to work with Sheila on many occasions when I was Hennepin County attorney. She was instrumental in creating and funding the Hennepin County Domestic Abuse Service Center. Hennepin County has about 1.1 million people, and this center is a landmark center across the country. It is a single place where women and their children can come. There is a play area for the kids. There are prosecutors there. There are police there. It is one place where they can get through the redtape and come to get help. The center is an international model for serving victims of domestic violence.

Sheila and I shared a particular concern for the fate of children who grew up in homes with domestic violence. There are deeply disturbing statistics on children who witness domestic abuse in their homes. These kids are six times more likely to commit suicide. They are 24 times more likely to commit sexual assault. They are 60 times more likely to exhibit delinquent behavior and, most chilling of all, little boys who witness domestic violence are 100 times more likely to become abusers themselves.

In my job as a prosecutor, I learned very quickly that when there is domestic violence, there is always a victim, the immediate victim, but it ripples through an entire family.

I remember a case we had in a suburban area where a man who had been abusing his wife killed her. There was a little girl, a little daughter who was about 4 years old. When he disposed of his wife's body, he brought the daughter with him in the back seat. A few days later, the grandparents came in from Russia. The woman was a Russian immigrant. They brought the deceased woman's twin sister, identical twin sister. This little daughter had never seen her aunt before. She ran through the airport when she saw her get off the plane and she said: Mommy, mommy, mommy. When you hear stories such as that story, you remember it is not about one victim, it is about an entire family.

Sheila knew those stories, and Sheila knew those statistics. But even more, she knew the names and the faces of the real children who witnessed and experienced abuse in the home. It made her all the more determined to do something about it because in America, of all places, kids should be free to grow up with safety, security, and peace of mind.

I remember the last time I saw Sheila. It was 2 weeks before that terrible plane crash. She and I had been asked to speak at a ceremony celebrating the new citizenship of Russian immigrants. It wasn't a campaign event. There were no cameras, even though it was about 3 weeks before one of the biggest elections in the country. It was just new citizens and their families.

We both talked about the immigrant traditions in our own families. She talked about her family growing up in Appalachia. I talked about my family on the Iron Range with the Slovenian roots. As the event was winding down, in walked Paul. He wasn't supposed to be there. He was supposed to be in Washington. It was 3 weeks before this major election, and he was in this little room, with no reporters and no cameras, to greet these new citizens.

I always knew he was there for two reasons. One, he was there because he loved his wife and he wanted to be there to surprise her and support her. But he was also there that night because he truly embraced that immigrant tradition. He embraced the idea that a person could come to this country, an incredible journey to freedom, with nothing, and they could work hard, succeed and send their kids and their grandkids to college because that had been what had happened to him and that had been what happened to Sheila.

It was the same thing for Sheila and Paul with victims of domestic violence, people who had sunk to the lowest in their life, who had no home, who were out on the street, who were out hiding in a shelter. She worked tirelessly to ensure that victims and their families could begin their own journeys to freedom, that they could get a fresh start, with new opportunities, in a new and secure environment.

We will always miss Paul and Sheila, but thanks to their son David, who is going to be with us here this evening, and countless volunteers and friends from all over the country, they have carried on their legacy and their work. They have carried on their legacy to change the world and make it a better and safer place for everyone.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is concluded.

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 bill 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 of Nebraska (for Levin) amendment No. 2011, in the nature of a substitute.

Reid (for Kennedy) amendment No. 3058 (to amendment No. 2011), to provide for certain public-private competition requirements.

Reid (for Kennedy) amendment No. 3109 (to amendment No. 3058), to provide for certain public-private competition requirements.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand that later in the afternoon there will be probably two votes, one on the Mikulski-Kennedy amendment and probably a vote on final passage; am I correct?

The ACTING PRESIDENT pro tempore. The amendments that are now scheduled for a vote are the substitute amendment and final passage.

Mr. KENNEDY. Well, Mr. President, parliamentary inquiry: I was under the impression we had a vote agreed upon.

Mr. President, I understand there has been an agreement with the leadership that we will dispose of this amendment at the hour of 5:30. In any event, is the time divided between now and 5:30?

The ACTING PRESIDENT pro tempore. The time is not divided.

Mr. KENNEDY. Mr. President, I desire to talk on the amendment that is sponsored by Senator MIKULSKI, myself, and a number of others, which is an amendment to the Defense authorization bill. I see the ranking member of the committee. If he had other business he wanted to deal with, obviously, I would withhold.

Mr. President, at the end of last week, on Thursday evening, there was an excellent presentation on this issue before the Senate by Senator MIKULSKI. I addressed the Senate on Friday on this issue, and I am going to take a few minutes this afternoon.

This is an exceedingly important issue. It relates to the underlying concept of our national security and our national defense. In this legislation, we are authorizing some $675 billion, which is essentially the backbone of our defense. What this amendment deals with is the personnel who will be working on the tanks, the planes, and the military hardware which needs to be conditioned and updated and improved so it is available and accessible to those men and women who are involved in defending this country. These are the employees who work primarily in the Defense Department.

There is a phenomenon that has arisen that works to discriminate against these excellent workers. They are not only excellent workers but a third of them are veterans. A third of them are veterans. These are men and women who have worn the uniform of our country and have decided that they want to continue in public service and so, therefore, have brought their skills and their training they have achieved in the military to give attention to the Defense Department. This is probably the highest percentage of veterans in any undertaking or employment base we have in this country, because these individuals, highly patriotic, highly motivated, highly skilled, want to continue their service to the country.

Basically, what they are asking is for an opportunity to continue service within the Defense Department, working on the various challenges and contracts which come before the Defense Department. This chart shows that thousands of veterans could lose their

jobs under the outsourcing rules. That is what this amendment is about. We are going to get fairness in competition so these workers are treated fairly and the taxpayer is treated fairly, and we get the dollar value for the taxes paid, and the workers will be treated fairly.

Under the current system, the rules that have been developed by the administration undermine that sense of fairness for these workers—a third of whom, as I said, are veterans. That is the issue. Thirty-four percent of the civilian defense employees are veterans. This amendment ensures that these 226,620 dedicated Americans who have served our country will not lose their jobs because of unfair outsourcing. That is what we are talking about—unfair outsourcing.

Let me explain how this works. The chart probably demonstrates it as well as it can be demonstrated. This is the Government here for some particular Defense Department work. You can see from the green box that the Government can provide a lower rate for the cost of providing the service, and can also do it with higher skills than on the private bid. But the fact that the Government employees have health insurance or retirement benefits adds an additional cost to their proposal, which puts them out of competition. So what we are finding now with these new rules and regulations is the bids and contracts are going to companies that are dropping their health care and dropping their pension programs and dropping other security benefits so they can come up underneath the Government contract. Essentially, this is a race to the bottom.

In a country where we have 47 million Americans who are uninsured, and we are having a major national debate about covering children, why are we providing more financial incentives to companies to drop their health insurance? That is what we are doing. The ones who are losing out are, by and large, the ones who have served in the Armed Forces of our country.

This isn't only on Government bids; this could be a responsible contractor and an irresponsible contractor. Maybe a responsible contractor can do it more efficiently even than the Federal Government, but look how it works. If you have a responsible contractor who is trying to provide some benefits, limited benefits, or good benefits for their employees—and that is the combination we are talking about, health and retirement; those are the two, retirement and health—we are seeing those contractors who can provide the services more efficiently and better. Nonetheless, the bid will go to the irresponsible contractor. So this works against responsible contractors and it works against veterans working in the Defense Department.

What we are saying with this amendment—and there are other provisions in the amendment—but what we are saying is let the competition take place. Let the competition take place between the workers in the Defense Department and the private sector, but let them have an even playing ground. Let us exclude the health insurance and retirement benefits. Let us have the competition out there and the best person win. The best bid wins the contracts.

Why would we want to continue to drive out these contracts? We can show what has been happening over time to these workers. We saw in 2004, because of these new regulations, where Federal employees lost on 10 percent of these bids; in 2005, it went to 30 percent; and the best estimate now is it is going all the way up to 78 percent, and basically it is about this issue—not completely, but it is fundamentally about this issue.

Now, in the amendment there are other provisions which I will mention very briefly. Provisions of this amendment, which have been debated on the floor and acted on in the Senate at other times, have also had strong bipartisan support, and I will mention those very briefly.

At the present time, a private contractor can appeal an unfair decision if there is a belief by the private contractor that there is unfairness in terms of the decision in the competition with the Federal workers. They are entitled to get an appeal. On the other hand, if the Federal workers believe it is an unfair competition, they have no right to do so. They have no right to do so. This restores that right. This represents a very similar provision that was sponsored by Senator COLLINS in 2004, and Senators CHAMBLISS, WARNER, THOMAS, and VOINOVICH have also supported appeal rights in the past for Federal employees in previous appropriations legislation. I am not speaking for them, but it is an indication that this is an issue that has been before the Senate at other times and there has been bipartisan support for it.

On this point here—can renew a contract without recompetition—if they have a follow-on contract, they can renew that, if it is a private contract. With the Federal workers, they do not have that right to do that at the present time. So under the outsourcing provisions, these Federal workers are shortchanged.

The provision regarding the submission of the competitive bid that requires the Federal workers to follow procedural and administrative provisions actually increases the cost of their bids. Again, at the request of the employees, all they wish to do is have the same kind of ''most competitive bid'' they can offer. They would like that one to be on the table so we will get the best in terms of productivity and skill and also get the best in terms of savings for the taxpayers. But they are denied that right.

We provided, through the Appropriations Committee, those protections. Those provisions had been added through the Appropriations Committee. But what has happened is, as the Appropriations Committee process goes along, these provisions expire, and so we have to come back to them. We have to win them again every time. Because if they are added on the appropriations, they do not continue to last and we have to refight those issues.

Finally, there are what they call ''quota provisions,'' which have been put on by OMB and require a certain amount of quotas in terms of the private contracting, which obviously provides some unfairness to the workers and, secondly, to the public and the taxpayers.

These are basically the provisions we have in the legislation. The primary one we have talked about today has been on this competition we have had for the benefit cost. This is the overarching issue and question.

We are going to have a good national debate during the Presidential elections of 2008 about how we are going to address the problems of cost in this country on health care. We have gone from $1.3 trillion to $2.3 trillion in the last 5 years. We have added $1 trillion worth of spending in health care and have added 7 million more people who are uninsured and there would have been a great deal more if we didn't have the CHIP program.

We cannot continue that as a nation. We are not going to be able to continue that. Our companies are not going to be able to; the costs in terms of local communities have gotten prohibitive. These involve real people and real sacrifices—real important considerations. We are talking about families. We are talking about, by and large, fairly treating people who served in the military. They had health care when they were serving in the military. They could have the health care when they retired. But the real question is going to be, now, when they are continuing to be a part of the whole defense and security of this country, whether we are going to treat them with the kind of respect they need, understanding they have families and they need this health care coverage. They are glad to pay for it and bargain for it. They have to look down the road in terms of their security and the security of their families, in terms of pensions in the future. They are glad to pay for that. But why we should be able to effectively cut them loose at a time of intense competition, I don't know.

I thank the Senator from Connecticut, Mr. LIEBERMAN, who has been involved in the different phases. I mentioned half a dozen different phases on this issue. He has been involved and engaged in these different aspects since he has been on that committee. I enjoy serving with him on the Armed Services Committee. He has been an eloquent and effective voice and has given enormous support to this effort. I see him on the floor and thank him for all of his help and assistance on this issue.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Massachusetts for his eloquent, passionate statement and for his kind words. I appreciate it very much. In a short while, I will be adding my own few words of support for this amendment offered by the Senator from Massachusetts, the Senator from Maryland, and others—including myself.

I am privileged to be managing the bill until the chairman, Senator LEVIN arrives. I thought insofar as there are Members here on both sides, we would go back and forth. I suggest Senator SESSIONS, who is here now, go next. I will follow him.

I ask, through the Chair, of my friend from Alabama, how much time he would like to speak?

Mr. SESSIONS. Mr. President, I would like 10 minutes.

Mr. LIEBERMAN. I ask unanimous consent the Senator from Alabama go next for 10 minutes and then I be recognized for 7 minutes.

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

The Senator from Alabama is recognized.

THE RETIREMENT OF GENERAL PETER PACE

Mr. SESSIONS. Mr. President, I had the honor today to be at the retirement ceremony, a few hours ago, for the 16th Chairman of the Joint Chiefs of Staff of the armed services of the United States, GEN Peter Pace, and the installation of the 17th Chairman of the Joint Chiefs, ADM Mike Mullen. The weather was beautiful, indeed, in your State of Virginia at Fort Myer, the brass shining in the Sun, the music was stirring, and the uniforms of the services in their bright collars gave appropriate recognition to the passing of the torch from a Chairman proven to a new Chairman challenged.

It is always thus, I suppose. It was a thrill to see the commander of the Honor Guard one last time advance and say: ''General Pace, the Honor Guard of the United States is ready for your inspection.''

And General Pace did just that, it appeared with pleasure and satisfaction. That he is admired within the military cannot be denied. I understand last week they planned a surprise for him in the Pentagon. He was invited to come to a meeting for some business, it was suggested, and the halls filled with over 1,200 people who appeared and applauded him for 20 minutes. It was a true expression of the admiration and affection in which he is held throughout the military. Such support is not a surprise for anyone who knows that wonderful man.

He made a number of remarks at his retirement or change of command. He expressed his admiration for President Bush's willingness to listen to his advice the entire time of his tenure. He made clear President Bush did listen, and he was a regular briefer of the President; and General Pace's admiration for the President for standing by his commitments when he sent military men and women in uniform into harm's way was quite personal and strong. In other words, General Pace is there. General Pace has been part of this process. General Pace has seen this Congress and this President authorize soldiers and send soldiers into harm's way. He felt a sense of appreciation for President Bush, I would say, for his willingness to not give lightly and to be totally supportive of those troops once they had been sent in harm's way.

He said the No. 1 question he is asked when he goes about with military personnel: Does Congress still support us?

I remember not too many months ago, a gentleman right out there caught me. His son was about to go to Iraq. He told me: Senator, make no mistake, those soldiers over there and in training to go over there are watching what you do like a hawk.

Secretary Gates, President Bush, Admiral Mullen were exceedingly complimentary of General Pace. They discussed his bravery as a young lieutenant at the battle of Hue in Vietnam. They lost quite a number of officers. He was moved up as a second lieutenant to be in command of the company they would have to have led. There was a bitter battle and he lost a number of marines.

He said he felt a debt to those marines, that he had spent 40 years of his career in the military attempting to pay off.

Several people made reference to that. He called those marines he served with, who lost their lives there, by names at that retirement ceremony. He indicated he still did not believe he had paid that debt that he owed those people who had given their full measure to our Nation's defense. But other speakers said he had, and they were most complimentary of him.

Recently, at a hearing, he was encouraged—let me say it that way—to retreat from a statement he had made that reflected his personal moral and faith beliefs; but he admirably, I suggest, declined to pander or to retreat from what he honestly believed, and he restated his personal values. That is the kind of man you want leading us, I suggest.

Our Nation is in the debt, I think, of GEN Peter Pace. He has given tirelessly of himself to support the policies of our country and to make those policies successful.

I say: Well done, good marine, well done.

Mr. President, on a different subject, I want to take a few minutes to note that on Friday, September 21, the Missile Defense Agency had a highly successful missile defense intercept. A target vehicle was launched from Kodiak, AK. It went into space. The interceptor missile was launched at Vandenberg Air Force Base in California. It was, indeed, a realistic test of this capability. According to Rick Lehner, the spokesman for the Missile Defense Agency, ''This was a very operationally realistic test.''

In those tests we want to determine whether our missile defense capability will actually succeed in knocking down an intercontinental missile. These two missiles were launched, the target vehicle on a track not unlike what we would see if, for example, the North Koreans launched an attack. We launched our defensive missile out of California. And they collided and destroyed one another over the Pacific, like we planned, a bullet to bullet. There were no explosives in the ''kill'' vehicle. Just speed, guided by computers and sophisticated guidance systems, allowed those two to collide and to destroy the incoming missile.

The American people have a number of questions and misconceptions about missile defense. Some think we already have a complete missile defense system that can knock down incoming missiles. That is not so. Some think we do not have any capability, that this is a bunch of money being spent on programs that are never going to work. That is absolutely not so. We now have proven the technology. General Obering and his team at the Missile Defense Agency have continued to have success after success. We know we have the capability to knock down an incoming missile that threatens the people of the United States, who knows—with a nuclear weapon or biological or chemical munition contained within it.

This is an important matter for the United States that the President can know. If he is negotiating with some extreme nation that threatens to attack us with a missile and tries to use that threat as leverage or bargaining power, he can say: We are not afraid of you. You send a missile off and we will knock it down.

We are reaching that point in our capability. Intelligence tells us Iran also continues to build its systems and produces greater capability.

I would say, we need a site in Europe. I hope we continue to work toward that. We need to maintain steady appropriations and authorizations in this Senate to make sure our missile system that we have committed so many years to, and so many dollars to, is now completed, since it has been proven to be a good investment from the beginning.

I thank the Chair for giving me this opportunity and note I am excited about this test's success. I do believe it is important for all of us in Congress to note that and make sure about our funding—which I think this year is a bit tight. The President took some money down out of missile defense. The Congress has taken some more. But I believe we have enough funding to keep this program on track.

I see my colleague, Senator LIEBERMAN. I note there are few in the Senate who have studied the issue more or who have been engaged in it longer than he. I know he and Senator THAD COCHRAN offered the resolution, not long after I came to the Senate, to

deploy a national missile defense system ''as soon as technologically feasible.'' That was the language, wasn't it, Senator LIEBERMAN? Indeed, we are now deploying it. We are already deploying the system, and the American people took comfort last July 4, when the North Koreans launched missiles to demonstrate their power—they took comfort because of you and others, before I even came into the Senate—such as Senator SHELBY, my colleague from Alabama—who were pioneers moving that forward. We can now take comfort that we do have ability. It means a lot for our people and for the safety of America.

I yield the floor.

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to extend my statement, which I will now offer for 10 minutes instead of 7; to be followed by the Senator from Alabama, Mr. SHELBY, for 10 minutes; followed by the Senator from Vermont, Mr. SANDERS, for 10 minutes.

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

Mr. LIEBERMAN. Mr. President, I extend my time to respond to two things my friend from Alabama, Senator SESSIONS—one of my two friends from Alabama, Senator SESSIONS, mentioned.

The first is the good news from the Missile Defense Program of the successful test last Friday. We wish we did not have to spend money building a missile defense, but the truth is that the number of powers, including a lot of hostile anti-American countries that have the capacity to fire missiles at us and our allies, carrying both conventional weapons and potentially weapons of mass destruction, is increasing and has increased.

The creation of this program has been controversial. The funding of it is controversial. But I believe, just as deeply as anyone can believe anything, that we will, particularly as we hear the success of the testing, look back on the investments we have made in this program and be very thankful we did it because it will protect the security of the United States from attack via a missile from the enemies that exist to our country and to our values.

I wish to just briefly echo what Senator SESSIONS said about General Pace, who has just ended his time as Chairman of the Joint Chiefs of Staff. I put an extensive statement in the RECORD last week without being on the floor. I just say now that this is a good man, a patriot who has served his country with a tremendous sense of excellence, of bravery, of honor, taking on risks and burdens to himself for the defense of America.

When he was appointed and confirmed as Chairman of the Joint Chiefs of Staff, there were two pieces of history, two firsts. We are a country that loves firsts because when people do something for the first time, it talks about the increasing openness, the reality of what we call the American dream. The one that was greatly commented on was Peter Pace was the first marine to become Chairman of the Joint Chiefs of Staff. That was a historic first. The other—perhaps less commented on but a great story of America—Pete Pace was the first Italian American to be Chairman of the Joint Chiefs of Staff—yet another extraordinary accomplishment and act of service to our country from its Italian-American community.

Pete Pace served during a difficult time. He served with honor and integrity. He was intensely devoted to the men and women who serve all of us, and their families. He has maintained the fighting edge of our military going through a very difficult time, oversaw two extraordinary victories in Afghanistan and Iraq and then the post-Saddam war increasingly against al-Qaida in Iran and Iraq—very difficult times. But he leaves office now at a moment when, obviously thanks to the skill and bravery of the American military, there are some reasons for encouragement in Iraq, good reasons.

I thank General Pace, his wife, and his family for their service to America. We wish them well in the years ahead.

AMENDMENT NO. 3058

Mr. President, I rise to speak in support of the amendment offered by Senator KENNEDY and Senator MIKULSKI and others, including myself, which will be voted on later today. This amendment would bring some commonsense reforms to the process by which agencies decide whether to outsource Federal jobs to contractors.

Sometimes, obviously, it makes a lot of sense for agencies to turn to contractors because they are able to perform certain functions more efficiently than the agencies could themselves. That is in everybody's interest, including the taxpayers'. However, in many cases, experience has shown Federal employees can perform the work just as efficiently or more efficiently than the contractors and deserve the right to bid when work is proposed to be outsourced. Additionally, agencies must ensure that inherently governmental work—in other words, work which is intimately related to the public interest—is performed by Federal employees and not by private contractors. That is why the Government was created.

The process for deciding when to outsource jobs has to be a careful one, it has to be fair to contractors, and it has to be fair to Federal employees. Of course, it has to be fair, most of all, to America's taxpayers.

The Kennedy amendment provides Federal employees the same right contractors currently possess to appeal outsourcing decisions. In other words, when a particular function is proposed for outsourcing, open to bidding by private contractors, there is a process—and a good one—that has been created where Federal employees themselves may bid against those contractors for that outsourcing work. What the Kennedy amendment says is Federal employees should have the same rights contractors have to appeal outsourcing decisions. Why just have one of the competitors for the outsourcing have the right to appeal and the other one does not? To me, that is simply a fundamental issue of fairness.

The amendment also contains a provision to ensure that contractors competing for Department of Defense work do not receive an unfair advantage because they offer inferior health or retirement benefits to what we are offering to Federal employees. I do not think any Member of this Chamber would want employees of the Department of Defense to be at a disadvantage in competing for their jobs because they receive health and retirement benefits that we authorize and ordain from the Federal Government.

This amendment also addresses a concern I have had for quite a long time; that is, it sometimes appears as if the Office of Management and Budget pushes agencies to meet arbitrary numerical targets for the outsourcing of jobs. Decisions on outsourcing should be made on a case-by-case basis where it makes sense for agencies to outsource the jobs as opposed to giving them a quota of outsourcing and say they have to hit that quota.

Arbitrary numerical targets, I am afraid, take agencies off the path of pursuing other means of cutting costs. They overtax agencies already struggling to monitor work performed by contractors. I believe they sometimes, without cause, undermine the civil service, which we ought to be elevating as it is elevated in so many of the other industrialized developed democracies. Those types of numerical targets were prohibited by Congress in the fiscal year 2003 Omnibus appropriations bill, but the Office of Management and Budget seems to be continuing to pressure agencies to conduct competitions between Federal employees and contractors on a certain number of jobs each year. That is not right. The amendment before us makes clear that use of such quotas at the Department of Defense is impermissible.

These are all, in my opinion, sensible, modest reforms. They do not and they are not intended to prohibit the outsourcing of Federal jobs, which I support when it makes sense, but, rather, ensure that the process is objective, fair. It essentially puts both parties here on a level playing field.

The core provisions of this amendment have, in fact, received bipartisan support in the Senate over the last few years. I hope we can continue that support when the amendment comes to the vote today.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Vermont.

AMENDMENT NO. 2905

Mr. SANDERS. Mr. President, I wanted to take this opportunity to say a few words about an amendment I have offered, No. 2905, that is cosponsored by Senators SUNUNU, KERRY, HARKIN, and BROWN. This amendment addresses a problem that is huge, that is going to continue to grow in coming years, and is something the Congress must address. All across our country, veterans of the war in Iraq and Afghanistan are going to come home with what we believe to be very high levels of post-traumatic stress disorder as well as traumatic brain injury. These are the signature injuries of the war in Iraq. I worry very much that we are not yet prepared to address this serious problem which not only impacts the returning soldiers, it impacts their wives, their kids, and their communities.

The amendment I have offered would develop a pilot program for State-based outreach to assist servicemembers and their families. The concern I have is that those who return home with TBI or PTSD are not going to get the care they need unless somebody makes contact with them and makes them aware of services and help that might be available. We can have all of the money we want allocated to addressing TBI or PTSD, but unless somebody goes out and brings those people into the system, that money is not going to do any good. I worry about that, especially for those returning soldiers who are in the National Guard who are not part of the active duty, who do not have a military infrastructure in front of them. I worry about soldiers coming home to small towns in Vermont and all across this country who suddenly find that their world is very different than the world they left, that they have nightmares, cold sweats, panic attacks when they go through a tunnel, and they don't know how to address those very serious symptoms of post-traumatic stress disorder.

What this amendment does uniquely is create an outreach effort by which trained personnel from the National Guard or elsewhere are literally going to knock on doors and chat with the individual returning soldier and his or her family and get a sense of what is going on in the family, letting those veterans understand that what they are experiencing is something being experienced by tens of thousands of other soldiers, and there is nothing to be ashamed of about the kinds of problems that individual is having.

The essence of this program is its nature as an outreach effort, not to sit back but to aggressively go out, knock on doors, have dialog, and bring people into the system which might be able to help them.

This amendment is supported by the National Guard Association of the United States. They have pointed out that this amendment, with its unique emphasis on outreach, is a perfect compliment to the reintegration and readjustment policies laid out by the Yellow Ribbon Program in the previously adopted Chambliss amendment to the Defense authorization bill.

This is a very strong amendment. I look forward to having support on both sides of the aisle. If we are serious about addressing the problems of PTSD and TBI, we have to be aggressive in outreach. That is what this amendment does.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

COST OF PRIVATE SECURITY CONTRACTORS

• Mr. OBAMA. Mr. President, the recent incident in which Blackwater USA reportedly killed at least 11 Iraqis and wounded several others has prompted a long overdue examination of the role that private security contractors are playing in Iraq. An article in today's Washington Post titled ''U.S. Pays Steep Price for Private Security in Iraq'' helps to highlight the exorbitant mark-up that private security contractors are reportedly charging the U.S. Government.

Last week, the Senate accepted an amendment to the Defense Department authorization bill that I offered that will require Federal departments to report information to Congress on the total number of contractors in Iraq and Afghanistan, the companies awarded these contracts, and the cost of the contracts. The provisions of the amendment are drawn from the Transparency and Accountability in Military and Security Contracting Act, S. 674, that I introduced in February.

The American people have a right to know how their tax dollars are being spent in Iraq and the role that security contractors are playing in that conflict. We need to make sure that security contractors in Iraq are subject to adequate and transparent oversight and that their actions do not have a negative impact on our efforts to bring the war in Iraq to a responsible end.

I ask to have printed in the RECORD the text of the article from the Washington Post.

The article follows.

[From the Washington Post, Oct. 1, 2007]

U.S. PAYS STEEP PRICE FOR PRIVATE SECURITY IN IRAQ

(By Walter Pincus)

It costs the U.S. government a lot more to hire contract employees as security guards in Iraq than to use American troops.

It comes down to the simple business equation of every transaction requiring a profit.

The contract that Blackwater Security Consulting signed in March 2004 with Regency Hotel and Hospital of Kuwait for a 34-person security team offers a view into the private-security business world. The contract was made public last week by the House Oversight and Government Reform Committee majority staff as part of its report on Blackwater's actions related to an incident in Fallujah on March 31, 2004, when four members of the company's security team were killed in an ambush.

Understanding the contract's details requires some background: Regency was a subcontractor to another company, ESS Support Services Worldwide, of Cyprus, that was providing food and catering supplies to U.S. armed forces in Fallujah and other cities in Iraq. And ESS was a subcontractor to KBR, a subsidiary of Halliburton, which had the prime contract with the Defense Department.

So, Blackwater was a subcontractor to Regency, which was a subcontractor to ESS, which was a subcontractor to Halliburton's KBR subsidiary, the prime contractor for the Pentagon—and each company along the way was in business to make a profit.

Under the contract, Regency was to pay Blackwater $11,082,326 for one year, with a second year option, to put together a 34-person team that would provide security services for the ''movement of ESS's staff, management and workforce throughout Kuwait and Iraq and across country borders including the borders of Iraq, Kuwait, Turkey and Jordan.''

Blackwater's personnel were to do more than just convoy security. They were also to run command centers in Kuwait and Iraq 24 hours a day, seven days a week, that were to control all ESS security operations; prepare risk assessments; develop security procedures; train ESS personnel in security; and even vet other Iraqi security forces hired by Regency.

But their main role was to provide ''tactically sound and fully mission capable protective security details, the minimum team size [being] six operators with a minimum of two vehicles to support ESS movements.''

Blackwater's pricing was to be on ''a per person support basis, not including costs for housing, subsistence, vehicles and large equipment items,'' according to the contract. The team would be made up of two senior managers, 12 middle managers and 20 operators.

Regency was to provide Blackwater personnel with housing and necessities, including meals, as well as office space and administrative support. In addition, Regency would provide basic equipment, including vehicles and heavy weapons, while Blackwater was responsible for purchasing individual weapons and ammunition.

According to data provided to the House panel, the average per-day pay to personnel Blackwater hired was $600. According to the schedule of rates, supplies and services attached to the contract, Blackwater charged Regency $1,075 a day for senior managers, $945 a day for middle managers and $815 a day for operators.

Acording to data provided to the House panel, Regency charged ESS an average of $1,100 a day for the same people. How the Blackwater and Regency security charges were passed on by ESS to Halliburton's KBR cannot easily be determined since the catering company was paid on a per-meal basis, with security being a percentage of that charge.

Halliburton's KBR blended its security costs into the blanket costs passed on to the Defense Department.

How much more these costs are compared with the pay of U.S. troops is easier to determine.

An unmarried sergeant given Iraq pay and relief from U.S. taxes makes about $83 to $85 a day, given time in service. A married sergeant with children makes about double that, $170 a day.

Army Gen. David H. Petraeus, the top U.S. commander in Baghdad overseeing more than 160,000 U.S. troops, makes roughly $180,000 a year, or about $493 a day. That comes out to less than half the fee charged by Blackwater for its senior manager of a 34-man security team.●

Mr. CARDIN. Mr. President, when it comes to running the Federal Government and its workforce, the Bush administration is driven too much by ideology and not enough by common sense. In its quest to scuttle a civil service system that has served us well during peace time and war, the administration has embarked on an unprecedented campaign to privatize what most would agree are ''inherently governmental'' functions.

The Office of Management and Budget, OMB, has spearheaded privatization, claiming it can save taxpayers money. One example: relinquishing tax collection to private contractors. In May 2007, OMB claimed that contracting out Internal Revenue Service, IRS, debt collection to private contractors resulted in saving $35 million in fiscal year 2006. OMB failed to mention that the contractor had missed several deadlines imposed under the contract, leaving IRS employees to perform the bulk of the work. Another concern about that particular contract: our Government is turning over sensitive and private financial information entrusted to it by its citizens and placing that information in the hands of private debt collectors with grave potential for abuse.

An article from the February 3, 2007, New York Times neatly summarizes the situation: ''Without a public debate or formal policy decision, contractors have become a virtual fourth branch of government. On the rise for decades, spending on federal contracts has soared during the Bush Administration, to about $400 billion last year from $207 billion in 2000, fueled by the war in Iraq, domestic security and Hurricane Katrina, but also by a philosophy that encourages outsourcing almost everything government does.'' This unofficial branch of Government is not subject to the same checks and balances of accountability found in the civil service system.

The true cost of the executive branch's decision to privatize is the countless number of dedicated and highly trained Federal workers who will seek employment elsewhere rather than face the uncertainty of working in an environment that is subject to the political whims of an administration that pursues ideology over common sense and sound business policies. Even worse, such a hostile atmosphere will deter highly skilled candidates from ever considering public service, thereby depriving the public sector of the best and brightest who would otherwise seek careers in public service.

Left unchecked, this notion that the Federal Government is divisible and its functions can be auctioned off to the lowest bidder will ultimately deprive us of an experienced Federal workforce and the institutional memory that are essential for the Government to function effectively, especially in a crisis. We don't need each new contractor to start from scratch reinventing the wheel when old problems arise.

At a minimum, Federal employees should be allowed to compete with private contractors on an equal footing, which is where the Kennedy-Mikulski amendment comes in.

Currently, the contracting rules as spelled out in OMB Circular A–76 are overwhelmingly weighed in favor of contractors and against Federal employees. This amendment will correct inequities in the public-private competitive process at the Department of Defense, DOD, to ensure that hard-working civilian defense employees are not unfairly deprived of their jobs. It will also provide basic protection from unfair competition for other Federal employees at other agencies.

The amendment excludes the costs of health and retirement benefits from bids in public-private competitions, so contractors are not rewarded for providing bad benefits or even no benefits at all. Contractors currently have an incentive to shortchange their employees' benefits to gain an unfair advantage in bidding for Government work. The amendment would eliminate this incentive.

The amendment prohibits the use of ''privatization quotas.'' It is unlawful for OMB to set quotas for the amount of work that agencies should outsource away from the Federal workforce, but there is substantial evidence that the administration has a de facto quota system. The amendment would protect agencies' independent decisionmaking by requiring that any decision to conduct a public-private competition be wholly independent of OMB.

The amendment allows Federal employees the same appeal rights as contractors. When Federal employees win a privatization review, contractors can have the agency's decision reviewed by independent third parties, by appealing to the Government Accountability Office, GAO, or the Court of Federal Claims. Federal employees currently have no such appeal rights.

The amendment requires DOD to issue long overdue guidance on outsourcing Federal jobs. These guidelines were due in January, but DOD has failed to act. The amendment requires DOD to issue this guidance.

Finally, the amendment provides a fair opportunity to renew contracts won by Federal employees. Currently, DOD requires managers to ''re-compete'' contracts that are won by Federal employees at the end of each contract term, rather than extending the contract. But the same managers have discretion to extend contracts for jobs that are awarded to private contractors without reopening them to competition. The amendment gives managers discretion to extend contracts awarded to public employees.

We can and should have a discussion about the proper role of Government, and we should try to make the Government as efficient as possible. What we shouldn't do is carve it up and outsource its essential functions willy-nilly to politically favored contractors. There is money at stake but much more too. The Kennedy-Mikulski amendment is a proper way to proceed with regard to public-private competitions, and I urge my colleagues to support it.

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

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

AMENDMENTS NOS. 2937, AS MODIFIED; 3028; 3099, AS MODIFIED; 3102; 2264, AS MODIFIED; 2953, AS MODIFIED; 3005, AS MODIFIED; 2957, AS MODIFIED; 3103, AS MODIFIED; 3107; 3082, AS MODIFIED; 2325, AS MODIFIED; 2897, AS MODIFIED; 2068, AS MODIFIED; 3112; 3032, AS MODIFIED; 2905, AS MODIFIED; AND 3027, AS MODIFIED, TO AMENDMENT NO. 2011, EN-BLOC

Mr. LEVIN. Mr. President, I send a series of 18 amendments to the desk which have been cleared by myself and the now acting ranking member, Senator WARNER, and ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any specific amendment be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2937, AS MODIFIED

At the end of title II, add the following:

SEC. 256. COST-BENEFIT ANALYSIS OF PROPOSED FUNDING REDUCTION FOR HIGH ENERGY LASER SYSTEMS TEST FACILITY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a cost-benefit analysis of the proposed reduction in Army research, development, test, and evaluation funding for the High Energy Laser Systems Test Facility.

(b) EVALUATION OF IMPACT ON OTHER MILITARY DEPARTMENTS.—The report required under subsection (a) shall include an evaluation of the impact of the proposed reduction in funding on each Department of Defense organization or activity that utilizes the High Energy Laser Systems Test Facility.

AMENDMENT NO. 3028

(Purpose: To allow additional types of vehicles to be used to meet minimum Federal fleet requirements)

At the end of subtitle E of title X, add the following:

SEC. 1070. DEFINITION OF ALTERNATIVE FUELED VEHICLE.

Section 301(3) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3)) is amended—

(1) by striking ''(3) the term'' and inserting the following:

''(3) ALTERNATIVE FUELED VEHICLE.—

''(A) IN GENERAL.—The term''; and

(2) by adding at the end the following:

''(B) INCLUSIONS.—The term 'alternative fueled vehicle' includes—

''(i) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

''(ii) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of that Code);

''(iii) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of that Code); and

''(iv) any other type of vehicle that the agency demonstrates to the Secretary would achieve a significant reduction in petroleum consumption.''.

AMENDMENT NO. 3099, AS MODIFIED

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—

(1) $400,000,000 may be available for the procurement of a second ship 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.

AMENDMENT NO. 3102

(Purpose: To require the Secretary of Energy to develop and implement 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)

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.

AMENDMENT NO. 2264, AS MODIFIED

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

SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE ARMED FORCES RETIREMENT HOME.

(a) INDEPENDENCE AND PURPOSE OF RETIREMENT HOME.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended—

(1) in subsection (a), by adding at the end the following: ''However, for the purpose of entering into contracts, agreements, or transactions regarding real property and facilities under the control of the Board, the Retirement Home shall be treated as a military facility of the Department of Defense. The administration of the Retirement Home (including administration for the provision of health care and medical care for residents) shall remain under the direct authority, control, and administration of the Secretary of Defense.''; and

(2) by striking subsection (g) and inserting the following new subsection (g):

''(g) ACCREDITATION.—The Chief Operating Officer shall secure and maintain accreditation by a nationally recognized civilian accrediting organization for each aspect of each facility of the Retirement Home, including medical and dental care, pharmacy, independent living, and assisted living and nursing care.''.

(b) SPECTRUM OF CARE.—Section 1513(b) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413(b)) is amended by inserting after the first sentence the following new sentence: ''The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, at no cost to residents, to acute medical and dental services and after-hours routine medical care''.

(e) CHIEF MEDICAL OFFICER.—The Armed Forces Retirement Home Act of 1991 is further amended by inserting after section 1515 the following new section:

''SEC. 1515A. CHIEF MEDICAL OFFICER.

''(a) APPOINTMENT.—(1) The Secretary of Defense shall appoint the Chief Medical Officer of the Retirement Home. The Secretary of Defense shall make the appointment in consultation with the Secretary of Homeland Security.

''(2) The Chief Medical Officer shall serve a term of two years, but is removable from office during such term at the pleasure of the Secretary.

''(3) The Secretary (or the designee of the Secretary) shall evaluate the performance of the Chief Medical Officer not less frequently than once each year. The Secretary shall carry out such evaluation in consultation with the Chief Operating Officer and the Local Board for each facility of the Retirement Home.

''(4) An officer appointed as Chief Medical Officer of the Retirement Home shall serve as Chief Medical Officer without vacating any other military duties and responsibilities assigned to that officer whether at the time of appointment or afterward.

''(b) QUALIFICATIONS.—(1) To qualify for appointment as the Chief Medical Officer, a person shall be a member of the Medical, Dental, Nurse, or Medical Services Corps of the Armed Forces, including the Health and Safety Directorate of the Coast Guard, serving on active duty in the grade of brigadier general, or in the case of the Navy or the Coast Guard rear admiral (lower half), or higher.

''(2) In making appointments of the Chief Medical Officer, the Secretary of Defense shall, to the extent practicable, provide for the rotation of the appointments among the various Armed Forces and the Health and Safety Directorate of the Coast Guard.

''(c) RESPONSIBILITIES.—(1) The Chief Medical Officer shall be responsible to the Secretary, the Under Secretary of Defense for Personnel and Readiness, and the Chief Operating Officer for the direction and oversight of the provision of medical, mental health, and dental care at each facility of the Retirement Home.

''(2) The Chief Medical Officer shall advise the Secretary, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for each facility of the Retirement Home on all medical and medical administrative matters of the Retirement Home.

''(d) DUTIES.—In carrying out the responsibilities set forth in subsection (c), the Chief Medical Officer shall perform the following duties:

''(1) Ensure the timely availability to residents of the Retirement Home, at locations other than the Retirement Home, of such acute medical, mental health, and dental care as such resident may require that is not available at the applicable facility of the Retirement Home.

''(2) Ensure compliance by the facilities of the Retirement Home with accreditation standards, applicable health care standards of the Department of Veterans Affairs, and any other applicable health care standards and requirements (including requirements identified in applicable reports of the Inspector General of the Department of Defense).

''(3) Periodically visit and inspect the medical facilities and medical operations of each facility of the Retirement Home.

''(4) Periodically examine and audit the medical records and administration of the Retirement Home.

''(5) Consult with the Local Board for each facility of the Retirement Home not less frequently than once each year.

''(e) ADVISORY BODIES.—In carrying out the responsibilities set forth in subsection (c) and the duties set forth in subsection (d), the Chief Medical Officer may establish and seek the advice of such advisory bodies as the Chief Medical Officer considers appropriate.''.

(f) LOCAL BOARDS OF TRUSTEES.—

(1) DUTIES.—Subsection (b) of section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended to read as follows:

''(b) DUTIES.—(1) The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

''(2) The Local Board for a facility shall provide to the Chief Operating Officer and the Director of the facility such guidance and recommendations on the administration of the facility as the Local Board considers appropriate.

''(3) The Local Board for a facility shall provide to the Under Secretary of Defense for Personnel and Readiness not less often than annually an assessment of all aspects of the facility, including the quality of care at the facility.

''(4) Not less frequently than once each year, the Local Board for a facility shall submit to Congress a report that includes an assessment of all aspects of the facility, including the quality of care at the facility.''.

(2) COMPOSITION.—Subparagraph (K) of subsection (c) of such section is amended to read as follows:

''(K) One senior representative of one of the chief personnel officers of the Armed Forces, who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy or Coast Guard, rear admiral (lower half).''.

(h) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended to read as follows:

''SEC. 1518. INSPECTION OF RETIREMENT HOME.

''(a) INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—(1) The Inspector General of the Department of Defense shall have the duty to inspect the Retirement Home.

''(2) The Inspector General shall advise the Secretary of Defense and the Director of each facility of the Retirement Home on matters relating to waste, fraud, abuse, and mismanagement of the Retirement Home.

''(b) INSPECTIONS BY INSPECTOR GENERAL.—(1) Every two years, the Inspector General of the Department of Defense shall perform a comprehensive inspection of all aspects of each facility of the Retirement Home, including independent living, assisted living, medical and dental care, pharmacy, financial and contracting records, and any aspect of either facility on which the Local Board for the facility or the resident advisory committee or council of the facility recommends inspection.

''(2) The Inspector General may be assisted in inspections under this subsection by a medical inspector general of a military department designated for purposes of this subsection by the Secretary of Defense.

''(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the Inspector General shall solicit concerns, observations, and recommendations from the Local Board for the facility, the resident advisory committee or council of the facility, and the residents of the facility. Any concerns, observations, and recommendations solicited from residents shall be solicited on a not-for-attribution basis.

''(4) The Chief Operating Officer and the Director of each facility of the Retirement Home shall make all staff, other personnel, and records of each facility available to the Inspector General in a timely manner for purposes of inspections under this subsection.

''(c) REPORTS ON INSPECTIONS BY INSPECTOR GENERAL.—(1) Not later than 45 days after completing an inspection of a facility of the Retirement Home under subsection (b), the Inspector General shall submit to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, the Director of the facility, and the Local Board for the facility, and to Congress, a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate in light of the inspection.

''(2) Not later than 45 days after receiving a report of the Inspector General under paragraph (1), the Director of the facility concerned shall submit the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility, and to Congress, a plan to address the recommendations and other matters set forth in the report.

''(d) ADDITIONAL INSPECTIONS.—(1) Every two years, in a year in which the Inspector General does not perform an inspection under subsection (b), the Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with section 1422(a)(2)(g) of this amendment.

''(2) The Chief Operating Officer and the Director of a facility being inspected under this subsection shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this subsection.

''(e) REPORTS ON ADDITIONAL INSPECTIONS.—(1) Not later than 45 days after receiving a report of an inspection from the civilian accrediting organization under subsection (d), the Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility a report containing—

''(A) the results of the inspection; and

''(B) a plan to address any recommendations and other matters set forth in the report.

''(2) Not later than 45 days after receiving a report and plan under paragraph (1), the Secretary of Defense shall submit the report and plan to Congress.''.

(i) ARMED FORCES RETIREMENT HOME TRUST FUND.—Section 1519 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419) is amended by adding at the end the following new subsection:

''(d) REPORTING REQUIREMENTS.—The Chief Financial Officer of the Armed Forces Retirement Home shall comply with the reporting requirements of subchapter II of chapter 35 of title 31, United States Code.''.

AMENDMENT NO. 2953, AS MODIFIED

At the end of subtitle E of title V, add the following:

SEC. 565. EMERGENCY ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the ''Help for Military Children Affected by War Act of 2007''.

(b) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide assistance to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war-related action.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that—

(A) has a number of military dependent children in average daily attendance in the schools served by the local educational agency during the current school year, determined in consultation with the Secretary of Education, that—

(i) equaled or exceeded 20 percent of the number of all children in average daily attendance in the schools served by such agency during the current school year; or

(ii) is 1,000 or more,

whichever is less; and

(B) is designated by the Secretary of Defense as impacted by—

(i) Operation Iraqi Freedom;

(ii) Operation Enduring Freedom; or

(iii) the global rebasing plan of the Department of Defense.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) MILITARY DEPENDENT CHILD.—The term ''military dependent child''—

(A) means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); and

(B) includes a child—

(i) who resided on Federal property with a parent on active duty in the National Guard or Reserve; or

(ii) who had a parent on active duty in the National Guard or Reserve but did not reside on Federal property.

(d) ASSISTANCE.—Assistance provided under this section may be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B); and

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B), including the subsidization of a percentage of hiring of a military-school liaison.

AMENDMENT NO. 3005, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management may establish a program to authorize a caregiver to use under paragraph (4)—

(A) any sick leave of that caregiver during a covered period of service; and

(B) any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing agency; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection, including a definition of activities that qualify as the giving of care.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service for purposes relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing business entity; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(c) GAO REPORT.—Not later than March 31, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

AMENDMENT NO. 2957 AS MODIFIED

DIVISION —MARITIME ADMINISTRATION

SEC. —001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Maritime Administration Authorities Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. —001. Short title; table of contents.

TITLE I—GENERAL

Sec. —102. Commercial vessel chartering authority.
Sec. —103. Maritime Administration vessel chartering authority.
Sec. —104. Chartering to state and local governmental instrumentalities.
Sec. —105. Disposal of obsolete government vessels.
Sec. —106. Vessel transfer authority.
Sec. —107. Sea trials for ready reserve force.
Sec. —108. Review of applications for loans and guarantees.

TITLE II—TECHNICAL CORRECTIONS

Sec. —201. Statutory construction.
Sec. —202. Personal injury to or death of seamen.
Sec. —203. Amendments to chapter 537 based on Public Law 109–163.
Sec. —204. Additional amendments based on Public Law 109–163.
Sec. —205. Amendments based on Public Law 109–171.
Sec. —206. Amendments based on Public Law 109–241.
Sec. —207. Amendments based on Public Law 109–364.
Sec. —208. Miscellaneous amendments.
Sec. —209. Application of sunset provision to codified provision.
Sec. —210. Additional Technical corrections.

TITLE I—GENERAL

SEC. —102. COMMERCIAL VESSEL CHARTERING AUTHORITY.

(a) IN GENERAL.—Subchapter III of chapter 575 of title 46, United States Code, is amended by adding at the end the following:

''§ 57533. Vessel chartering authority

''The Secretary of Transportation may enter into contracts or other agreements on behalf of the United States to purchase, charter, operate, or otherwise acquire the use of any vessels documented under chapter 121 of this title and any other related real or personal property. The Secretary is authorized to use this authority as the Secretary deems appropriate.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 575 of such title is amended by adding at the end the following:

''57533. Vessel chartering authority.''.

SEC. —103. MARITIME ADMINISTRATION VESSEL CHARTERING AUTHORITY.

Section 50303 of title 46, United States Code, is amended by—

(1) inserting ''vessels,'' after ''piers,''; and

(2) by striking ''control;'' in subsection (a)(1) and inserting ''control, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense;''.

SEC. —104. CHARTERING TO STATE AND LOCAL GOVERNMENTAL INSTRUMENTALITIES.

Section 11(b) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)), is amended—

(1) by striking ''or'' after the semicolon in paragraph (3);

(2) by striking ''Defense.'' in paragraph (4) and inserting ''Defense; or''; and

(3) by adding at the end thereof the following:

''(5) on a reimbursable basis, for charter to the government of any State, locality, or Territory of the United States, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.''.

SEC. —105. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) by inserting ''(either by sale or purchase of disposal services)'' after ''shall dispose''; and

(2) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, which shall include provisions requiring the Maritime Administration to—

''(i) dispose of all deteriorated high priority ships that are available for disposal, within 12 months of their designation as such; and

''(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;''.

SEC. —106. VESSEL TRANSFER AUTHORITY.

Section 50304 of title 46, United States Code, is amended by adding at the end thereof the following:

''(d) VESSEL CHARTERS TO OTHER DEPARTMENTS.—On a reimbursable or nonreimbursable basis, as determined by the Secretary of Transportation, the Secretary may charter or otherwise make available a vessel under the jurisdiction of the Secretary to any other department, upon the request by the Secretary of the department that receives the vessel. The prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.''.

SEC. —107. SEA TRIALS FOR READY RESERVE FORCE.

Section 11(c)(1)(B) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to read as follows:

''(B) activate and conduct sea trials on each vessel at least once every 30 months;''.

SEC. —108. REVIEW OF APPLICATIONS FOR LOANS AND GUARANTEES.

(a) PLAN.—Within 180 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall develop a comprehensive plan for the review of traditional applications and non-traditional applications.

(b) INCLUSIONS.—The comprehensive plan shall include a description of the application review process that shall not exceed 90 days for review of traditional applications.

(c) REPORT TO CONGRESS.—The Administrator shall submit a report describing the comprehensive plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Armed Forces.

(d) DEFINITIONS.—In this section:

(1) NONTRADITIONAL APPLICATION.—The term ''nontraditional application'' means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that is not a traditional application, as determined by the Administrator.

(2) TRADITIONAL APPLICATION.—The term ''traditional application'' means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that involves a market, technology, and financial structure of a type that has been approved in such an application multiple times before the date of enactment of this Act without default or unreasonable risk to the United States, as determined by the Administrator.

TITLE II—TECHNICAL CORRECTIONS

SEC. —201. STATUTORY CONSTRUCTION.

The amendments made by this title make no substantive change in existing law and may not be construed as making a substantive change in existing law.

SEC. —202. PERSONAL INJURY TO OR DEATH OF SEAMEN.

(a) AMENDMENT.—Section 30104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

''(a) CAUSE OF ACTION.—A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may bring an action against the employer. In such an action, the laws of the United States regulating recovery for personal injury to, or death of, a railway employee shall apply. Such an action may be maintained in admiralty or, at the plaintiff's election, as an action at law, with the right of trial by jury.

''(b) VENUE.—When the plaintiff elects to maintain an action at law, venue shall be in the judicial district in which the employer resides or the employer's principal office is located.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of Public Law 109–304.

SEC. —203. AMENDMENTS TO CHAPTER 537 BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 53701 is amended by—

(A) redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively;

(B) inserting after paragraph (1) the following:

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Maritime Administration.''; and

(C) striking paragraph (13) (as redesignated) and inserting the following:

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Commerce with respect to fishing vessels and fishery facilities.''.

(2) Section 53706(c) is amended to read as follows:

''(c) PRIORITIES FOR CERTAIN VESSELS.—

''(1) VESSELS.—In guaranteeing or making a commitment to guarantee an obligation under this chapter, the Administrator shall give priority to—

''(A) a vessel that is otherwise eligible for a guarantee and is constructed with assistance under subtitle D of the Maritime Security Act of 2003 (46 U.S.C. 53101 note); and

''(B) after applying subparagraph (A), a vessel that is otherwise eligible for a guarantee and that the Secretary of Defense determines—

''(i) is suitable for service as a naval auxiliary in time of war or national emergency; and

''(ii) meets a shortfall in sealift capacity or capability.

''(2) TIME FOR DETERMINATION.—The Secretary of Defense shall determine whether a vessel satisfies paragraph (1)(B) not later than 30 days after receipt of a request from the Administrator for such a determination.''.

(3) Section 53707 is amended—

(A) by inserting ''or Administrator'' in subsections (a) and (d) after ''Secretary'' each place it appears;

(B) by striking ''Secretary of Transportation'' in subsection (b) and inserting ''Administrator'';

(C) by striking ''of Commerce'' in subsection (c); and

(D) in subsection (d)(2), by—

(i) inserting ''if the Secretary or Administrator considers necessary,'' before ''the waiver''; and

(ii) striking ''the increased'' and inserting ''any significant increase in''.

(4) Section 53708 is amended—

(A) by striking ''SECRETARY OF TRANSPORTATION'' in the heading of subsection (a) and inserting ''ADMINISTRATOR'';

(B) by striking ''Secretary'' and ''Secretary of Transportation'' each place they appear in subsection (a) and inserting ''Administrator'';

(C) by striking ''OF COMMERCE'' in the heading of subsection (b);

(D) by striking ''of Commerce'' in subsections (b) and (c);

(E) in subsection (d), by—

(i) inserting ''or Administrator'' after ''Secretary'' the first place it appears; and

(ii) striking ''financial structures, or other risk factors identified by the Secretary. Any independent analysis conducted under this subsection shall be performed by a party chosen by the Secretary.'' and inserting ''or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert in assessing such risk factors who is selected by the Secretary or Administrator.''; and

(F) in subsection (e), by—

(i) inserting ''or Administrator'' after ''Secretary'' the first place it appears; and

(ii) striking ''financial structures, or other risk factors identified by the Secretary'' and inserting ''or financial structures''.

(5) Section 53710(b)(1) is amended by striking ''Secretary's'' and inserting ''Administrator's''.

(6) Section 53712(b) is amended by striking the last sentence and inserting ''If the Secretary or Administrator has waived a requirement under section 53707(d) of this title, the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet the waived requirement upon the occurrence of verifiable conditions indicating that the obligor's financial condition enables the obligor to meet the waived requirement.''.

(7) Subsections (c) and (d) of section 53717 are each amended—

(A) by striking ''OF COMMERCE'' in the subsection heading; and

(B) by striking ''of Commerce'' each place it appears.

(8) Section 53732(e)(2) is amended by inserting ''of Defense'' after ''Secretary'' the second place it appears.

(9) The following provisions are amended by striking ''Secretary'' and ''Secretary of Transportation'' and inserting ''Administrator'':

(A) Section 53710(b)(2)(A)(i).

(B) Section 53717(b) each place it appears in a heading and in text.

(C) Section 53718.

(D) Section 53731 each place it appears, except where ''Secretary'' is followed by ''of Energy''.

(E) Section 53732 (as amended by paragraph (8)) each place it appears, except where ''Secretary'' is followed by ''of the Treasury'', ''of State'', or ''of Defense''.

(F) Section 53733 each place it appears.

(10) The following provisions are amended by inserting ''or Administrator'' after ''Secretary'' each place it appears in headings and text, except where ''Secretary'' is followed by ''of Transportation'' or ''of the Treasury'':

(A) The items relating to sections 53722 and 53723 in the chapter analysis for chapter 537.

(B) Sections 53701(1), (4), and (9) (as redesignated by paragraph (1)(A)), 53702(a), 53703, 53704, 53706(a)(3)(B)(iii), 53709(a)(1), (b)(1) and (2)(A), and (d), 53710(a) and (c), 53711, 53712 (except in the last sentence of subsection (b) as amended by paragraph (6)), 53713 to 53716, 53721 to 53725, and 53734.

(11) Sections 53715(d)(1), 53716(d)(3), 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b) are amended by inserting ''or Administrator's'' after ''Secretary's''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 3507 (except subsection (c)(4)) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

SEC. —204. ADDITIONAL AMENDMENTS BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Chapters 513 and 515 are amended by striking ''Naval Reserve'' each place it appears in analyses, headings, and text and inserting ''Navy Reserve''.

(2) Section 51504(f) is amended to read as follows:

''(f) FUEL COSTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pay to each State maritime academy the costs of fuel used by a vessel provided under this section while used for training.

''(2) MAXIMUM AMOUNTS.—The amount of the payment to a State maritime academy under paragraph (1) may not exceed—

''(A) $100,000 for fiscal year 2006;

''(B) $200,000 for fiscal year 2007; and

''(C) $300,000 for fiscal year 2008 and each fiscal year thereafter.''.

(3) Section 51505(b)(2)(B) is amended by striking ''$200,000'' and inserting ''$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter''.

(4) Section 51701(a) is amended by striking ''of the United States.'' and inserting ''of the United States and to perform functions to assist the United States merchant marine, as determined necessary by the Secretary.''.

(5)(A) Section 51907 is amended to read as follows:

''§ 51907. Provision of decorations, medals, and replacements

''The Secretary of Transportation may provide—

''(1) the decorations and medals authorized by this chapter and replacements for those decorations and medals; and

''(2) replacements for decorations and medals issued under a prior law.''.

(B) The item relating to section 51907 in the chapter analysis for chapter 519 is amended to read as follows:

''51907. Provision of decorations, medals, and replacements.''.

(6)(A) The following new chapter is inserted after chapter 539:

"CHAPTER 541—MISCELLANEOUS

''Sec.

''54101. Assistance for small shipyards and maritime communities.''.

(B) Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is transferred to and redesignated as section 54101 of title 46, United States Code, to appear at the end of chapter 541 of title 46, as inserted by subparagraph (A).

(C) The heading of such section, as transferred by subparagraph (B), is amended to read as follows:

''§ 54101. Assistance for small shipyards and maritime communities''.

(D) Paragraph (1) of subsection (h) of such section, as transferred by subparagraph (B), is amended by striking ''(15 U.S.C. 632);'' and inserting ''(15 U.S.C. 632));''.

(E) The table of chapters at the beginning of subtitle V is amended by inserting after the item relating to chapter 539 the following new item:

''541. Miscellaneous ..... 54101''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 515(g)(2), 3502, 3509, and 3510 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are repealed.

SEC. —205. AMENDMENTS BASED ON PUBLIC LAW 109–171.

(a) AMENDMENTS.—Section 60301 of title 46, United States Code, is amended—

(1) by striking ''2 cents per ton (but not more than a total of 10 cents per ton per year)'' in subsection (a) and inserting ''4.5 cents per ton, not to exceed a total of 22.5 cents per ton per year, for fiscal years 2006 through 2010, and 2 cents per ton, not to exceed a total of 10 cents per ton per year, for each fiscal year thereafter,''; and

(2) by striking ''6 cents per ton (but not more than a total of 30 cents per ton per year)'' in subsection (b) and inserting ''13.5 cents per ton, not to exceed a total of 67.5 cents per ton per year, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed a total of 30 cents per ton per year, for each fiscal year thereafter,''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 4001 of the Deficit Reduction Act of 2005 (Public Law 109–171) is repealed.

SEC. —206. AMENDMENTS BASED ON PUBLIC LAW 109–241.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 12111 is amended by adding at the end the following:

''(d) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—

''(1) IN GENERAL.—Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

''(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

''(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

''(2) COASTWISE TRADE NOT AUTHORIZED.—Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title.''.

(2) Section 12139(a) is amended by striking ''and charterers'' and inserting ''charterers, and mortgagees''.

(3) Section 51307 is amended—

(A) by striking ''and'' at the end of paragraph (2);

(B) by striking ''organizations.'' in paragraph (3) and inserting ''organizations; and''; and

(C) by adding at the end the following:

''(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.''.

(4) Section 55105(b)(3) is amended by striking ''Secretary of the department in which the Coast Guard is operating'' and inserting ''Secretary of Homeland Security''.

(5) Section 70306(a) is amended by striking ''Not later than February 28 of each year, the Secretary shall submit a report'' and inserting ''The Secretary shall submit an annual report''.

(6) Section 70502(d)(2) is amended to read as follows:

''(2) RESPONSE TO CLAIM OF REGISTRY.—The response of a foreign nation to a claim of registry under paragraph (1)(A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is proved conclusively by certification of the Secretary of State or the Secretary's designee.''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 303, 307, 308, 310, 901(q), and 902(o) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) are repealed.

SEC. —207. AMENDMENTS BASED ON PUBLIC LAW 109–364.

(a) UPDATING OF CROSS REFERENCES.—Section 1017(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364, 10 U.S.C. 2631 note) is amended by striking ''section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 12106 of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)'' and inserting ''sections 12112, 50501, and 55102 of title 46, United States Code''.

(b) SECTION 51306(e).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is amended by adding at the end the following:

''(e) ALTERNATIVE SERVICE.—

''(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (a).

''(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the imposition of alternative service requirements.''.

(2) APPLICATION.—Section 51306(e) of title 46, United States Code, as added by paragraph (1), applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.

(c) SECTION 51306(f).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is further amended by adding at the end the following:

''(f) SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.—

''(1) IN GENERAL.—Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service—

''(A) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

''(B) may, in their discretion, notify the Secretary of any failure of the graduate to perform the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.

''(2) INFORMATION TO BE PROVIDED.—A report or notice under paragraph (1) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

''(3) CONSIDERED AS IN DEFAULT.—Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.''.

(2) APPLICATION.—Section 51306(f) of title 46, United States Code, as added by paragraph (1), does not apply with respect to an agreement entered into under section 51306(a) of title 46, United States Code, before October 17, 2006.

(d) SECTION 51509(c).—Section 51509(c) of title 46, United States Code, is amended—

(1) by striking ''MIDSHIPMAN AND'' in the subsection heading and ''midshipman and'' in the text; and

(2) inserting ''or the Coast Guard Reserve'' after ''Reserve)''.

(e) SECTION 51908(a).—Section 51908(a) of title 46, United States Code, is amended by striking ''under this chapter'' and inserting ''by this chapter or the Secretary of Transportation''.

(f) SECTION 53105(e)(2).—Section 53105(e)(2) of title 46, United States Code, is amended by striking ''section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802),'' and inserting ''section 50501 of this title''.

(g) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 3505, 3506, 3508, and 3510(a) and (b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are repealed.

SEC. —208. MISCELLANEOUS AMENDMENTS.

(a) DELETION OF OBSOLETE REFERENCE TO CANTON ISLAND.—Section 55101(b) of title 46, United States Code, is amended—

(1) by inserting ''or'' after the semicolon at the end of paragraph (2);

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(b) IMPROVEMENT OF HEADING.—Title 46, United States Code, is amended as follows:

(1) The heading of section 55110 is amended by inserting ''**valueless material or**'' before ''**dredged material**''.

(2) The item for section 55110 in the analysis for chapter 551 is amended by inserting ''valueless material or'' before ''dredged material''.

(c) OCEANOGRAPHIC RESEARCH VESSELS AND SAILING SCHOOL VESSELS.—

(1) Section 10101(3) of title 46, United States Code, is amended by inserting ''on an oceanographic research vessel'' after ''scientific personnel''.

(2) Section 50503 of title 46, United States Code, is amended by striking ''An oceanographic research vessel'' and all that follows and inserting the following:

''(a) DEFINITIONS.—In this section, the terms 'oceanographic research vessel' and 'scientific personnel' have the meaning given those terms in section 2101 of this title.

''(b) NOT SEAMEN.—Scientific personnel on an oceanographic research vessel are deemed not to be seamen under part G of subtitle II, section 30104, or chapter 303 of this title.

''(c) NOT ENGAGED IN TRADE OR COMMERCE.—An oceanographic research vessel is deemed not to be engaged in trade or commerce.''.

(3) Section 50504(b)(1) of title 46, United States Code, is amended by striking ''parts B, F, and G of subtitle II'' and inserting ''part B, F, or G of subtitle II, section 30104, or chapter 303''.

SEC. —209. APPLICATION OF SUNSET PROVISION TO CODIFIED PROVISION.

For purposes of section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27, 26 U.S.C. 1 note), the amendment made by section 301(a)(2)(E) of that Act shall be deemed to have been made to section 53511(f)(2) of title 46, United States Code.

SEC. —210. ADDITIONAL TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO TITLE 46.—Title 46, United States Code, is amended as follows:

(1) The analysis for chapter 21 is amended by striking the item relating to section 2108.

(2) Section 12113(g) is amended by inserting ''and'' after ''Conservation''.

(3) Section 12131 is amended by striking ''commmand'' and inserting ''command''.

(b) AMENDMENTS TO PUBLIC LAW 109–304.—

(1) AMENDMENTS.—Public Law 109–304 is amended as follows:

(A) Section 15(10) is amended by striking ''46 App. U.S.C.'' and inserting ''46 U.S.C. App.''.

(B) Section 15(30) is amended by striking ''Shipping Act, 1936'' and inserting ''Shipping Act, 1916''.

(C) The schedule of Statutes at Large repealed in section 19, as it relates to the Act of June 29, 1936, is amended by—

(i) striking the second section ''1111'' (relating to 46 U.S.C. App. 1279f) and inserting section ''1113''; and

(ii) striking the second section ''1112'' (relating to 46 U.S.C. App. 1279g) and inserting section ''1114''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of Public Law 109–304.

(c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE AMENDMENTS.—

(1) REPEAL.—Sections 9(a), 15(21) and (33)(A) through (D)(i), and 16(c)(2) of Public Law 109–304 are repealed.

(2) INTENDED EFFECT.—The provisions repealed by paragraph (1) shall be treated as if never enacted.

(d) LARGE PASSENGER VESSEL CREW REQUIREMENTS.—Section 8103(k)(3)(C)(iv) of title 46, United States Code, is amended by inserting ''and section 252 of the Immigration and Nationality Act (8 U.S.C. 1282)'' after ''of such section''.

AMENDMENT NO. 3103, AS MODIFIED

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 appropriate aircraft in mission areas including 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 three 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 two air refueling aircraft in participating in the pilot program.

(e) AIRCRAFT UTILIZATION.—The pilot program shall provide for a minimum of 1,200 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.

(g) REPORT.—The Secretary of the Air Force shall provide to the congressional defense committees an annual report on the fee-for-service air refueling program to include:

(1) missions flown;

(2) missions areas supported;

(3) aircraft number, type, model series supported;

(4) fuel dispersed;

(5) departure reliability rates; and

(6) any other data as appropriate for evaluating performance of the commercial air refueling providers.

AMENDMENT NO. 3107

(Purpose: To modify the purposes for which the Naval Aviation Museum Foundation at the National Museum of Naval Aviation at Naval Air Station, Pensacola, Florida, may operate the National Flight Academy)

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''.

AMENDMENT NO. 3082, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—

(1) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army $15,000,000, may 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.

(b) PURPOSE.—The purpose of the program may 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 may 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.

AMENDMENT NO. 2325, AS MODIFIED

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

SEC. ___. PROVISIONS RELATING TO THE REMOVAL OF MISSILES FROM THE 564TH MISSILE SQUADRON.

(a) The Secretary of Defense shall submit to the Congressional Defense Committees a report on the feasibility of establishing an association between the 120th Fighter Wing of the Montana Air National Guard and active duty personnel stationed at Malmstrom Air Force Base, Montana. In making such assessment, the Secretary shall consider:

(1) An evaluation of the Air Force's requirement for additional F–15 aircraft active or reserve component force structure.

(2) An evaluation of the airspace training opportunities in the immediate airspace around Great Falls International Airport Air Guard Station.

(3) An evaluation of the impact of civilian operations on military operations at the Great Falls International Airport.

(4) An evaluation of the level of civilian encroachment on the facilities and airspace of the 120th Fighter Wing.

(5) An evaluation of the support structure available, including active military bases nearby.

(6) Opportunities for additional association between the Montana National Guard and the 341st Space Wing.

(b) Not more than 40 missiles may be removed from the 564th Missile Squadron until 15 days after the report required in subsection (a) has been submitted.

AMENDMENT NO. 2897, AS MODIFIED

On page 354, after line 24, add the following:

SEC. 1070. ESTABLISHMENT OF JOINT PATHOLOGY CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense may, to the extent consistent with the final recommendations of the 2005 Defense Base Closure and Realignment Commission as approved by the President, establish a Joint Pathology Center located at the National Naval Medical Center in Bethesda, Maryland, that shall function as the reference center in pathology for the Department of Defense.

(b) SERVICES.—The Joint Pathology Center, if established, shall provide, at a minimum, the following services:

(1) Diagnostic pathology consultation.

(2) Pathology education, to include graduate medical education, including residency and fellowship programs, and continuing medical education.

(3) Diagnostic pathology research.

(4) Maintenance and continued modernization of the Tissue Repository and, as appropriate, utilization of such Repository in conducting the activities described in paragraphs (1) through (3).

AMENDMENT NO. 2068, AS MODIFIED

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

SEC. 1517. REPORTS ON MITIGATION OF EFFECTS OF EXPLOSIVELY FORMED PROJECTILES AND MINES.

(a) REPORT ON EXPLOSIVELY FORMED PROJECTILES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 60 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report, in both classified and unclassified forms, on explosively formed projectiles.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) A comprehensive plan of action for improving capabilities to mitigate the effects of explosively formed projectiles (EFPs), including the development of technologies, training programs, tactics, techniques, and procedures, and an estimate of the funding required to execute the plan.

(B) Detailed descriptions of the effectiveness of any fielded EFP mitigation technologies, training programs, tactics, techniques, and procedures, and ways in which they could be improved.

(C) A description of the individual projects that comprise the plan of action.

(D) A schedule for completing and fielding each project.

(E) The contract delivery dates, progress towards completion, and forecast completion date for each project.

(F) A comprehensive description of any deviation from contract terms and an explanation of any cost and schedule variance and how such variance affects fielding deliverables, and a plan for addressing such deviations and variances.

(G) Recommendations for additional authorities, which if provided to the Secretary, would improve the ability of the Department of Defense to rapidly field counter EFP capabilities and protection against the effects of EFPs.

(H) An analysis of any industrial base issues affecting the plan outlined under subparagraph (A).

(I) Mechanisms for sharing counter EFP capabilities with appropriate coalition partners.

(J) The most current available data on the effects of EFPs on United States, coalition, and allied forces in Iraq and Afghanistan.

(b) REPORT ON MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on Mine Resistant Ambush Protected (MRAP) vehicles.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) The total requirement of all military services for MRAP vehicles, including MRAP I, spiral upgrades, and MRAP II variants.

(B) A comprehensive plan for transporting and fielding all variants to the United States Central Command (CENTCOM) area of operations.

(C) An assessment of completed production, transportation, and fielding of MRAP vehicles and a forecast of future production, transportation, and fielding functions.

(D) An explanation of any deviation between the planned and actual numbers of vehicles fielded for the reporting period.

(E) Funding required to execute production, transportation, and fielding, and an analysis of any industrial base issues affecting such functions.

(F) The required delivery schedule for each contract to procure MRAP vehicles.

(G) A comprehensive description and explanation of cost and schedule variance, and any deviation from contract terms, how that variance or deviation affects overall program performance, and corrective actions planned to address such variance and deviation.

(H) Recommendations for additional authorities, which if provided to the Secretary, would improve the ability of the Department of Defense to rapidly field MRAP vehicles.

(I) Plans for armor upgrades, and their impact on automotive performance and sustainment.

(J) An explanation of any safety issues or limitations on the vehicles.

(K) Anticipated short and long term sustainment issues, including an explanation of the maintenance concept for sustainment after the initial contractor logistic support period and the projected annual funding required.

(L) A detailed description of MRAP program costs, including research and development, procurement, maintenance, logistics, and end to end transportation costs.

(c) REPORT ON TACTICAL WHEELED VEHICLES STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the near and long term tactical wheeled vehicle fleet modernization strategies of the Army and Marine Corps.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) A description of the impact of the Mine Resistant Ambush Protected vehicle program on the current acquisition strategies and procurement plans of the Army and Marine Corps for the tactical wheeled vehicle fleet, including inventory mix, overall sustainment cost, and logistical and industrial base issues.

(B) Plans for the Joint Light Tactical Vehicle program, including an assessment of the continued validity of previously adopted Key Performance Parameters.

(C) A science and technology investment strategy, including a description of current technical barriers, near and long term technology objectives, coordination of activities of the various military departments, Defense Agencies, and commercial industry entities, and technology demonstration and transition plans to support the Long Term Armoring Strategy (LTAS).

(D) A strategy to fund and execute sufficient developmental and operational test and evaluation to ensure that deployed systems are operationally effective, including a description of the role of the Director of Operational Test and Evaluation in the development and execution of the Long Term Armoring Strategy.

(E) Plans to utilize the Army reset and recapitalization process to maintain the legacy tactical wheeled vehicle fleet.

(d) REPORT ON LONG TERM ARMORING STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms, on the Long Term Armoring Strategy of the Army and Marine Corps.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An estimate of the funding required to execute the strategy.

(B) Specific plans for balancing force protection, payload, performance, and deployability requirements across the range of wheeled vehicle variants.

(C) A science and technology investment strategy, including a description of current technical barriers, near and long term technology objectives, coordination of activities of the various military departments, Defense Agencies, and commercial industry entities, and technology demonstration and transition plans.

(D) A test and evaluation master plan, including a description of the role of the Director of Operational Test and Evaluation in the development and execution of LTAS.

(E) An analysis of industrial base or manufacturing issues related to achieving sufficient and sustainable production rates.

AMENDMENT NO. 3112

(Purpose: To express the sense of the Senate on the Air Force Logistics Center)

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 purpose of the Global Logistics Support Center is to apply an enterprise approach to supply chain management to eliminate redundancies and improve efficiencies across the Air Force in order to best provide capable aircraft to the warfighter.

(5) The Air Force is working diligently to identify means to create further efficiencies in the Air Force logistics network.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should work closely with Congress as the Air Force continues to develop and implement the Global Logistics Support Center concept.

AMENDMENT NO. 3032, AS MODIFIED

On page 91, between lines 13 and 14, insert the following:

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on a date elected by the Secretary of Defense, which date may not be earlier than the date that is one year after the date of the enactment of this Act. The Secretary shall publish in the Federal Register notice of the effective date of the amendments made by this section, as so elected.

(2) REPORT.—Not later than the effective date elected under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary regarding the following:

(A) The appropriate role and mission of the Reserve Forces Policy Board.

(B) The appropriate membership of the Reserve Forces Policy Board.

(C) The appropriate procedures to be utilized by the Reserve Forces Policy Board in its interaction with the Department of Defense.

AMENDMENT NO. 2905, AS MODIFIED

On page 114, between lines 4 and 5, insert the following:

SEC. 583. PILOT PROGRAM ON MILITARY FAMILY READINESS AND SERVICEMEMBER REINTEGRATION.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing assistance and support to the Adjutant General of a State or territory of the U.S. to create comprehensive soldier and family preparedness and reintegration outreach programs for members of the Armed Forces and their families to further the purposes described in section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act.

(2) COORDINATION.—In carrying out the pilot program, the Secretary shall—

(A) coordinate with the Department of Defense Military Family Readiness Council (established under section 1781a of title, United States Code, as added by section 581 of this Act); and

(B) consult with the Secretary of Veterans Affairs.

(3) DESIGNATION.—The pilot program established pursuant to paragraph (1) shall be known as the ''National Military Family Readiness and Servicemember Reintegration Outreach Program'' (in this section referred to as ''the pilot program'').

(b) ASSISTANCE PROVIDED.—The Secretary shall carry out the pilot program through assistance and support.

The Adjutant General of a State or territory of the United States.

(d) PURPOSE OF ASSISTANCE AND SUPPORT.—

(1) The pilot program may develop programs of outreach to members of the Armed Forces and their family members to educate such members and their family members about the assistance and services available to them that meet the purposes of section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act, and to assist such members and their family members in obtaining such assistance and services. Such assistance and services may include the following:

(A) Marriage counseling.

(B) Services for children.

(C) Suicide prevention.

(D) Substance abuse awareness and treatment.

(E) Mental health awareness and treatment.

(F) Financial counseling.

(G) Anger management counseling.

(H) Domestic violence awareness and prevention.

(I) Employment assistance.

(J) Development of strategies for living with a member of the Armed Forces with post traumatic stress disorder or traumatic brain injury.

(K) Other services that may be appropriate to address the unique needs of members of the Armed Forces and their families who live in rural or remote areas with respect to family readiness and servicemember reintegration.

(L) Assisting members of the Armed Forces and their families find and receive assistance with military family readiness and servicemember reintegration, including referral services.

(M) Development of strategies and programs that recognize the need for long-term follow-up services for reintegrating members of the Armed Forces and their families for extended periods following deployments, including between deployments.

(N) Assisting members of the Armed Forces and their families in receiving services and assistance from the Department of Veterans Affairs, including referral services.

(2) PROVISION OF OUTREACH SERVICES.—A recipient of a grant under this section shall carry out programs of outreach in accordance with paragraph (1) to members of the Armed Forces and their families before, during, between, and after deployment of such members of the Armed Forces.

(e) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—An application submitted under subparagraph (A) shall include such elements as the Secretary considers appropriate.

(3) PRIORITY.—In selecting eligible entities to receive grants under the pilot program, the Secretary shall give priority to eligible entities that propose programs with a focus on personal outreach to members of the Armed Forces and their families by trained staff (with preference given to veterans and, in particular, veterans of combat) conducted in person.

AMENDMENT NO. 3027, AS MODIFIED

At the end of title X, add the following:

SEC. 1070. REPORT ON FEASIBILITY OF ESTABLISHING A DOMESTIC MILITARY AVIATION NATIONAL TRAINING CENTER.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report to determine the feasibility of establishing a Border State Aviation Training Center (BSATC) to support the current and future requirements of the existing RC–26 training site for counterdrug activities, located at the Fixed Wing Army National Guard Aviation Training Site (FWAATS), including the domestic reconnaissance and surveillance missions of the National Guard in support of local State, and Federal law enforcement agencies, provided that the activities to be conducted at the BSATC shall not duplicate or displace any activity or program at the C–26 training site or the FWAATS.

(b) CONTENT.—The report required under subsection (a) shall—

(1) examine the current and past requirements of RC–26 aircraft in support of local, State, and Federal law enforcement and determine the number of additional aircraft required to provide such support for each State that borders Canada, Mexico, or the Gulf of Mexico;

(2) determine the number of military and civilian personnel required to run a RC–26 domestic training center meeting the requirements identified under paragraph (1); and

(3) determine the requirements and cost of locating such a training center at a military installation for the purpose of preempting and responding to security threats and responding to crises; and

(4) include a comprehensive review of the number of intelligence, reconnaissance and surveillance platforms needed for the National Guard to effectively provide domestic operations and civil support (including homeland defense and counterdrug) to local, State, and Federal law enforcement and first responder entities.

(c) CONSULTATION.—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Adjutant General of each State that borders Canada, Mexico, or the Gulf of Mexico, the Adjutant General of the State of West Virginia, and the National Guard Bureau.

AMENDMENT NO. 2905

Mr. SUNUNU. Madam President, I rise today in favor of the Sanders amendment, No. 2905, to the Department of Defense authorization bill, which would establish a pilot program aimed at providing essential care and services to National Guard soldiers returning home from duty.

Back in the fall of 2004, the New Hampshire National Guard was one of the first Guard units to recognize the unique difficulties encountered by guardsmen and women returning from combat operations in Iraq and Afghanistan. In response, the Guard led the way in addressing these concerns by establishing its own reunion and reentry program, which employs innovative solutions to cope with the difficult transition to life at home.

Under the reentry program, soldiers and their families receive multiple counseling sessions and an introduction to the array of services available to them within the first 36 hours of returning home. The program works to ensure that servicemembers and their families recognize that they are not alone and that the Guard is committed to providing the care and assistance they need after returning from deployment.

This program has proven to be enormously successful, and has become a model for other States, due in part because it removes the burden of seeking and requesting care from the individual soldier. I am proud of the leadership role New Hampshire's National Guard has taken in combating this very serious problem.

I am pleased the Senate adopted the Sanders amendment to provide support that will allow other States to establish programs similar to New Hampshire's.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, at this juncture, I think the Senator from Michigan and I might commend our staffs for doing a lot of diligent work through a good part of the weekend to achieve this package of amendments. I think this adds up to about 180 amendments we have done now. So much of that work is done by our magnificent professional staff, many of whom have been on the Armed Services Committee for numbers of years.

Mr. LEVIN. Mr. President, I thank my good friend, Senator WARNER, for that suggestion. This is a good moment to do that before we have a vote later on the bill. Our staffs, as always, put in an amazing amount of time—in the evenings, mornings, over weekends—in order for us to get through hundreds of amendments.

Actually, the Senator is right. I think there were 180 cleared amendments and about 35 amendments that

have been disposed of separately one way or another.

Mr. WARNER. Mr. President, over 180 amendments.

Mr. LEVIN. So I do not know if we set a record because my good friend from Virginia probably is the record-holder—and probably more than once. But, I say to the Senator, we are going to try to get to where you have been. We are going to try harder.

Mr. WARNER. Well, where have you been?

Mr. LEVIN. With you every time. But when you were chairman and you—

Mr. WARNER. We have both been chairman of this committee, Mr. President, three times.

Mr. LEVIN. One time each, I think, for 18 days.

But, in any event, I thank our staffs.

I thank my friend for raising this issue.

Mr. WARNER. Mr. President, I thank the indulgence of our distinguished Presiding Officer and suggest the absence of a quorum.

I withhold the request.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I, too, join in thanking our chairman and ranking member, Senator LEVIN and Senator WARNER, for all of their cooperation during the consideration of a number of amendments we have offered these past days. It is typical of their service and their thoughtfulness. They are serious legislators. We are fortunate to have them dealing with these issues of such importance and consequence for our national security. I am grateful to them both.

I wish to take a few moments.

Mr. WARNER. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. Yes.

Mr. WARNER. Mr. President, the Senator from Massachusetts has been on this committee for more than two decades, and there is no one who works harder and more diligently. I wish there were more programs on which we had a concurrence of philosophy and policy, but nevertheless I say to the Senator, you are a very prodigious worker.

Mr. KENNEDY. Mr. President, I thank the Senator.

Mr. LEVIN. Mr. President, if I could add one word on that subject, the Senator from Massachusetts is not only about as diligent a Senator as one can imagine, but he has had great success on this particular bill. I do not know how he manages to keep all the balls in the air that he does, including the CHIP program, immigration, and so many other issues. But he has had an extraordinary success on this particular bill, and it is a real tribute to him—this bill—for many reasons.

Mr. KENNEDY. Mr. President, I thank the Senator.

Mr. President, as was described earlier on the floor with the chairman of the committee, on last Friday, there are important provisions dealing with refugees, particularly the select refugees who have been the ones who have been so associated with the American effort in Iraq.

We have differences in this body on the overall policy in Iraq, but I think all of us admire those extraordinary individuals who worked, in many instances, as translators for the American servicemen and risked their lives. Many of them lost their lives in this effort. A number of others who had worked with American forces now have their lives threatened, for which there is a sense of urgency. The amendment was accepted by both Senator LEVIN and Senator WARNER. We are hopeful it will result in saving lives. Also, there are individuals who, by their religious beliefs, were being persecuted as well.

So this was a small amendment, but it will make a big difference. I thank them for their help and assistance on that amendment and a number of other items on our hate crimes legislation, and others.

AMENDMENT NO. 3058

Mr. President, one of the pending amendments is the amendment offered by Senator MIKULSKI and myself, and that is an amendment that affects workers. In this case, we are talking about Defense Department workers. Of those 640,000 Defense Department workers, we are talking about a third of those workers who have proudly served in the Armed Forces of our country. They have worn the uniform of our country, acquired various skills, and then have come back and now are serving in the Defense Department in a wide variety of areas—in information and information technologies, in supplies, in technology and safety equipment—a wide variety of areas. They are using their skills—which they had—their patriotism, their dedication to service to this country and are doing so with great skill and determination.

It means a lot to those who are in the Armed Forces to know they have a backup, first of all by their families, but secondly by skilled men and women who are going to make sure they have the best in technology, the best in terms of equipment, and that they are going to be able to do their job in the way they were trained. Those are the Defense Department employees.

Now, we have found in recent times as to those employees that their futures have been put at risk. They have been put at risk because of a change in the rules and regulations for what they call outsourcing, the bidding for various contracts. These workers are highly skilled, highly professional, and they are prepared to compete on a level playing field with any group of workers—public or private sector—and do so, and do so well, do it skillfully, and also do it in a way that is going to save the American taxpayer resources. But what is added to the bid in various contracts is the fact that these Federal employees have health insurance and also have some retirement benefits.

In this country now we are facing a health care crisis. We hear Democratic candidates for President talk about it, Republican candidates talk about it, business leaders, leaders of the trade union movement talk about it. We were spending $1.3 trillion 6 years ago; we are now spending $2.3 trillion. We have increased the spending by $1 trillion, and 8 million Americans have lost their health insurance—8 million. It would be more than that if we didn't have the SCHIP program. That is another issue for another time, when it will be more than that.

So we are in real danger of seeing middle-class families lose both their retirement in terms of their pensions, as well as their health insurance. Now we have the regulations of the Department of Defense that are accelerating that. Effectively, what they are saying is, if we have good competition between the government bid and the private bid, the fact that we have health insurance and retirement, it is going to make the total cost somewhat higher and therefore the award will go to the private bid. This is sending a powerful message to these private contractors: Don't even think of providing any services, health care, for the families of your workers. Don't think about retirement. Don't think about anything because you can win contracts against those who are working in the Defense Department who are providing those benefits. That is basically unfair.

This competition ought to be for the cost of providing the services. Who can do that more efficiently? We don't want to rush to the bottom—a race to the bottom—and that is what we are having at this time, and that is wrong. That is wrong, and it is unfair. If we continue that, we are going to find out we are going to have not tens of thousands, but we are going to have hundreds of thousands of people who are going to see that their insurance is lost.

This isn't just the employees. If we look at the private contractor, one private contractor was going for a bid, another was bidding for it, and at the present time, if that were the circumstance today, the responsible contractor who is looking out for their employees with health insurance for the families and with a retirement program, they would be somewhat higher than the cost of providing service by the irresponsible contractor, and they would lose out. So it isn't only the workers who are working in the Defense Department but also responsible contractors who are providing services for their employees and who respect their employees.

If we don't accept this amendment, we are going to see a continuing rush to the bottom where it is going to be virtually impossible to get these independent contractors to provide any of the kinds of services to these families who are working in this country. That isn't what we ought to have in terms of the Defense Department rules.

Finally, as I pointed out earlier, but it is worth mentioning again, some of the other provisions that basically work for the unfairness of those who are working in the Defense Department. If there is an unfair decision, the private contractors can appeal that, but the workers over here cannot. That isn't fair. This amendment is about fairness, treating people fairly.

Renew a contract without recompetition, they can do that. Private contractors can do it, but if the Federal workers have that contract, they can't do it. We find out for the most competitive bid, there are administrative rules and regulations that prohibit Federal employees from getting the lowest competitive bid. They know how to do it, they want to do it; nonetheless, they are denied the opportunity to do it.

Then we have these quotas that are set by OMB, which is not right. They establish so many contractors and so much is virtually prohibited, but it has grown into a practice at the present time.

So this amendment is very much about fairness. It is about how we are going to treat people who are part of the whole Defense establishment. And they are these workers, and they are indispensable. A great percentage of them have been a part of the military and have served with great distinction for many years. They want to continue that sense of patriotism, continue that sense of service, continue that sense of giving. The men and women who are in the Armed Forces know they can rely on the quality of the work that the individuals do because these individuals are highly motivated, highly trained, have been in the service, many of them have served for many years, come out of the service, have skills, and say: What I would like to do for the rest of my career is to be able to continue to give support to those who are on the front lines, and they do it. They do it with great distinction, and they do it with great expertise and with extraordinary patriotism.

All they are asking for is to have a fair system, to give them a fair shake. Give them some respect. Give them the respect they deserve, that they should have. Give some respect for their families as well.

So I hope very much we will have good support for this amendment. As I mentioned earlier in those particular provisions that we put up about disparities between the private contractors and the employees, we have had strong bipartisan support for just about every one of those provisions, but they have been put on appropriations in the past, and therefore at the time the appropriation expires, these provisions expire. Now we are back to try to revisit this once again. So there is a strong and compelling reason for this amendment.

I thank Senator LIEBERMAN and so many of our cosponsors, including Senator MIKULSKI who has spoken so well and who has been such a strong advocate, and so many of our colleagues who have supported the different provisions on both sides of the aisle. Hopefully, we will have a strong vote in an hour from now for those workers.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. 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. MCCASKILL. Mr. President, I rise to support the Kennedy amendment because, frankly, it makes fiscal sense. There has been in this administration a rush to contract. They never saw any function of government that somehow they didn't believe would be better off in the private sector. I am not opposed to privatization just for the sake of being opposed to privatization. I have no problem with contracting, if it is going to save taxpayers' money and we are still going to get quality work on behalf of taxpayers from those contractors working in government. But if we have learned anything over the last 6 years, we have learned that you don't always get a good deal when you contract.

I know we have spent a lot of time talking over the last few weeks about the contracting that went on in Iraq, and I will not dwell on that here, but it is exhibit A of how badly government sometimes does in the name of saving money when it enters into private contracts.

So what this amendment says is pretty simple, and it is kind of what auditors say over and over again until people want us to be quiet; that is, compete, compete, compete. Not only should these contracts be competitive among potential contractors, they must be competitive with the government workers who are currently doing the work. There have been many examples of where, in the name of saving money, someone was hired to do the job, and it ended up costing us more than had the government employees remained on the job. That is just the basics of this amendment.

This is nothing new. This has been in a number of Defense appropriations bills, and it is in effect for the Department of Defense. The A–76 rule, which this is called, is now currently the law within the Department of Defense. This will extend it, codify it, make it uniform across the Federal Government. If you are going to contract out, then the employees have a right to participate in that competition. And if the employees of government can show they can do the job, as they have been doing, and they can do it for less money than the private contractor, then they should get the award in that particular competition.

This is a way to not only make sure we are not getting rid of the expertise we have in government, it is also a way to reinforce how important competition is. We have had competitions that have masqueraded as real competitions in this administration a number of times. This will make sure we are getting the best value for that very precious taxpayer dollar. They are going to have to demonstrate that the contract is going to save money in order for the contract to be put out to a private entity as opposed to government employees.

I think it is a very solid amendment in terms of watching out for taxpayer money. I know it is characterized that this is to protect government employees. It is not. It is called protecting taxpayers' money. That is why I think this amendment is so important. That is why I hope my colleagues will join together to strike another blow on behalf of fiscal accountability and making sure we treat taxpayers' money with respect and deference and making sure we are spending it very wisely.

I yield the floor.

Mr. LEVIN. Mr. President, I wish to rise in support of the pending amendment by Senator KENNEDY on public-private competition. Sometimes this amendment is described as the Kennedy-Mikulski or the Mikulski-Kennedy amendment. Both Senators deserve a great deal of credit for their support.

The Department of Defense has allowed its workforce of civilian employees to atrophy to the point of a human capital crisis. Since fiscal year 2000, the number of contractor employees under DOD service contracts has roughly doubled, while the number of DOD civilian employees has remained virtually unchanged. As a result, the Department of Defense has found in area after area—acquisition management, financial management, even security and intelligence—it must now rely upon contractors to perform functions that were formerly performed by Federal employees.

These adverse trends have been exacerbated by an administration that has consistently pushed to have more Federal work performed in the private sector. In 2001, the Office of Management and Budget established a goal of subjecting half of the work performed by Federal employees to private sector competition within 4 years. While the administration subsequently backed off of this Government-wide goal, OMB continues to establish agency-specific goals, and to grade agencies on their performance in converting work to private sector performance.

The Kennedy-Mikulski amendment would end this artificial effort to drive contracts to the private sector by codifying a commonsense set of rules that govern competition between Federal employees and private contractors.

Some of these rules have already been enacted through appropriations acts in previous Congresses. The Kennedy-Mikulski amendment would make these rules permanent law. Others have

already been enacted for the DOD. The Kennedy-Mikulski amendment would make these provisions Government-wide.

I wish to focus on one provision of the amendment which addresses a fundamental element of fairness in competition between the private and public sectors. OMB circular A–76, which governs public-private competitions, establishes rules for what happens after one side or the other wins a competition. If the private sector wins a competition, the work stays in the private sector forever. If the public sector wins, however, the work must be subject to a new competition within 5 years. Attachment B to OMB circular A–76 specifically states that if the public sector competitor wins a competition, ''an agency shall complete another . . . competition of the activity by the end of the last performance period'' in the performance agreement.

This rule is fundamentally unfair. It also undermines the morale of Federal civilian employees by contributing to the view of civil servants as second-class citizens. At a time when the Department of Defense should be recruiting thousands of new civilian employees to address a human capital crisis, the rule is clearly contrary to the Department's own interests.

The Kennedy-Mikulski amendment would address this problem by stating that OMB may not require the Department of Defense to conduct a new public-private competition within any specified period of time after the public sector wins a competition. That is the right answer. DOD's human capital policies should be driven by the Department's human capital needs—not by arbitrary policies established by the Office of Management and Budget. So I hope our colleagues will support the Kennedy-Mikulski amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, last week, the Senate adopted a historic amendment offered by Senators WEBB, MCCASKILL, and others, to establish an independent commission to review the many problems with fraud, waste, and abuse that have arisen in Iraq relative to contracting and to give us recommendations on how we can avoid similar problems in the future. I wish to commend the Senators that were involved in this effort for the leadership they showed in drafting this amendment and getting it adopted by the Senate.

The Department of Defense faces huge problems in its acquisition system today. Over the last few years, we have seen an alarming lack of acquisition planning across the Department; the excessive use of contracts that make open-ended commitments of DOD funds; and a pervasive failure to perform contract oversight and management functions necessary to protect taxpayers' interest. These problems have been particularly acute in Iraq and Afghanistan, but they are in no way limited to Iraq and Afghanistan.

The contracting commission established pursuant to the Webb-McCaskill amendment should help us identify the sources of these problems and provide us with constructive recommendations to avoid similar problems in the future.

In addition to the commission language adopted last week, there are significant acquisition reform measures already in this bill, as it came to the floor, that will make improvements in the DOD acquisition system and to wartime contracting. Taken together, these provisions will make the bill that is now before the Senate, by far, the most significant acquisition reform measure to be considered by Congress since the enactment of the Federal Acquisition Streamlining Act and the Federal Acquisition Reform Act more than 10 years ago.

For example, section 821 of the bill would require increased competition in large ''umbrella contracts'' awarded by the Department of Defense. The Senate Armed Services Committee held a hearing in April on the Department of Defense management of the $20 billion so-called LOGCAP contract, under which a company called KBR—until recently, a subsidiary of Halliburton—has provided services to U.S. troops in the field.

Here are some of the things we learned in our hearing:

The company was given work that appears to have far exceeded the scope of the contract; all of this added work was provided to the contractor without competition; the contractor resisted providing us with information that we needed to monitor and control costs; there were almost $2 billion of overcharges on the contract; and the contractor received highly favorable settlements on these overcharges.

When asked why the Army had waited 5 years to split the massive LOGCAP contract among multiple contractors, allowing for greater competition of the work to be performed under the contract, the Assistant Secretary of the Army for Acquisition, Technology, and Logistics gave the following answer: ''I don't have a good answer for you.''

The provision in our bill would avoid the kind of abuses we get in sole-source contracts by ensuring that future contracts of this type provide for the competition of task and delivery orders unless there is a compelling reason not to do so. If our language stays intact, we should never again see the kind of abuses which existed with the Halliburton-KBR umbrella contracts.

Similarly, section 871 of the bill would require tighter regulation and control over private security contractors operating in areas of combat operations. Over the last 4 years, there has been a number of reports of abuses by private security contractors operating in Iraq. There have been allegations, even films, of contractors shooting recklessly at civilians as they drive down the streets of Baghdad and other Iraqi cities. Some of these contractors work for the Department of Defense, but many others work for other Federal agencies or for contractors of other Federal agencies.

Most recently, the Iraqi Government has complained about an incident in which employees of Blackwater allegedly opened fire on innocent Iraqis in downtown Baghdad. According to published reports, Blackwater employees shot into a crush of cars, killing at least 11 Iraqis and wounding 12. Blackwater officials insist their guards were ambushed, but witnesses described this shooting as unprovoked, and Iraq's Interior Ministry has concluded that Blackwater was at fault.

Last week, the Washington Post reported that senior military officials are deeply concerned about this shoot-out and other similar incidents which could undermine our efforts to combat terrorists and insurgents in Iraq. This is what the Washington Post article reported:

> ''The military is very sensitive to its relationship that they've built with the Iraqis being altered or even severely degraded by actions such as this event''. . . .
>
> ''This is a nightmare,'' said a senior U.S. military official. ''We had guys who saw the aftermath, and it was very bad. This is going to hurt us badly. It may be worse than Abu Ghraib, and it comes at a time when we're trying to have an impact for the long term''. . . .
>
> In interviews involving a dozen U.S. military and government officials, many expressed . . . concern over the shootings. . . .
>
> ''This is a big mess that I don't think anyone has their hands around yet,'' said another U.S. military official. ''It's not necessarily a bad thing these guys are being held accountable. Iraqis hate them, the troops don't particularly care for them, and they tend to have a know-it-all attitude, which means they rarely listen to anyone—even the folks that patrol the ground on a daily basis.''
>
> ''Their tendency is shoot first and ask questions later,'' said an Army lieutenant colonel serving in Iraq. Referring to the September 16 shootings, the officer added, ''None of us believe they were engaged, but we are all carrying their black eyes.''
>
> ''Many of my peers think Blackwater is oftentimes out of control,'' said a senior U.S. commander serving in Iraq. ''They often act like cowboys over here . . . not seeming to play by the same rules everybody else tries to play by.''

The provision in our bill would address this problem by ensuring that the Department of Defense and its combatant commanders are in a position to regulate the conduct of all armed contractors in the battle space, regardless of whether they are employed under contracts of the Department of Defense or other Federal agencies. Under the provision in our bill, private security contractors employed by any Federal agency or any contractor or subcontractor for a Federal agency would be

required for the first time to comply with DOD rules on the use of force and with orders, directions, and instructions issued by combatant commanders relating to force protection, security, health, safety, or relations and interaction with local nationals.

Other provisions in our bill would provide added protection for contractor employees who blow the whistle on fraud, waste, and abuse. They would require the DOD to conduct a comprehensive analysis of the billions of dollars it spends every year to purchase contract services. Our bill will tighten rules for the acquisition of major weapons systems; ensure that we get fair prices when we purchase spare parts for those weapons systems; enhance competition requirements for products purchased from Federal prison industries; and address abuses of undefinitized contract actions.

The root cause of these and all the other problems that we read and hear so much about, or at least most of the other problems, in the defense acquisition system is our failure to maintain an acquisition workforce with the resources and skills that are needed to manage the Department's acquisition system.

Earlier this year, the Acquisition Advisory Panel, chartered pursuant to the National Defense Authorization Act for fiscal year 2004, reported that ''curtailed investments in human capital have produced an acquisition workforce that often lacks the training and resources to function effectively.'' And they went on:

> The Federal Government does not have the capacity in its current acquisition workforce necessary to meet the demands that have been placed on it.

The failure of Department of Defense and other Federal agencies to adequately fund the acquisition workforce, the panel concluded, is '''penny-wise and pound-foolish,' as it seriously undermines the pursuit of the good value for the expenditure of public resources.''

Senior DOD officials have recognized the deficiencies in the defense acquisition workforce, but they have been unable to obtain significant funds that are needed to remedy the problem. Section 844 of our bill will address this issue by establishing an acquisition workforce development fund to enable the Department of Defense to increase the size and quality of its acquisition workforce. In the first year, we will provide roughly $500 million for this purpose. It is a large sum of money, but it is a small investment to ensure the proper expenditure of more than $200 billion of taxpayers' money every year.

We look forward to working with the House conferees after we pass our bill, hopefully this evening, to make these important provisions on acquisition reform and the acquisition workforce the law of the land.

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

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Madam President, I want to speak on final passage of the bill. We are going to have that vote shortly. What is the parliamentary procedure we are in?

The PRESIDING OFFICER. The Senate is currently considering the Kennedy amendment to the bill.

Mr. NELSON of Florida. Madam President, if I may be recognized, I will use these remarks to tell the Senate that it has been a pleasure to work with the chairman of the full committee, Senator LEVIN, who has consistently given this Senator free rein as the chairman of the Strategic Subcommittee of the Armed Services Committee.

What it looked like last winter was that all the thorny issues of nuclear weapons and the follow-on nuclear weapons and the question of national missile defense, the strategic posture of the United States, would get us all wound up around the axle. But it didn't turn out that way, and I want to give credit to my colleague, Senator SESSIONS, the ranking member of our subcommittee, for working with me and the members of the committee in resolving these issues. What we worked out in subcommittee, basically, is what is in the bill.

Although the administration would like to go ahead and start building national missile defense sites in Eastern Europe, the fact is, they haven't even worked it out with the countries involved in Eastern Europe. So what we did was we put a fence around any funding other than the acquisition and the preparation of the land for such a site.

At the end of the day, there is going to have to be continued research and development should the need arise for locating those missiles in Eastern Europe because they are not the same version that is in the silos in Alaska. That is a three-stage version; this is a two-stage version. And it is not the same missile or rocket; therefore, it has to go through all of its subsequent testing.

Now, General Obering just had a successful test a couple of days ago, and for that we want to congratulate him, but if the threat is the Shahab missile from Iran shooting into Europe or into the United States with a nuclear weapon on top of the rocket, if that is the reason to have national missile defense in Eastern Europe, well, we just simply don't know that Iran is going to have that capability. And as we continue to look at this on down the road, that is going to be an evaluation as to whether at the end of the day we are going to need that national missile defense in Eastern Europe. But since we don't know all those answers, we have provided in this bill that if they concluded the agreement with those Eastern European countries, they can go about the process of acquiring the land, the site, and the preparation of the site.

We also noted in our committee that they have not had tremendous success with the airborne laser, and of the approximately $.5 billion that they wanted to continue that program, we cut that program by $200 billion and used that money elsewhere, in kinetic energy intercepts on the boost phase of an intercontinental ballistic missile.

So those are just some of the things in here, and I want to thank all the parties who worked with us to get a bipartisan resolution, which is the way a Defense bill ought to be managed and ought to be passed, and we have that this year, and I am very grateful.

Now, there is another part in here that Senator LEVIN and the ranking member of the full committee approved, and I want to thank him for that. That is the question of widows and orphans. Current law is that a servicemember pays for survivors benefits. They pay once they retire, and they pay for that benefit. It is like an insurance policy. On the other hand, there is another body of law in the Veterans' Administration where there are survivors benefits for widows and orphans. When the servicemember passes away, those two eligibilities, under current law, cancel out each other, and that is not the way we ought to be treating widows and orphans.

It was no less than President Lincoln who said, in his second inaugural address, that the mark of a country is how it treats the victims of war, the widows and orphans. And taking care of the widows and orphans, in fact, is a cost of defense. It is a cost of doing business in defense. Just like you buy tanks and airplanes and guns and materiel, and so forth, taking care of not only the veterans is a cost of war, but taking care of their survivors is a cost of war too. This Nation has long canceled out those two eligibilities, and it is time for us to change this.

Because we were down at the end of our discussion of this bill last week, I did not ask for a rollcall vote, as I had last year. Of course, the rollcall was something like 95 to 3 in favor of the widows and orphans, and we would have gotten some kind of a vote like that again. I was trying to accommodate my chairman and the ranking member in the crush of business, and they were kind enough to put it into the managers' package. So this will become a conference item, where it is always a question about money. A few years ago it was estimated that it would cost an additional $9 billion over 10 years. That is now down to somewhere in the range of about $7 billion or $8 billion over 10 years. So when we get into the conference committee, this Senator is going to try to find how

we can get conferees to accept this provision.

So I come to the floor of the Senate to congratulate Senator LEVIN and Senator WARNER, acting in the stead of Senator MCCAIN as the ranking member. What a pleasure it has been to deal with these gentlemen for the last 7 years as a member of this committee.

Madam President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Michigan.

Mr. LEVIN. Madam President, first, let me commend the Senator from Florida. As chairman of the Strategic Subcommittee, with his ranking member, the members of that subcommittee have worked through some of the most difficult and thorny issues we faced on this bill this year, and he identified a few of them. He very modestly gives credit to others, but, truly, Senator NELSON deserves most of the credit for working out those very difficult issues on a bipartisan basis.

As a passionate defender of what we should do as a country for the survivors of those men and women we lose in war, I can only assure him we are going to do everything we can possibly do in conference because I assume that had that been brought to a rollcall vote, it would have been unanimous or nearly unanimous on the floor of the Senate. We appreciated his willingness to have that go as part of the managers' package, but for the purpose of that conference, I can assure my dear friend from Florida that there is an assumption on our part that would have been a unanimous or near unanimous vote by the Senate and so, obviously, it is the right thing to do.

I also have a longer statement later—because 5:30 has arrived—about our work as a committee, the subcommittee chairs, the ranking members, and the staff. I will save that statement for after our vote on final passage, which will come immediately after the vote on the Kennedy-Mikulski amendment, but I wanted to add that quick comment.

Mr. WARNER. Madam President, I wish to associate myself with the remarks of our colleague and Senator SESSIONS, the ranking member. I can remember the days on the authorization bill when we would spend a week or more on the one issue, missile defense. I think both sides have pretty well reconciled that the present posture of the program is about where it should be.

Mr. LEVIN. I thank the Senator for that. The hour of 5:30 has arrived. I ask unanimous consent that the Kennedy-Mikulski amendment, No. 3109 be withdrawn and that there be 2 minutes of debate at this time prior to a vote in relation to the Kennedy-Mikulski amendment, No. 3058; that no amendment be in order to the amendment; that no further amendments be in order; that the debate time be equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to amendment No. 3058; that upon disposition of that amendment, the substitute amendment, as amended, be agreed to and that the Senate then vote on the passage of H.R. 1585; that all other provisions of the previous order relating to H.R. 1585 remain in effect and that on Tuesday, October 2, following a period of morning business, the Senate proceed to the consideration of Calendar No. 353, H.R. 3222, the Defense Department Appropriations Act.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

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

Amendment No. 3109 is withdrawn.

AMENDMENT NO. 3058

There are now 2 minutes of debate on the Kennedy amendment.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I seek recognition in these 2 minutes seeking support on this amendment, joined by my colleagues, KENNEDY and AKAKA, who spoke Friday about why this amendment is important. It is important that this amendment be on this bill because we all remember the Walter Reed scandal. Remember the Walter Reed scandal, mold in the hotel and all that? I spoke on this floor more than a year and a half ago, with Paul Sarbanes, for an amendment that tried to deal with the contracting out at Walter Reed. I lost that amendment on the floor by two votes.

We went from 300 employees to 50 employees, and we only saved money after they had 6 different attempts to make sure they had contracting out. Let me tell you, if you want no more Walter Reeds, you want the Kennedy-Mikulski-Akaka amendment. This amendment saves taxpayers money. It says that any attempt at contracting out must save $10 million or 10 percent, so we meet the taxpayer mandate. It eliminates privatization quotas. If you are against quotas and OMB bounty hunters, this amendment is for you. If you want to make sure our contractors have healthy retirement benefits as part of the contract, this amendment is for you.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, the Kennedy-Mikulski amendment is intended to cause the A–76 process to become so cumbersome and expensive it would effectively eliminate the ability of the Federal Government to conduct any future A–76 competitions. What it specifically does is it mandates private contractors match Government health and retirement benefits.

DOD alone has saved taxpayers over $5 billion as a result of competitions completed between fiscal year 2001 and fiscal year 2006. DOD expects these savings to grow to over $9 billion after the completion of all planned competitions initiated in fiscal year 2007 are completed.

Right now the Government bidders win over 80 percent of the competitions. This can hardly be characterized as an unfair process, as supporters of this amendment portray it. It is designed to save taxpayer dollars. It has—$5 billion over the past 5 years.

This amendment makes it so cumbersome, by mandating the private contractors match Government health and retirement benefits, that the A–76 process will be completely undermined.

I urge my colleagues to vote against this amendment.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Madam President, is a request for a quorum call in order at this time?

The PRESIDING OFFICER. It is in order. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment.

The yeas and nays have been ordered and 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), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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 51, nays 44, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—51

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

NAYS—44

Alexander	Burr	Corker
Allard	Chambliss	Cornyn
Barrasso	Coburn	Craig
Bennett	Cochran	Crapo
Brownback	Coleman	DeMint
Bunning	Collins	Dole

Domenici	Inhofe	Sessions
Ensign	Isakson	Shelby
Enzi	Kyl	Smith
Graham	Lott	Stevens
Grassley	Lugar	Sununu
Gregg	Martinez	Thune
Hagel	McConnell	Vitter
Hatch	Murkowski	Voinovich
Hutchison	Roberts	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	McCain	

The amendment (No. 3058) was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

Ms. MIKULSKI. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WYDEN. Madam President, I rise today to thank my colleagues for their robust debate about this important piece of legislation.

I would also like to highlight a provision included in this bill based on the Stop Arming Iran Act, which I introduced in January of this year. The provision seeks to end the Iranian Government's acquisition of sensitive military equipment by blocking the Pentagon's sale of F–14 fighter jet parts.

It is the sensitive job of the Department of Defense to demilitarize and auction off surplus military equipment. However, recent investigations and reports have uncovered a frightening trend regarding the sale of F–14 Tomcat aircraft parts. U.S. customs agents have discovered F–14 parts being illegally shipped to Iran by brokers who bought F–14 surplus equipment from Department of Defense auctions.

Other than the United States, Iran is the only nation to fly the F–14. The United States allowed Iran to buy 79 F–14s before its revolution in 1979. Fortunately, most of Iran's F–14s are currently grounded for lack of parts. As the F–14 is retired from active service in the United States, a slew of parts are about to be processed by the Pentagon.

We know that Iran is pursuing a nuclear weapons capability. We know that the Department of State has identified Iran as the most active state sponsor of terrorism. We know that the sale of spare parts for F–14s could make it more difficult to confront the nuclear weapons capability of Iran. And yet F–14 parts are still being sold by the DOD.

Iran's F–14s, especially with the parts to get more of them airborne, greatly strengthen its ground war potential, harming our national and global security. Our country should be doing everything possible to deny the brutal regime in Tehran access to spare parts for their F–14 fleet.

The Department of Defense will tell you that it is already taking action to control the sale of F–14 parts. They now say that every F–14 part is frozen and cannot be sold. However, they will not commit to keeping this freeze in place and admit that the Pentagon can choose to rescind or make exceptions to this policy at any time. I have identified three large-scale changes to the Pentagon's policy on F–14 parts in just the last year. And history has shown us that these rules are not enough.

The Department has been caught still selling F–14 parts, even when its rules forbid it. It has sold F–14 parts to companies that have turned out to be fronts for the Iranians. More recently, the DOD sold sensitive technology, including classified F–14 parts, to undercover GAO investigators.

This provision will make it crystal clear to the Department of Defense that it may not sell any F–14 parts to anyone for any reason. There should be no chance for the parts to make their way to the Iranians.

I am very encouraged that both the Senate and House Armed Services Committees have included the Stop Arming Iran provision in both versions of the Defense authorization bill. I commend my colleagues for allowing this important legislation into today's bill.

The provision fixes a very specific but very important problem: the sale of F–14 components to a state sponsor of terrorism. We cannot—and with the passage of this bill, we will not—allow that to happen.

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

• Mr. DODD. Madam President, I wish to explain my vote against ending debate on the Defense authorization bill. I voted this way for two simple reasons—first, this bill does not do anything to end the war, and second, it does not provide adequate support for the families of our returning wounded warriors.

A few weeks ago, I filed an amendment based on a key recommendation of the Dole-Shalala Wounded Warriors Commission—to expand the Family and Medical Leave Act to allow the families of wounded military personnel to take up to 6 months of unpaid leave to care for their loved ones. Now, because the Senate voted to shut off debate, this critically important amendment will not be considered. Such an expansion of the FMLA is of the utmost importance to our wounded warriors, and I will ask at the end of my statement to have a letter from Senator Bob Dole to Chairman LEVIN and Ranking Member MCCAIN, detailing the tremendous importance of this provision, be printed in the RECORD.

On September 11, 2007, I announced that I would not support legislation dealing with Iraq unless it included a firm and enforceable deadline for withdrawing U.S. combat forces from Iraq—one linked to an explicit cut off of funds after a date certain. Sadly, Republican stalling tactics made it impossible for such a provision to receive an up-or-down vote under regular Senate procedures. Therefore, I could not, in good conscience, call for an end to debate on a bill that has not addressed that issue or the hardships our soldiers and their families face both at home and abroad, and the very security of our Nation.

That said, I commend Chairman LEVIN and Ranking Member MCCAIN for their hard work in making sure this legislation does include many beneficial and important provisions, such as a 3.5-percent pay raise for our men and women in uniform and additional funding to purchase Mine Resistant Armor Protected vehicles. These are important steps in making sure our Armed Forces are appropriately compensated and equipped to defend our Nation. But as long as another year passes without an effective plan to end the war and support our military families, I am afraid that this Congress's work will be incomplete.

Madam President, I ask to have the letter to which I referred printed in the RECORD.

The letter follows.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.
Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN, I would like to thank you, once again, for your continued efforts to improve the treatment of our returning combat troops, exemplified by your shepherding of the Wounded Warrior Assistance Act of 2007 through the Senate in July. This important measure provided a good first step; but as you know, much more remains to be done and I appreciate your willingness to consider the recommendations made by the President's Commission on Care for America's Returning Wounded Warriors.

As you know, I, along with former Secretary of Health and Human Services Donna Shalala, recently released the findings of the Commission. One specific finding of this report is currently pending as an amendment to the National Defense Authorization Act currently being debated on the Senate floor. Notably, the Dodd-Clinton-Dole-Graham amendment (S. Amdt #2647) increases Family and Medical Leave Act (FMLA) job protection benefits to the families of our injured soldiers from the current 12 weeks to 6 months. These families are facing significant challenges to help their loved ones heal, and the last thing they need to worry about is losing their jobs in the process.

There are two very critical points to be made with respect to this recommendation by the Commission. First, the use of already existing FMLA authority is vital to minimizing the delay in implementation of this needed benefit. The FMLA has existed for 14 years and has a proven track record of success. It is understood by those using the benefits, those charged with its oversight, and the employers working within its framework. Second, the length of the benefit has been carefully crafted to best balance the impact on employers on one side and the average time it takes for most injured personnel to regain self-sufficiency. While other pending amendments have either sought to depart from the existing FMLA structure by using other legislative vehicles not intended to extend to families of service members such as the Uniformed Services Employment and Reemployment Rights Act (USERRA), or extended job protection benefits beyond six months, neither are supported by the Commission's findings and may actually hinder the efforts to implement the Commission's work.

The Administration will have a different approach, but it will be some time before the Administration's comprehensive proposal will be acted on.

Thank you for your consideration of this important legislation. I know that you share my belief that it is essential that we supply all necessary and prudent tools to our military families to deal with the hardships of helping their wounded warriors regain self-sufficiency following a severe injury. The Dodd-Clinton-Dole-Graham amendment passes this test. If I may be of any further assistance, please feel free to contact me.

God Bless America,

BOB DOLE.●

Mr. BYRD. Madam President, I will vote against H.R. 1585, the National Defense Authorization Act. I support many of the provisions in this bill, which authorizes the activities of the Department of Defense, including important research, development and procurement funding to improve our Armed Forces and the operations and maintenance funding necessary to ensure the smooth running of the military services over the coming year. I support these activities, which not only benefit those servicemembers currently serving overseas in Afghanistan and Iraq, but also help build a strong and effective military for the future. I applaud the fine work of Senator LEVIN and the Committee on Armed Services for their efforts in putting together a bill that is, in most ways, a good piece of legislation.

However, H.R. 1585 also includes title XV, which provides authorization for the funding of continued operations in Iraq for the coming year. In my view, this provision constitutes a ''poison pill.''

I have stated before that the Congress should not continue to write blank checks for the prosecution of this apparently endless war in Iraq. That is what title XV does. In effect, it provides a congressional authorization to fund the continuation of President Bush's policy in Iraq for another year, without any strings attached. I offered an amendment to clarify that nothing in the bill constitutes a specific authorization for U.S. troops to remain in Iraq, but the committee was unable to clear the amendment. Other amendments offered to the bill that would have placed limits on the number of troops or otherwise limited the mission of U.S. forces in Iraq were defeated during the floor debate on H.R. 1585. This is regrettable.

Continuing to prosecute this war at the current rate is straining our military to the breaking point. Many units and individuals are enduring their third and fourth rotation to Iraq, and because no limits have been placed on the mission or force levels, there is no end in sight. More and more military analysts are warning that the U.S. Armed Forces are at risk for becoming a 'hollow force,' as happened after the Vietnam conflict. That is irresponsible, and it puts our Nation at risk.

There are no provisions in this bill to require the U.S. President or the Iraqi government to meet any benchmarks or withdraw any troops, or even to put limits on sending still more troops to Iraq, if any could be found. It is time for Congress to start reining in this runaway horse, before our military is completely exhausted and our nation made vulnerable.

I support our troops. I do not want them to lack for anything needed to do their job or to keep them safe. But I cannot and will not agree to leave them in Iraq forever, with no limits placed on their mission, no provision to ensure that they at least get as much time at home as they do on the battlefield, with no benchmarks or goals set for the Iraqi Government that might trigger a return of our troops, and no assurances by our commander in Iraq that this war is making the United States any safer. That is a bitter poison pill I cannot swallow.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, as amended, is agreed to.

The amendment (No. 2011), as amended, was agreed to.

The PRESIDING OFFICER. The question is on engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. LEVIN. Madam 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

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

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 359 Leg.]

YEAS—92

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

NAYS—3

Byrd	Coburn	Feingold

NOT VOTING—5

Biden	Dodd	Obama
Clinton	McCain	

The bill (H.R. 1585), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I voted against the fiscal year 2008 defense authorization bill because it does nothing to bring to a close the open-ended military mission in Iraq, which has overburdened our military, weakened our national security, and cost the lives of thousands of American soldiers.

There were provisions in the bill which I strongly supported, including language I proposed that will make it easier for family members and other trusted adults to take leave to care for children and dependents when their loved ones are deployed. I am also pleased that the Senate approved two amendments I cosponsored. One was an amendment by Senator WEBB creating a Commission on Wartime Contracting to examine waste, fraud and abuse in Iraq and Afghanistan, including the misuse of force by private security contractors. The other was an amendment by Senator SANDERS to ensure that money allocated for research on gulf war illnesses is spent wisely.

But on balance, I could not vote for a bill that defies the will of so many Wisconsinites and so many Americans by allowing the President to continue one of the greatest and most tragic foreign policy blunders in the history of our Nation.

Mr. AKAKA. Mr. President, I was pleased today to vote, along with my Senate colleagues, for the passage of H.R.1585, the Defense Authorization Bill for Fiscal Year 2008. I thank the managers of this bill, Chairman LEVIN and Ranking Member MCCAIN, for working so diligently and in such a collegial manner toward passage of a bill that addressed so many complicated and potentially divisive issues. It is to their credit that we have been able to move this bill along which is so vital to the support of our brave men and women in our armed services.

This bill was passed out of committee with a number of provisions to improve

the lives of our military members and the effectiveness and readiness of our armed services which I, as a senior member of the Senate Armed Services Committee and chairman of the Subcommittee on Readiness, worked to ensure were a part of the bill language. They include important acquisition reforms such as a series of provisions that would help the DOD manage its oversight of contract services and the creation of a Chief Management Officer for the Department of Defense. I also was able to work with my colleagues to incorporate language that establishes a Director of Corrosion and Control Policy and Oversight in addition to other provisions that further my efforts to establish effective corrosion control in all branches of our services. H.R. 1585 also contained my legislation to establish a National Language Council to develop and implement a long-term and comprehensive language strategy.

In addition to the provisions that I initiated and supported in the underlying language, I was able to successfully introduce and cosponsor a number of amendments during the Senate's consideration of the Defense Authorization Act. As chairman of the Veterans' Affairs Committee, I was particularly pleased to see that language from the Dignified Treatment of Wounded Warrior Act which addresses shortfalls in the quality of health care provided to our servicemembers was included as an amendment to this bill. Similarly, I was pleased that my amendment related to the Wounded Warrior Act was passed by the Senate. This legislation will enhance the quality of care that members of our Armed Forces receive once they transition to veteran status, improve the capability of the Department of Veterans Affairs to care for veterans with traumatic brain injuries, and improve access to VA mental health and dental care. In addition, my amendment addresses the issue of homelessness among newly discharged servicemembers and recognizes the importance of the National Guard and Reserve in the VA's outreach programs.

This bill also includes an amendment I offered to end the disparate treatment of employees who accepted discontinuation of service retirement following a reduction in force. My amendment ensures that these Federal employees would be able to return to work at DOD and continue to earn toward retirement. It is vital that this Nation have a viable plan to produce individuals who are capable of effective communication in today's global environment. I also applaud the inclusion of the fair competition amendment, introduced by Senator KENNEDY which I cosponsored, which will minimize the harmful effects of the current A–76 process for outsourcing Federal jobs to private contractors by removing several unfair advantages that contractors currently have in the contract competition process.

I was disappointed, however, that the Webb amendment which I was proud to cosponsor was not agreed to by the Senate. The Webb amendment would have lessened the burden placed on our soldiers and their families by setting a minimum time between deployments in order to ensure that members of our Armed Forces have as much time at home with their loved ones as they fight overseas for this Nation.

I was also disappointed that the Levin-Reed amendment which would have set a clear and definitive deadline for the withdrawal of forces from Iraq was not passed. One of the key elements of stabilizing the ongoing chaos in Iraq is for the Iraqi Government to begin to take more responsibility for ensuring their own nation's security and assume primary combat role in protecting and defending their nation. This will not occur without the development and implementation of a coherent exit strategy. The Levin-Reed amendment offered just such a plan.

As a senior member of the Senate Armed Services and chairman of the Subcommittee on Readiness and Management, I will continue to work with my Senate colleagues to change the course of this war by insisting that the administration provide to this Congress and the people of our nation with a comprehensive exit strategy.

UNANIMOUS CONSENT REQUEST—S. 1327

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 172, S. 1327, a bill to create temporary district court judgeships, that the bill be read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S. 535

Mr. LEAHY. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 211, S. 535, the Emmett Till Unsolved Civil Rights Act; that the substitute amendment be agreed to; the bill, as amended, be read a third time, passed; the title amendment be agreed to; the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan.

Mr. LEVIN. Mr. President, the bill we have just adopted is the 46th consecutive annual Defense authorization bill that has come out of our committee and been brought to the Senate for debate and passage. It has been no secret that this is one of the largest and most complex and important pieces of legislation that comes before the Senate every year. Every year since 1961, it has been a challenge to get it passed. Thankfully, because of its vital importance to our Nation, we have always found a way to do so. This year was particularly difficult, as we continue to debate the war in Iraq. Today is the 19th and final day of debate on this bill. Only two other annual Defense authorization bills have required longer to pass. In 1969, the Senate debated the bill for 37 days. In 1970, it was debated for 28 days. History shows that in time of war, the Senate acts as it should and takes the necessary time to carefully consider this bill and its impact on our Nation.

We had over 400 amendments that were filed to this bill. We were able to work with all Senators and pass several large packages of managers' amendments while we were wrestling with Iraq-related amendments. All told, we acted on a total of 214 amendments during the bill's consideration.

Whenever we reach the point of final passage of legislation, we take a moment to thank Members and staff. To some this may seem to be a routine matter. It is not. All of us who make up the Senate should honor its customs and traditions. They are really the foundation of this Senate.

With that as my motivation, I want to take a moment to express my thanks to those who worked so hard and cooperated so well to bring us to final passage of this bill.

First, my thanks go to Senator MCCAIN who is serving as our ranking member for the first time this year. Senator MCCAIN's leadership and determination helped forge this bill through the committee and on to final passage.

Next, I thank and acknowledge our former chairman, Senator WARNER. Senator WARNER has made innumerable contributions to this bill. This bill would not be here but for the work of Senator WARNER. Working within arm's reach of Senator WARNER each year for the past 28 years has been truly one of the highlights of my Senate career.

He is a good friend of mine. More importantly, he is a good friend to national defense and to the people who depend upon it and who work for it in this country.

To our majority leader, Senator REID, and his floor staff, a special word of thanks for giving us the time and the tools to get this bill through the Senate.

To all of our committee members who, again, worked on a bipartisan basis, we appreciate their work. We do not often take the time to express it. I am afraid this will kind of have to be that moment. People do not realize our committee has one quarter of the Senate as its members. We work together in the committee. Our differences on the bill did not divide us. We reported the bill by a unanimous vote.

To Charlie Armstrong in the Office of Senate Legislative Counsel, he did his work skillfully. He proved over 400 times, with those 400 amendments, that he knows how to draft amendments.

To our committee staff members, they truly earned the thanks and recognition of the entire Senate for their

time and their efforts on this legislation.

I want to mention two of the members of our staff who lead our staff and one woman who has served on our committee staff for the past 19 years.

To Rick DeBobes, our committee staff director, he serves us so brilliantly and well and so unselfishly 24/7. He is within earshot, so I will not embarrass him and have him blush other than to say he is so totally indispensable not just to me but to the Senate and all of the staff that work so well with him. Our gratitude.

To Senator MCCAIN's new Republican staff director, Mike Kostiw, his leadership is so effective that it is quite difficult to believe this is Mike's first year.

To Cindy Pearson, our assistant chief clerk and security manager, a special word of thanks and encouragement. Cindy has been serving the committee for the last 19 years. She is the consummate professional in every aspect of her work. She is away from us right now as she undergoes treatment for breast cancer. We want her to know she is ever present in our thoughts and in our prayers. We all look forward to welcoming Cindy Pearson back to the committee family soon.

So Rick's and Mike's and all the other committee staff members' long and hard work and personal sacrifices, day in and day out, to get this bill enacted again this year paid off. They are the backbone of the Senate. They and other people who work for us in this Senate make it possible to turn our ideas into policies and into legislation.

I thank them all. I know I thank them for their expertise and their dedication on behalf of all the members of the committee. They brought us again through to the point of conference with the House. We are hopeful to bring back promptly a conference report. But in the meantime, thanks to them, their professionalism, and their hard work. We are where we are at.

Mr. President, I ask unanimous consent that a list of the entire Armed Services Committee staff be printed in the RECORD.

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

ARMED SERVICES COMMITTEE STAFF

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Mr. LEVIN. Mr. President, I yield the floor. I see my dear friend Senator WARNER is here. Again, I cannot say too often what it means to have as a partner JOHN WARNER of Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I very much value the friendship and the working relationship we have had together. It would be interesting if somebody wanted to try to look at records. I suppose since this is our 29th bill we have worked on, that might be a bit of a record. But I think also both of us have been chairman three times. That might be a bit of a record too.

But I say to the Senator from Michigan, I give you a most sincere and warm congratulations for your achieving this bill. This is the 19th day the bill was on the floor, and our good friend, the ranking member, was on the floor many of those days. He has called in each day to our distinguished chief of staff, Mike Kostiw, and has talked with me and other members of the staff. So he is very much hands on.

But I think we probably got through with a little less contention this time than in years past. I think that reflects a lot of credit on the distinguished chairman and the distinguished ranking member and the wonderful staff and very active membership by each and every one of the, as you say, 25 members of the Senate Armed Services Committee.

We work well together as a team. People are very proud to be on this committee. They believe they are serving a most noble cause; that is, the men and women of the Armed Forces, and their families, who tonight are on two battlefronts and, indeed, in many other places of personal danger throughout the world, for the sole purpose of guarding freedom and, most importantly, the freedom we have here at home.

So I thank the chairman. I thank all who made it possible, and say, also, how well our two staffs worked together in a bipartisan way to achieve, as you say, a consensus on almost 200 of those amendments. So I think we have done our job, I say to the Senator. It is at a critical time in the course of our country. Again, I wish the men and women of the Armed Forces and their families only the best.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses.

Mr. WARNER. Mr. President, my chairman has overlooked a minor item.

The PRESIDING OFFICER. The Senator from Michigan.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with each Senator given 10 minutes.

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

The Senator from Ohio.

COSTA RICA AND TRADE POLICY

Mr. BROWN. Mr. President, I rise to speak in this Chamber about a story unfolding right now in Costa Rica.

This country of 4 million people is having a national referendum on October 7—next week—on the Central American Free Trade Agreement, the trade deal this Congress passed by a narrow margin a couple of years ago.

CAFTA stipulates that the last signatory country must approve the deal no later than 2 years after the first signatory country implements the agreement.

So over the past 2 years, the United States, El Salvador, Honduras, Guatemala, Nicaragua, and the Dominican Republic enacted the NAFTA expansion.

The Costa Rican people have resisted it.

My colleagues have seen news reports this weekend about a massive rally of fair traders—people who want trade but under different rules—against CAFTA in Costa Rica. Some 150,000 citizens in a country of 4 million people spoke out expressing their opposition to the agreement—150,000 people—and most thought that a conservative estimate.

The pro-CAFTA government gave up efforts to pass CAFTA in the legislature after continued protest against it, including a 2-day general strike last October.

Their is strong opposition to a NAFTA-style agreement. In fact, the issue of whether to approve CAFTA has stirred up such political upheaval that the Government chose to go to a public

referendum instead of going to the legislature. Legislators not unlike our peers in Congress did not want to face voters in their home district if they voted for the pact.

The agreement must be implemented as domestic law—meaning Costa Rica has to enact new laws in order for the trade agreement to take effect. That bothers hundreds of thousands of Costa Ricans because they have in place today strong laws on health, on the environment, on education, on privatization, on generic drugs, on all the kinds of issues that have helped to build the middle class in Costa Rica.

Costa Rica is a progressive country. More than a third of its land is protected in national parks. More than 90 percent of its electricity comes from renewals. Costa Rica's high literacy rates are well known, and it has a strong health care system. Its life expectancy is not too different than our own in this country.

Costa Rica's citizens have also seen what NAFTA—the North American Free Trade Agreement—did to Mexico's middle class, and what especially it has done to Mexican farmers, small peasant family farmers.

These factors have created strong resistance to entering into an agreement that can handcuff policymakers from setting progrowth, prodevelopment policies in their own country.

As this Chamber knows, NAFTA/CAFTA-style deals are about a whole lot more than just tariffs and quotas. These agreements are top-down pacts that lock in new rules on investment, on food safety, on services, and on procurement.

This month, the United Nations Conference on Trade and Development issued a report warning developing countries to be wary of bilateral and regional free-trade deals as they are currently written. They warned them against signing these agreements.

The U.N. report cited NAFTA as an example of a trade agreement that may have short-term benefits but does long-term harm. You hear a lot of talk from the Bush administration that free trade is necessary to address poverty. You hear that the ''people,'' as they say, of these mostly poor countries want trade deals like NAFTA.

But what we are seeing in Costa Rica right now is what we are seeing around the globe when it comes to trade deals that purely and simply give too much power to multinational corporations. What we are seeing is a loud and clear demand for change.

We see it in the WTO negotiations, which continue to falter as developing countries resist WTO expansion. We see it in Ohio—in Lorain and Mansfield, in Youngstown and Lima, in Dayton and Chillicothe—where hard-working men and women who have made America the strongest Nation in the world are betrayed by Washington's trade policy.

Presidents from both parties have entered into trade agreements, agreements such as NAFTA, promising they would create millions of new jobs and enrich communities. Instead, too many of these agreements, too often, have cost millions of jobs and devastated communities.

Two years ago, when I served in the House, we created a bipartisan coalition against the Central American Free Trade Agreement. Religious organizations, labor unions, environmentalists, small businesses, human rights advocates, and small manufacturing companies were part of this bipartisan opposition.

The opposition that was evident in Washington and, more importantly, in congressional districts around the country caused the Bush administration to make deals and promises and—in the words of one sympathetic lawmaker to the Bush administration—helped us so that we ''twist[ed] arms until they break into a thousand pieces.''

The Bush administration got what it wanted when it pushed NAFTA through. But we won the debate. Today in Costa Rica, we are seeing similar scare tactics taken by the pro-CAFTA administration.

A memo was leaked to the Costa Rican press, and it has caused an uproar for good reason. In this memo, the Costa Rican Vice President and a Member of Congress outlined a plan to President Arias that uses fear, threats to local officials, and attacks on CAFTA opposition as tactics to win the referendum.

The Second Vice President, one of the memo's authors, had to resign from his government office while officials investigate whether any laws had been broken.

The memo states clearly:

> The mayor that does not win his canton—
>
> Which is their political jurisdiction—
>
> The mayor that does not win his canton (precinct) will not get a penny from the government in the next three years.

It is pretty simple. The memo says the government then needs to ''stimulate fear'' among Costa Ricans. It even lists the kinds of fear that are effective: Stimulate fear. Create fear of the loss of jobs if CAFTA is not approved. Stimulate a fear of violence and civil strife. Stimulate a fear of Chavez and Castro if Costa Rica does not approve CAFTA.

Specifically, there has been an informational campaign in Costa Rica that if this agreement fails, then the United States will punish Costa Rica by revoking the existing trade benefits that Costa Rica has under the Caribbean Basin Initiative. That is simply patently false.

Costa Rica will continue to benefit from CBI because it is the law. It is a permanent program. Its existence depends on the U.S. Congress, not an edict from the Bush administration.

These tactics should sound familiar to my colleagues who recall the CAFTA debate. These tactics make it very clear that what is at stake—in Costa Rica this week and when this Chamber takes up issues of trade and globalization—is that there are very different competing ideologies. There is the NAFTA ideology and there is the fair trade ideology.

In truth, I believe the defeat of this referendum may actually do more to improve Costa Rican-U.S. relations because it is clear that there is a fair trade movement on the rise in this Chamber, in the House of Representatives, and surely across the land. Look at elections last year in the Presiding Officer's State of Rhode Island, in Ohio, in Pennsylvania, in Missouri, and in Minnesota and Virginia and Montana, because it is clear there is a fair trade movement on the rise in this country and in Costa Rica.

We have reason to hope. If the referendum is defeated, we can create a new trade agreement that benefits workers and communities, small businesses, religious folks, people who care about an economy that works for more of us, that helps us to create a solid, strong middle class, not just supporting the multinational corporations.

We have a choice. The people of Costa Rica have a choice there this week. We can continue with the fair trade model or we can reject the NAFTA and CAFTA models and work together on a new trade deal, a fair trade deal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BURMA

Mr. MCCONNELL. Mr. President, for the past week the world watched the people of Burma rise up against the oppressive regime that rules that country.

Then, the tyrannical junta that has held power for some 40 years, the State Peace and Development Council, brought out its soldiers and it brought out its guns. They arrested, brutalized, and killed many who bravely stood up to the misrule of this junta.

So while last week the streets were filled with brave monks adorned in saffron robes demonstrating for freedom, today those same streets are occupied by uniformed thugs and lined with barbed-wire barricades. For now the people of Burma have largely fallen silent. But the silence in Burma is a deafening one that we can still hear. Even if the freedom-loving people of Burma had been temporarily quieted, the rest of us can still lend our voices to their cause.

Earlier today, Senator KERRY and I introduced a sense-of-the-Senate resolution condemning the SPDC for its brutality in snuffing out these cries for

freedom. We have already been joined by scores of our colleagues on both sides of the aisle, and I know we will be joined by many more. The House of Representatives is slated to pass a similar measure later this week. In this way, the entire Congress of the United States will be able to speak, when the Burmese citizen, the Buddhist monk, the democracy leader Aung San Suu Kyi herself are forced to be silent.

I urge all of my colleagues to join me and join Senator KERRY on this resolution.

I yield the floor.

TRIBUTE TO MAYER MITCHELL

Mr. SHELBY. Mr. President, I rise today to pay tribute to Mayer Mitchell, a great American and human being who passed away on Wednesday, September 26, 2007. A highly successful businessman and remarkable philanthropist, Mayer Mitchell was a personal friend, and along with the entire city of Mobile, I mourn his passing.

Mayer was born in New Orleans in 1933 and grew up in Mobile, AL. He earned his bachelor of science degree in economics at the University of Pennsylvania's Wharton School of Finance in 1953. He then served as an Army first lieutenant in Korea, earning a commendation ribbon with medal pendant for meritorious service.

Returning home to Mobile with his wife Arlene in 1958, Mayer founded, with his brother Abe, the Mitchell Company, a commercial and residential real estate development firm. He went on to serve as its chairman and chief executive officer for the next three decades, selling his interest in the Mitchell Company in 1986.

The company's final total under the oversight of the Mitchell brothers was remarkable, with 25,000 single family homes, 20,000 apartments and 175 shopping centers built throughout the Southeast.

In fact, the current Mitchell Company that descended from a partnership of Mayer and his brother remains the largest private firm in Mobile and is among the top 40 in Alabama. Mayer's business success earned him an induction into the Alabama Business Hall of Fame in 2006.

Mayer Mitchell leaves a legacy of tremendous philanthropy, touching the lives of many residents of south Alabama. Mayer was a tireless proponent of education and health care, serving more than 32 years on the University of South Alabama's Board of Trustees, including a term as chairman.

He was awarded the University of South Alabama's National Alumni Association Distinguished Service Award in 2005 and an honorary doctorate of humane letters in 2007.

The Mitchell family's philanthropy reached all aspects of the campus at the University of South Alabama, from business and medicine to athletics. Mayer will forever be remembered as a legendary figure in the growth of the University. The Mitchell Cancer Institute, the Mitchell College of Business and the Mitchell Center sports and performance complex, proudly bear the family name.

To date, the Mitchell family holds the distinction of having contributed more than any other single family to a public university in Alabama State history.

The Mitchell Cancer Institute alone is a powerful legacy, providing state-of-the-art cancer care to people throughout the gulf coast region. Mayer always explained his deep commitment to cancer treatment through a personal connection. At the age of 36, he was diagnosed with Hodgkin's disease and was given 6 months to live. After 2 years of treatments, Mayer made an extraordinary recovery.

This victory not only shaped his life, but shaped the future of the Mobile region as well. He never forgot that he had to leave Mobile for his own cancer treatment in Rochester, NY, and he vowed to make certain Mobile had its own cancer center in the future.

This experience shaped his generosity and will to persevere in the form of improved quality of health care for every resident in south Alabama.

Although Mayer Mitchell and his family were critical to the tremendous growth of the University of South Alabama, this was not the only object of Mayer's patronage.

A strong friend to Israel, he served a term as president of the American Israeli Public Affairs Committee and served on the board of the Washington Institute for Near East Policy and the Jewish Seminary of America, which awarded him an honorary doctorate.

Mayer supported several other schools and numerous social and religious organizations. His philanthropic service included work with Alabama Power Company, Wright School, Bishop State Community College, Leukemia Society of America, USA Foundation, AmSouth Bank, Altus Bank, Mobile Area United Way, Mobile Area Chamber of Commerce, Mobile Jewish Welfare Fund, Mobile Federation of Jewish Charities, Mobile County Real Estate Association, Archives of American Art, Anti-Defamation League and the Banc Corporation.

His honors include: Jewish Welfare Fund Man of the Year, Outstanding Young Men of America, Prichard Honorary Citizen of the Year, Mobile County Realtor of the Year, and numerous high honors from the Boy's Club of Mobile, Bishop State Community College, University of Rochester, New Orleans Chapter of Hadassah, Alabama Institute for the Deaf and Blind, Mobile Kiwanis Club and the American Hellenic Educational Progressive Association.

Mayer is loved and will be missed by his wife of 54 years, Arlene; his son Richard; his three daughters, Melinda Wertheim, Joy Grodnick and Lisa Bukstein; and eight grandchildren.

He was an inspiration to many and will be remembered for his dedication and many contributions to Mobile and the University of South Alabama.

I ask the entire Senate to join me in recognizing and honoring the life of Mayer Mitchell.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask the indulgence of the Senator from Vermont. I know Senator SESSIONS wishes to add a few words of tribute to Mr. Mitchell, and then Senator SANDERS will have his 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague Senator SHELBY for recalling the remarkable facts of the life of Mayer Bubba Mitchell, one of Mobile's great citizens, a national leader, as well as a local leader, someone who has friends throughout the country and the world. It is remarkable, the extent of his reach and impact. He had a clear vision. He wanted his life to be a life that made the world a better place. He worked at that. He had a strong will to do that. Senator SHELBY and I were talking about that this morning. It was remarkable. He had an ability to get things accomplished. To me, one of his most remarkable characteristics was the fact that he could have many different activities going on, but he always seemed to complete each one of them and get it done successfully.

At a final AIPAC banquet he attended, realizing it would be his last—it was recalled at his funeral service Friday—he asked these questions about himself but really applying to others. I think it would apply to all of us in the Senate. Knowing that he would not be back, he asked: Have I done enough? Have I done my best? Have I made a difference? All of us ought to ask those questions more and would probably be better performers when we do.

His wonderful partner Arlene is such a fabulous person, so well liked, a former Mobilian of the year. She is so gracious. His son Richard spoke so movingly at his memorial service. His son-in-law Jimmy Grodnick likewise, married to his wonderful daughter Joy, made remarks. His grandchildren read from the Talmud such wonderful passages that reflected his values. His brother Abe, who has been a partner in business and in so many of these activities, told me afterwards it wasn't over. He still had things he wanted to do and he would continue to work at them. I know that is exactly what Mayer would have liked.

The business school I visited at the University of South Alabama is so well endowed by the Mitchell family. The athletics center, the Mitchell Center, is where his memorial service was held, the sports complex. And perhaps in the long term, the greatest financial investment he and his family made is in the Mitchell Cancer Center that will be a place for research as well as treatment of those who have suffered with

cancer, because he felt so blessed, having been allowed to survive what many said at the time was a fatal disease.

So many people came from all over the country to that service, it was really remarkable, including the Republican leader in the Senate, MITCH MCCONNELL, who himself came down and was an honorary pallbearer. He was on a first-name basis with Presidents. Indeed, I am aware that President Bush called him twice in recent months. Foreign leaders, Senators, and Congressmen were on a first-name basis with him. His life is a testament to what can happen when a person focuses his life on making a positive difference in the world and living a good life. He accomplished those things. Probably outside of a public official, he was on a first-name basis with more Senators than maybe any other person in our country. There may be some others, but not many would know as many and be as well respected as he was over the years.

I appreciate the opportunity to make these remarks. Not only did he serve on the board, chairman of the board of the University of South Alabama for 32 years, he gave hours and hours of his time and attention and ideas and ability to making that the great university it is. So he not only gave money, he gave of his time and of himself to make it the great university it is. Gordon Moulton, the president, certainly reflected that in his remarks.

I thank the Chair and Senator SHELBY for his excellent remarks and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, Mayer was a wonderful man who a lot of us got to know because of his leadership role in the American Israel Public Affairs Committee. This was a wonderful gentleman, the exemplification of the American dream. He worked extremely hard, made a great success of himself for his family, for his community, for his country. He loved America. He was devoted to Israel and devoted to the strength of the United States-Israel relationship. He was a great American patriot. I don't want to take the time to describe it now, but I am personally grateful for him for the ways in which he stuck with me at tough times in my own career. He didn't just stick with me, but he sort of worked at it to make sure everything came out all right. He was a good friend, a good man. God bless his soul.

HONORING OUR ARMED FORCES

STAFF SERGEANT ZACHARY TOMCZAK

Mr. JOHNSON. Mr. President, I wish to pay tribute to SSG Zachary Tomczak and his heroic service to our country. As a member of the Army's 325th Airborne Infantry Regiment of the 82nd Airborne Division based in North Carolina, Staff Sergeant Tomczak was serving in support of Operation Iraqi Freedom. On September 25, 2007, he was killed in action in Baghdad.

A Huron native, Zachary joined the Army in June 2002 and took great pride in serving his country. His graduation from Ranger School at Fort Benning, GA, in May is described by his father as ''one of the proudest moments for him and for me.'' His captain remembers him as ''a leader, mentor, warrior, Ranger, hero.'' Zachary was on his fourth tour of duty in Iraq and had earned the Purple Heart and Bronze Star Medal, among other awards.

A hard worker, Zachary enjoyed hands-on projects and worked for a construction company during high school. He also enjoyed spending time four-wheeling, pheasant hunting, and deer hunting. Friends and family will remember Zachary's love for life and easygoing personality.

Sergeant Tomczak gave his all for his soldiers and his country. Our Nation owes him a debt of gratitude, and the best way to honor his life is to emulate his commitment to our country. Mr. President, I join with all South Dakotans in expressing my deepest sympathy to the family of Staff Sergeant Tomczak. He will be missed, but his service to our Nation will never be forgotten.

PRIVATE FIRST CLASS CHRISTOPHER PFEIFER

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of United States Army PFC Christopher Pfeifer of Nebraska. Private First Class Pfeifer died on September 25 from injuries he sustained near Kamu, Afghanistan, when insurgents attacked his unit on August 17. He was 21 years old.

Private First Class Pfeifer grew up in the small town of Spalding, NE, where he played eight-man football at Spalding Academy, as well as the drums in the band. He was assigned to the 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade Combat Team based in Schweinfurt, Germany. All the flags in Spalding, a town of about 600 people, are at half-mast in honor of Private First Class Pfeifer.

Private First Class Pfeifer is remembered as a devoted husband, son, and brother. Sadly, he was denied the chance to become a proud father; his wife Karen gave birth to a baby girl the day after his death.

All of Nebraska is proud of Private First Class Pfeifer's service to our country, as well as the thousands of other brave Americans serving in Iraq and Afghanistan.

In addition to his wife and newborn daughter, he is survived by his parents, Mike and Dar, his brother Aaron, and his sister Nicki.

I ask my colleagues to join me and all Americans in honoring PFC Christopher Pfeifer.

HEALTH INSURANCE

Mr. GRASSLEY. Mr. President, I am here today to talk about health insurance. Congress is well aware of the ever increasing number of the uninsured. Not to mention the fact that health costs continue to rise at an alarming rate. Make no mistake, the numbers are sobering.

But I am not here to dwell on the past and present. I stand here today to talk about the future. I stand here to discuss ways to expand access to health insurance and to change the inequities in the tax treatment of health insurance.

During the debate on SCHIP, I engaged in a colloquy with Senators BURR, COBURN, MARTINEZ, CORKER, and BENNETT. During that exchange, I explained that, currently, a taxpayer who receives health insurance through his or her employer is not taxed on the cost of the health coverage. I also explained that individuals who do not receive health coverage through their employer generally do not receive a tax benefit. Similarly, a tax benefit is not afforded to people who are not employed and purchase health insurance on the individual market.

I noted that Republicans and Democrats alike agree that Congress should ''level the playing field'' and expand access to health insurance. The question is how. Senators BURR, COBURN, MARTINEZ, CORKER, and DOLE have introduced a proposal that would eliminate the exclusion for employer-provided health coverage. It would provide a flat tax credit to all Americans who purchase ''qualifying health insurance.'' I commend the Senators for their leadership, and I intend to work with them on ways to expand access to health insurance.

Senators WYDEN and BENNETT have also introduced a proposal that would expand access to health insurance. Senators GREGG, BILL NELSON, and ALEXANDER have cosponsored the proposal. Most recently, Senators STABENOW, LANDRIEU, and COLEMAN cosponsored the legislation. This bipartisan legislation is a ''patient-driven'' approach to reforming our health care system. I want to stress, a ''patient-driven'' approach to reforming health care.

A ''patient-driven'' approach means the patient can shop for their own health care in a competitive marketplace, which will allow them to choose the type of health insurance that meets their needs. Many in the Democratic Party, including several of the Democratic Presidential candidates, want a government-run single-payer health care system that is not ''patient-centered.'' This is a nonstarter and is bad policy. Recent polling shows that the American public thinks so. That is, the majority of Americans do not want a government-run system.

I want to reform the health care system through the Tax Code. I want to cap or eliminate the exclusion for employer-provided health coverage and offer Americans a choice between a tax credit and a deduction for health insurance. I want to condition these tax subsidies on States undertaking certain insurance reforms. I want to give the States the flexibility to decide what

types of reforms are best for their constituencies.

This ''patient-driven'' approach—with insurance reforms and changes in the tax treatment of health insurance—should make health insurance more affordable. And it should significantly reduce the number of the uninsured.

During my tenure in the Senate, I have sought to build bridges between Republicans and Democrats. I believe that there are times where Republicans and Democrats need to come together to produce results.

An example of my efforts to work in a bipartisan manner is the bipartisan SCHIP legislation that was overwhelmingly passed by this body. In the spirit of bipartisanship, I join Senator WYDEN in cosponsoring the Healthy Americans Act. The Healthy Americans Act is a ''patient-driven'' approach to reforming our health care system.

While I support this ''patient-driven'' approach, I have serious concerns about a number of the provisions of the Healthy Americans Act. For example, like many of the Democratic Presidential candidates, the act would require all individuals to buy health insurance. I support accessibility to private insurance and differ with my colleagues on this point. Also, Senator WYDEN's approach is more regulatory than I would prefer.

In addition, I am not endorsing the repeal of the noninterference clause in Medicare Part D. That is not going to be on the table. So my cosponsorship is not an endorsement of these elements. Instead, I am cosponsoring the Healthy Americans Act to add my voice to the call for significant changes in our health care system.

What we have here is Republicans and Democrats coming together to solve a problem. This is what bipartisanship is all about. We are all on the same page when it comes to the big picture; that is, reforming our health care system and expanding access to health insurance.

We have serious problems, and we need serious people to solve them. So let's put politics aside, roll up our sleeves and work in a bipartisan way to reform our health care system.

Make no mistake, my cosponsorship of the Healthy Americans Act is only one step in the process. I intend to work with Senators BURR, COBURN, MARTINEZ, CORKER, and DOLE on their health care reform proposal. I intend to work with Chairman BAUCUS and members of the Senate Finance Committee on small business health reforms, along with more comprehensive health care reform proposals like the Healthy Americans Act. Let's get serious.

HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, I wish today to pay tribute to the contributions of Hispanic Americans as we commemorate Hispanic Heritage Month. This occasion welcomes the opportunity to celebrate the achievements made by Hispanic Americans to enrich the culture and day-to-day life of the United States.

Today, there is no denying the strength and impact of Hispanic Americans, who are now more than 40 million strong. In my home State of New Mexico, 44 percent of the total population is made up of people of Hispanic descent, which according to the Census Bureau, is the largest proportion of any State in the Union. What has truly been remarkable to me over the years is the extent to which the Hispanic community has thrived in every facet of civic life.

For instance, I am proud to call attention to the remarkable achievement of PFC José F. Valdez, one of 48 Hispanic American Medal of Honor recipients. Born and raised in Governador, NM, José served during World War II near Rosenkrantz, France. He heroically saved the lives of his fellow comrades by engaging in a firefight which allowed the soldiers to escape after an enemy counterattack. Similar tales of bravery are prevalent in the history of Hispanic Americans, who have served with distinction in every U.S. military campaign including our current engagements in Iraq and Afghanistan.

In the areas of science, medicine, sport, art, business, and public service, the various achievements of the Hispanic community are immeasurable. This year, Hispanic Business magazine celebrated its 25th anniversary by profiling 500 of the largest Hispanic-owned companies in the United States, a nearly tenfold increase from the magazine's initial listing in 1982. These companies boast total revenues of $36.6 billion, which is a sizable contribution to the American economy.

Twenty-five of these top-ranked companies join me in calling New Mexico their home. At the top of this list is Manuel Lujan Agencies from Albuquerque, NM, which has also been awarded ''Most Admired Company'' by New Mexico's top 100 private companies. Also included in this list is Centinel Bank of Taos in Taos, NM, which is one of the very few minority-owned financial institutions in the United States. I am pleased that Manuel Lujan Agencies and Centinel Bank of Taos are joined by such firms as Roses Southwest Papers, Applied Tech Associates, Networx and Sparkle Maintenance Inc. The fact, is Hispanics in New Mexico today lead a growing number of firms that help set the pace for a growing economy in my State, and many of them are firms involving high technology, construction, and service industries.

While there is no doubt that Hispanics have fought to protect our freedoms and made advancements in the corporate world, they are also leaving their imprint on the world of entertainment through sports and the arts. Of the athletes currently playing in the National Football League, 24 players are of Hispanic descent. These players are represented on 16 teams across the country, and during a recent football matchup, Grammy winners Gloria Estefan and the musical group Ozomatli performed the national anthem at the halftime show in honor of this month's celebration. In my home State, music legends like Al Hurricane and the popular Tobias Rene add to the rich cultural contributions being made to our society.

I encourage Americans to take this moment to remember all of the areas of our society that have been influenced by the Hispanic community. I would also like you to recall the sacrifices Hispanics have made to preserve the liberties and freedom that make America a beacon of hope to millions around the world. These men and women have stood up as proud Americans and volunteered to protect their families and communities during the global war on terror. Our Nation is stronger because of these men and women. They deserve the gratitude of the Nation for their sacrifices.

The tradition of Hispanic Heritage Month dates back almost 40 years. In 1968, Congress started by designating a week to celebrate Hispanic heritage. By the early 1980s, we decided to extend the designation to cover a month starting on September 15. The extra time has been a necessary and appropriate change to allow us to recognize the long record of contributions Hispanic Americans have made to our communities and to our Nation. I call on the American people to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the month with appropriate ceremonies and activities.

COMMENDING JIM NICHOLSON

Mr. ALLARD. Mr. President, it is my distinct pleasure to recognize my friend and fellow Coloradan Jim Nicholson. Although it is with sadness that his resignation takes effect this week, I would like to take this time to commend him for his service as the Secretary of the Department of Veterans Affairs.

Jim is a veteran's veteran. As a West Point graduate, Army Ranger, highly decorated Vietnam war veteran, and 4 years of service as the ambassador to the Holy See, Jim was well prepared and highly qualified for the duties as the Secretary of Veterans Affairs. Jim was nominated by President Bush to serve as Secretary in December of 2004 and was subsequently confirmed unanimously by the Senate. The confidence bestowed upon Jim Nicholson by the President and all of those who gather here speaks to his unassailable ability to assist our veterans. Sworn into office on February 1, 2004, Jim readily assumed his role as the primary advocate for veterans.

Jim accepted control of the VA at an extremely difficult time and has proven himself to be the right man for the

job. He was asked to serve his country in a new capacity and brought with him a great sense of honor and duty. In this time of war, Jim has worked tirelessly to ensure that the VA meet the current needs of those veterans returning from Iraq and Afghanistan. Although there is great urgency in caring for our recently wounded service men and women, Jim has also understood the crucial need to continue to provide the utmost care for our veterans and warriors of past generations. Under his leadership, the VA has earned higher marks for medical services than the private health care industry for customer satisfaction, according to the American Customer Satisfaction Index, for the seventh consecutive year. He has helped to give all our veterans the care they deserve, as they have sacrificed so much for all of us.

I have personally worked with Jim for years. I would especially like to thank him for the instrumental role he played in reinvigorating the construction of a new VA hospital in Aurora on the Fitzsimons campus. Without his support, this project would not have progressed to the point it is at today. This hospital will prove to be a great asset for our veterans in Colorado, and Secretary Nicholson should be commended for his efforts.

As we celebrate the service of Secretary Nicholson, I had also like to take this opportunity to thank his family, notably his wife Suzanne, whose endless support is undoubtedly valued and is greatly appreciated. Jim Nicholson has served this country with honor and valor in many capacities. I will certainly miss Secretary Nicholson, and wish him and his family the best of luck in the future. I thank him for his exceptional service on behalf of all our veterans.

50TH ANNIVERSARY OF THE U.S. ARMY SPACE AND MISSILE DEFENSE COMMAND

Mr. SESSIONS. Mr. President, it is with great pleasure that I recognize the celebration of the 50th anniversary of the U.S. Army Space and Missile Defense Command, an organization that is headquartered in Huntsville, AL.

On this day, October 3, 1957, the Army activated the Redstone Anti-Missile Missile Systems Office. With a staff of 5 military and 19 civilians, this organization set the foundation of the Army's space and missile defense programs. From these beginnings, they have become an international organization of more than 2,000 military and civilians devoted to providing around-the-clock space and missile defense research and development and operational capabilities. I wish to express my congratulations to the Army community in northern Alabama for their splendid record of achievement in space and missile defense and to ask my colleagues to join me in saluting them for their contributions to the security of our Nation and her warfighters.

This organization and the U.S. Army have led the Nation in space and missile defense from the 1957 authorization to proceed with the Nike Zeus system to the deployed hit-to-kill national and theater missile defense systems today. Along the way, the Army's missile defense team has achieved a number of significant milestones: the first successful intercept of an intercontinental ballistic missile, ICBM, in 1962; the first deployed ballistic missile defense system in the United States in 1975: the first non-nuclear intercept of an ICBM in 1984; the first kinetic energy intercept of a tactical missile in 1987; and the first directed energy intercepts of rockets in flight in 1996. Their battletested products are currently deployed around the world defending our Nation, our service members, and our allies.

In 1957, missile defense brought a new facet to the Army's exploration of space in the 1950s. As missions changed, it remained constant. In the 1970s, the Army returned to space exploration with a precedent setting tactical exploration program. From the 1970s through Operation Desert Storm, the first space war, space has become an integral element of the warfighter's life. Since then, this organization has become the focal point for Army Space. They provide research and development to expand the possibilities provided by space. They have established a brigade of space soldiers dedicated to space superiority and the application of space technology. And today, space soldiers and technologies continue to provide battlefield communications, satellite imagery and analysis, three-dimensional visualization, guidance information, precise early warning of threat missiles, and a host of other space-based capabilities tailored for the warfighter.

Together with their Government and industry teammates, the future of space and missile defense rests in the hands of the men and women who work in this Army organization in Huntsville and Colorado Springs, as well as other locations throughout the world.

Mr. President, I salute Huntsville, the surrounding area, and the hard-working men and women of this great region of our country. Most importantly, I wish to extend a warm and hearty congratulations to the U.S. Army Space and Missile Defense Command team for a job well done, and best wishes for its continued success during the next 50 years and beyond. Secure the high ground.

NATIONAL PUBLIC LANDS DAY

Mr. CRAIG. Mr. President, this past Saturday was National Public Lands Day. On September 29, hundreds of thousands of citizens from across the country volunteered to give their time to improve our public lands. These volunteers cleared obstructed trails, picked up litter, planted trees, removed invasive species, and taught young Cub Scouts and Girl Scouts about camping. I commend all volunteers for their commitment.

Now in its 14th year, National Public Lands Day has become the largest grassroots volunteer effort on behalf of our public parks, rivers, lakes, forests, rangelands, and beaches. Last year, an estimated $11 million worth of labor intensive work was carried out, and this year it is expected that $12 million of improvements were added to America's public lands.

On Wednesday, September 27, the front page of USA Today displayed a picture of Coeur d'Alene, ID, with a headline that read ''No end in sight for Idaho's growth.'' The article went on to provide a breakdown of how Idaho's economy has remained strong despite the current slump in the housing market. It reads, ''[An] ingredient in Idaho's boom has been the ''amenities business''—hiking, hunting, fishing, skiing, whitewater rafting—that attracts tourists and new residents, from billionaires to young outdoor enthusiasts.''

Today Idaho is experiencing a new brand of tourists and a new brand of neighbors moving in down the street. These people are focused on the vigorous quest for a quality of life that includes the enjoyment of the outdoors. What ties the third generation Idahoan to a newcomer is an appreciation for the resources and the value that multiple uses contribute to our livelihoods and communities.

The USA Today article also points out that ''[t]he federal government owns about two-thirds of the land in Idaho, mostly national forests. The state has 21 million acres of roadless wilderness, about the size of South Carolina and more than any state except Alaska.'' Public lands have much to offer and are very beneficial for Idaho.

There are a myriad of different resources that can be responsibly harvested or extracted from our public lands. From sustainably managed forests to livestock use to oil and geothermal potential, these lands hold the resources Americans rely on to achieve the standard of living that we have today.

Using the resources on our own public lands, as opposed to relying on foreign resources, affords us the opportunity to fund schools, highways, and national defense, all the while easing the financial burden on the taxpayers.

There are those, however, who would prefer to see land management agencies take more of a preservationist role, prohibiting access to our national forests, parks, beaches, and rangelands and leaving nature to run its course. This is not a value that many Idahoans hold, and neither do I.

We must actively manage our lands so that the recreational and resource benefit can be utilized by every American citizen. Under certain circumstances, active management includes limited access in specific areas;

however, we must be cautious not to be overly restrictive of public access to public lands. The same holds true for natural resource management. We cannot use a one-size-fits-all management style when there are so many differing opinions on how to best utilize our domestic natural resources.

In closing, I want to again say thank you to the volunteers for their tremendous efforts to ensure that the public lands we enjoy today will be enjoyed by many, for years to come.

ADDITIONAL STATEMENTS

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

RETIREMENT OF RICK DIEGEL

• Mrs. CLINTON. Mr. President, I would like to take a moment to recognize the distinguished career of a man who has devoted his life to improving the welfare of working men and women.

Rick Diegel hails from Texas, where he worked as a journeyman wireman and foreman. He served his country in the U.S. Air Force from 1964 to 1968, and is a veteran of the Vietnam War. He also served three terms as the mayor pro-tem of the City of Ingleside, Texas, and was elected business manager of International Brotherhood of Electrical Workers Local 278 in Corpus Christie in 1977. He held this post until 1983, when he was appointed to the International Office of IBEW as the director of their Committee on Political Education. In 1998, he became director of the Political/Legislative Department, a position he has held to this day.

For nearly four decades, Rick has fought to improve the working and living standards for our Nation's workers. As director at the International Office, Rick spearheaded the modern political program of the union, and transformed the way that unions effect legislative change. He worked to get more IBEW members elected to office than any other union, and he established a full-time grassroots mobilization program at IBEW to give even a louder voice to workers' needs.

Throughout his career, Rick has been a forceful advocate for the approximately 750,000 members who work in a wide variety of fields, including utilities, construction, telecommunications, broadcasting, manufacturing, railroads and government. Rick has served as a powerful champion for the labor movement, not only because he was a skillful advocate on behalf of workers, but also because he encouraged workers to make their individual voices heard. Rick understood the importance of workers engaging in the political process to elect members who made workers' rights a priority.

Rick Diegel is a dear friend and an invaluable ally in the fight to support America's workers. He has left an indelible mark on the country he has served his entire life, and he has improved the lives of millions of workers. I wish him a retirement full of health and happiness.•

HONORING MICHAEL HOOFFSTETTER

• Mr. DOMENICI. Mr. President, I wish today to recognize a fellow New Mexican, Michael Hooffstetter, for his hard work and advocacy on behalf of individuals living with Parkinson's disease.

Michael is in Washington this week receiving a very prestigious award from the Parkinson's Action Network, the Milly Kondracke Award. The award's namesake was a well-known Parkinson's advocate who worked tirelessly to increase awareness of this disease and support Federal funding for research until her death in 2004. The award is presented annually to an advocate who demonstrates the incredible strength of spirit and commitment to advocacy that Milly demonstrated. I am very pleased that this year's recipient is Michael Hooffstetter.

Each of the last several years, Michael and others from New Mexico have come to Washington and met with me to discuss programs that help those suffering with Parkinson's disease. As the New Mexico State coordinator for the Parkinson's Action Network, Michael speaks candidly about his disease, the treatments he has undergone, and the effect it has had on him and his family. Michael's Air Force service has given him a special interest in the Department of Defense Neurotoxin Exposure Treatment and Research Program. I have always appreciated his honesty and insight and admire him for his advocacy.

Michael Hooffstetter has helped many people by dedicating his time and efforts through the Parkinson's Action Network. I congratulate him for this award.•

HABITAT FOR HUMANITY

• Mr. DOMENICI. Mr. President, I wish today to congratulate the New Mexico affiliates of Habitat for Humanity on the completion of their 500th house. This house was built for Frances Marquez and her daughter, 11-year-old Amanda Marquez in San Pedro, NM, which is located right outside of Española. The Española and Los Alamos affiliate of Habitat for Humanity gathered 100 people from Espanola Valley to volunteer on this project and bring a real sense of community to the Marquez family's new home.

This particular house was a very special project. It involved the community not only through the volunteers who built the house, but also through the suggestions of Northern New Mexico College surveying students who helped draft the plans for the house. Drafting instructor Jeff Toomey brought this project to his class in order to give them a real-world lesson on drafting plans for a client. Thanks to their input, this house was specially designed to meet the needs of the Marquez family.

Habitat for Humanity is responsible for the creation and rehabilitation of over 150,000 homes since its 1976 inception. In my home State of New Mexico, there are 18 affiliates of Habitat for Humanity who have improved the lives of families and communities by striving to provide safe and affordable housing. As a Senator, I am always looking for ways to help New Mexico communities be the best that they can be, and thanks to organizations like Habitat for Humanity, this common goal can be accomplished.•

TRIBUTE TO GRACE PALEY

• Mr. SANDERS. Mr. President, I wish to acknowledge the recent passing of Grace Paley. Grace, who called Vermont her home, was a renowned and award-winning short story writer, a political activist, a wife and mother.

Although she spent much of each year in Thetford, VT, and we considered her an adopted Vermonter, her fiction was set in the apartments, streets and neighborhoods of New York City. Grace Paley was not attracted to the bright lights or famous personalities or glitter of New York; however, she was attracted to the quotidian lives and the interpersonal and ethical problems faced by people very like ourselves. As Grace once said, ''I'm not writing a history of famous people, I am interested in a history of everyday life.'' She wrote about them in her two most noted collections of stories, ''The Little Disturbances of Man'' and ''Enormous Changes at the Last Minute.'' And she wrote beautifully, and with great sensitivity to both the spoken language and to human relationships. Her work gathered enormous critical acclaim. She was one of the great short fiction writers of our age.

Her home in Thetford, VT, was not some weekend getaway, some means of unwinding from the hectic pace of life in the big city. For Grace, Thetford—and the State of Vermont—was a place where she could carry on her longstanding struggle for peace and for social justice. She was an active, a very active, presence in the local community. Whether it was through her longstanding commitment to bringing peace to the world or her many local readings of her fiction, Grace Paley was a presence in our lives—and a beloved local figure. She never sought the spotlight, but she did not shy away from it when she felt her cause was just. She lived her convictions and served as a model for generations of women, of Vermonters, of activists.

In recognition of her contributions to Vermont, Grace Paley was awarded the title of ''Vermont State Poet'' in 2003, a position that had been held previously by Robert Frost, among others. She was also awarded the title of ''New York State Writer'' by Mario Cuomo in

1986. It is a fitting testimony to the quality and importance of her literary work that both States, which she called home, chose to honor her in this fashion.

Grace Paley will be sorely missed, but her work, her passion for peace and justice, and her love of her fellow Vermonters will not be forgotten.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under authority of the order of the Senate of January 4, 2007, the following enrolled bills and joint resolutions, previously signed by the Speaker of the House, were signed on September 28, 2007, during the adjournment of the Senate, by the President pro tempore [Mr. BYRD].

H.R. 976. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

H.R. 3668. An act to provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, and for other purposes.

H.J. Res. 43. Joint resolution increasing the statutory limit on the public debt.

H.J. Res. 52. Joint resolution making continuing appropriations for the fiscal year 2008, and for other purposes.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on September 29, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3625. An act to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

Under authority of the order of the Senate of January 4, 2007, the enrolled bill was subsequently signed on September 29, 2007, by the President pro tempore [Mr. BYRD].

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2008'' (Rept. No. 110–186).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1693, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States (Rept. No. 110–187).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. JOHNSON (for himself, Mr. ALEXANDER, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, Mr. FEINGOLD, Mr. HAGEL, Mr. HARKIN, Mr. INOUYE, Mr. ISAKSON, Mr. KERRY, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. ROBERTS, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 2119. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself, Mr. MARTINEZ, Mr. BIDEN, Mr. LUGAR, Mr. DODD, Mr. COLEMAN, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, Mrs. BOXER, Mr. NELSON of Florida, and Mr. CARDIN):

S. 2120. A bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty, expand the middle class, and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on Foreign Relations.

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

S. 2121. A bill to provide funding and incentives for caregiver support and long-term care assistance; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. BIDEN, Mr. OBAMA, and Mr. SANDERS):

S. 2122. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to reduce class size through the use of highly qualified teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself, Mr. KENNEDY, Mr. COLEMAN, Mr. DODD, Ms. COLLINS, Mr. HARKIN, Mr. DOMENICI, Ms. MIKULSKI, Mr. MARTINEZ, Mrs. MURRAY, Mr. SMITH, Mrs. CLINTON, Ms. SNOWE, Mr. OBAMA, Mr. SPECTER, Mr. SANDERS, Mr. BROWN, Mr. STEVENS, Mr. LIEBERMAN, Mr. SUNUNU, and Mr. PRYOR):

S. 2123. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 2124. A bill to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S.J. Res. 19. A joint resolution proposing an amendment to the Constitution of the United States relative to Proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. FEINSTEIN:

S. Res. 338. A resolution supporting the goals and ideals of National Passport Month; considered and agreed to.

By Mr. KERRY (for himself, Mr. MCCONNELL, Mr. BIDEN, Mr. LUGAR, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. COLEMAN, Mr. FEINGOLD, Mr. KENNEDY, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. REID, Mr. LEVIN, Mr. HAGEL, Mr. MCCAIN, Mr. SCHUMER, Mr. CASEY, Mrs. CLINTON, Mr. OBAMA, Mr. CARDIN, Mr. BINGAMAN, Mr. BROWNBACK, Mr. SUNUNU, Mrs. HUTCHISON, and Mr. WHITEHOUSE):

S. Res. 339. A resolution expressing the sense of the Senate on the situation in Burma; considered and agreed to.

By Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. MENENDEZ, and Mr. SALAZAR):

S. Res. 340. A resolution recognizing the efforts and contributions of outstanding Hispanic scientists in the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 334

At the request of Mr. WYDEN, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 335

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 741

At the request of Ms. COLLINS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 741, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes.

S. 759

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 759, a bill to prohibit the use of funds for military operations in Iran.

S. 803

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 969

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1139

At the request of Mr. BINGAMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1139, a bill to establish the National Landscape Conservation System, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Massachusetts (Mr. KERRY) 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. 1568

At the request of Mr. ISAKSON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1568, a bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy.

S. 1577

At the request of Mr. KOHL, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1627

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor 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. 1718

At the request of Mr. BROWN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1733

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1733, a bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes.

S. 1773

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1773, a bill to amend the Internal Revenue Code of 1986 to regulate payroll tax deposit agents.

S. 1791

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1791, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize, and increase funding for, the biodiesel fuel education program.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1895

At the request of Mr. REED, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Indiana (Mr. LUGAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the names of the Senator from Montana

(Mr. TESTER), the Senator from Tennessee (Mr. CORKER), the Senator from New York (Mr. SCHUMER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1970

At the request of Ms. MURKOWSKI, her name 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. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S.J. RES. 13

At the request of Mr. GREGG, his name was added as a cosponsor of S.J. Res. 13, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

At the request of Mr. LEAHY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S.J. Res. 13, supra.

S. RES. 319

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 319, a resolution expressing the sense of the Senate regarding the United States Transportation Command on its 20th anniversary.

AMENDMENT NO. 2068

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 2068 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 name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 2905 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. 3024

At the request of Mr. TESTER, his name was added as a cosponsor of amendment No. 3024 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. 3032

At the request of Mr. SESSIONS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from West Virginia (Mr. BYRD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 3032 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. 3058

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mrs. CLINTON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 3058 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. DURBIN, his name was added as a cosponsor of amendment No. 3058 proposed to H.R. 1585, supra.

AMENDMENT NO. 3078

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 3078 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. 3082

At the request of Mr. SANDERS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 3082 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mr. BIDEN, Mr. OBAMA, and Mr. SANDERS):

S. 2122. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to reduce class size through the use of highly qualified teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, I am pleased today to join my colleague, Senator MURRAY, in introducing legislation—the Facilitating Outstanding Classrooms Using Size Reduction (FOCUS) Act of 2007—that will provide $2 billion in funding to help, States and school districts hire 100,000 new teachers to reduce class size, particularly in the early grades.

When a teacher is responsible for a classroom of 25, 30, or more students, how can we expect each student to receive enough time and attention? One pillar of our education system should be small classes. The body of research around class size has consistently shown that smaller classes improve student performance, including reading and mathematics, in the early grades as well as in subsequent years when students are placed in larger classes. Research also shows that at the end of fifth grade, students who were in small classes in first through third grades were about half a school year ahead of students from larger classes in all core subjects—reading, language arts, math, and science. Additionally, studies have found that students from small classes earn better grades in high school, take more advanced courses, and are more likely to take college-entrance exams. They are also more likely to graduate from high school than students in larger classes.

Small classes also enable teachers to teach better. Any teacher will tell you that small classes make a difference. Small classes allow teachers to spend more time on instruction, get to know their students better, spend less time on discipline problems, and better identify students who need individually tailored assistance. The difference between teaching large classes and teaching small classes is substantial, and the pedagogy required for each differs.

I have stood with Senator MURRAY on previous legislation to reduce class size in our Nation's schools, and I am proud to stand with her again today in support of a class size reduction bill. The bill we offer today strengthens our earlier efforts to reduce class size. First—the FOCUS Act would provide a dedicated funding stream for class size reduction. The No Child Left Behind Act incorporated the Class Size Reduction Program into title II of the Elementary and Secondary Education Act. The Murray-Biden FOCUS Act would create a separate funding stream in title V for the class size reduction initiative—ensuring that efforts to reduce class size would not have to compete

for funding with a broad array of other teacher and administrator professional development and training funds.

Another provision that has been added are instructions that States and schools districts allocate their funding in a manner that creates a continuum of small classes for students as they progress from kindergarten to third grade and beyond. Research has shown that the benefits of attending small classes are the greatest for students in kindergarten through third grade, with further benefits accruing to those students for each additional year spent in small classes. The ultimate goal is that a student in the kindergarten grade matriculates through first, second, and third grades—each with an average class size of 18 students or less.

The bill also establishes a Web-based National Clearinghouse on Class Size that would provide research, best practices, and resources for small classroom instruction. This information needs to be broadly available and easily accessible to the education community as well as the public.

Additionally, the legislation requires an independent evaluation to be conducted to determine the impact and effectiveness of the initiative and the National Center for Education Statistics to report on average class size data. It is imperative that we understand, objectively, how these funds are spent, and what outcomes are achieved.

Mr. President, the ultimate success of our education system depends on teachers. Ask any teacher if it matters whether they are teaching a class of 18 students or 25 students and you will get the same answer every time: absolutely. Smaller classes will provide teachers with the resources they need to create the opportunities for learning that our students deserve.

By Mr. GREGG (for himself, Mr. KENNEDY, Mr. COLEMAN, Mr. DODD, Ms. COLLINS, Mr. HARKIN, Mr. DOMENICI, Ms. MIKULSKI, Mr. MARTINEZ, Mrs. MURRAY, Mr. SMITH, Mrs. CLINTON, Ms. SNOWE, Mr. OBAMA, Mr. SPECTER, Mr. SANDERS, Mr. BROWN, Mr. STEVENS, Mr. LIEBERMAN, Mr. SUNUNU, and Mr. PRYOR):

S. 2123. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator GREGG today in reintroducing the Public Safety Employer-Employee Cooperation Act, to guarantee that all firefighters, police officers, emergency medical personnel, and other first responders across the country have fundamental collective bargaining rights. The issue is one of basic respect for this valuable workforce, and I urge all of my colleagues to support this bipartisan bill.

The first responders of our State and local governments are on the front lines of the effort to keep America safe. They perform difficult, exhausting work, day and night, to preserve and protect our communities. In this post-9/11 era, they have an indispensable role in homeland security as well. It is vital to our national interest to ensure that these essential public services are carried out as effectively as possible.

Strong partnerships between first responders and the cities and States they serve are vital to public safety. Studies show that cooperation between public safety employers and employees improves the quality of services communities receive and reduces worker fatalities. These strong, cooperative partnerships are built on bargaining relationships. Every New York City firefighter, emergency medical technician, and police officer who responded to the disaster at the World Trade Center on 9/11 was a union member under a collective bargaining agreement, and those agreements strengthened their ability to respond in that time of crisis.

Unfortunately, many first responders across the country do not have basic workplace protections. Twenty-nine States and the District of Columbia guarantee all public safety workers the right to bargain collectively, but 21 States deny some or all of their public safety workers this fundamental right.

Our Nation's first responders have earned the right to be treated with respect. The Cooperation Act will ensure that they receive that respect and will benefit from the same protections enjoyed by many other workers across the country. The bill gives public safety officers the right to bargain over wages, hours, and working conditions, and ensures that these rights are enforceable in State court. It also provides an efficient and effective means to resolve disputes in labor-management conflicts.

The Cooperation Act accomplishes these important goals in reasonable, moderate ways. States that already have collective bargaining in place for public safety workers are not affected by the bill. States that do not currently provide these protections may establish their own collective bargaining systems or ask the assistance of the Federal Labor Relations Authority in doing so. This approach respects existing State laws and gives each State full authority to decide how it will comply with the basic standards.

America's public safety workers are prepared to put their lives on the line for their community each and every day. They deserve a voice at the table in the life-and-death decisions about their work. It is essential for their safety, the safety of our communities, and the safety of our entire Nation. It is a matter of basic fairness for these courageous men and women to have the same rights that have long benefited so many other Americans. I urge Congress to act quickly to provide these fundamental protections.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 338—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PASSPORT MONTH

Mrs. FEINSTEIN submitted the following resolution; which was considered and agreed to:

S. RES. 338

Whereas, through international travel, Americans can individually play a major role towards improving foreign relations by building bridges and making connections with citizens of other countries;

Whereas interacting with the global community inspires Americans to reflect on the diverse multi-cultural background that has defined the United States as a great country of cooperation and progress;

Whereas having a passport and traveling abroad creates connections with the global community;

Whereas having a passport and traveling abroad promotes understanding and goodwill throughout the world, opening the doors to increased peace, tolerance, and acceptance;

Whereas having a passport and traveling abroad opens up a wealth of educational opportunities and experiences for Americans of all ages;

Whereas having a passport and traveling abroad enables Americans to see first-hand the effect of the United States on the world, including the tremendous amount of humanitarian aid given by the United States through both public and private sectors;

Whereas having a passport and traveling abroad reminds Americans that they are members of a global family and gives them opportunities to mend rifts around the world;

Whereas fewer than 23 percent of Americans have passports, thereby limiting their ability to travel outside the United States;

Whereas the more Americans travel outside the United States, the more they will experience opportunities to increase their understanding of the world and the place of the United States in it;

Whereas the creation and support of a National Passport Month signals to Americans the important role they can play as ambassadors for the United States by serving as agents of understanding, tolerance, and mutual respect; and

Whereas travel publishers along with travel editors from the most prestigious media outlets in the United States, student travel organizations, and book sellers have designated September as ''National Passport Month'' to educate the public about the importance of having a passport and the positive impact international travel has on individuals: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Passport Month; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Passport Month with appropriate ceremonies, programs, and activities.

SENATE RESOLUTION 339—EXPRESSING THE SENSE OF THE SENATE ON THE SITUATION IN BURMA

Mr. KERRY (for himself, Mr. MCCONNELL, Mr. BIDEN, Mr. LUGAR, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr.

COLEMAN, Mr. FEINGOLD, Mr. KENNEDY, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. REID, Mr. LEVIN, Mr. HAGEL, Mr. MCCAIN, Mr. SCHUMER, Mr. CASEY, Mrs. CLINTON, Mr. OBAMA, Mr. CARDIN, Mr. BINGAMAN, Mr. BROWNBACK, Mr. SUNUNU, Mrs. HUTCHISON, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 339

Whereas hundreds of thousands of Burmese citizens, including thousands of Buddhist monks and students, engaged in peaceful demonstrations against the policies of the ruling State Peace and Development Council (SPDC), demanding that the State Peace and Development Council release all political prisoners, including Nobel Peace Prize laureate Daw Aung San Suu Kyi, and urging that the government agree to a meaningful tripartite dialogue with Suu Kyi, the National League for Democracy (NLD), and the ethnic minorities towards national reconciliation;

Whereas the State Peace and Development Council violently dispersed the peaceful demonstrators, killing at least 10 (and reportedly more than 200) unarmed protesters, including a number of monks and a Japanese journalist, and arrested hundreds of others, and continues to forcibly suppress peaceful protests;

Whereas the National League for Democracy won a majority of seats in the parliamentary elections of 1990, but the State Peace and Development Council refused to uphold the results or to negotiate a transition to civilian rule and subsequently placed Aung San Suu Kyi under house arrest;

Whereas Aung San Suu Kyi has spent most of the past 18 years under house arrest or in jail, and is currently being held in government custody, cut off from her followers and the international community;

Whereas 59 world leaders, including 3 former presidents of the United States, have called on the State Peace and Development Council to release Aung San Suu Kyi and all other political prisoners;

Whereas the State Peace and Development Council has destroyed more than 3,000 villages, systematically and violently repressed ethnic minorities, displaced approximately 2,000,000 Burmese people, and arrested approximately 1,300 individuals for expressing critical opinions;

Whereas the United States Department of State's 2006 Reports on Human Rights Practices found that Burma's junta routinely restricts its citizens' freedoms of speech, press, assembly, association, religion, movement, and traffics in persons, discriminates against women and ethnic minorities, forcibly recruits child soldiers and child labor, and commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives;

Whereas the Government of Burma relies heavily on the unconditional military and economic assistance provided by the People's Republic of China;

Whereas on September 30, 2006, the United Nations Security Council officially included Burma on its agenda for the first time;

Whereas on January 13, 2007, China and Russia vetoed a United Nations Security Council Resolution calling on Burma to release all political prisoners, allow a more inclusive political process and unhindered humanitarian access, and end human rights abuses, and on September 26, 2007, China blocked a United Nations Security Council Statement from condemning the State Peace and Development Council crackdown against the peaceful demonstrators;

Whereas the prevalence of tuberculosis in Burma, with nearly 97,000 new cases detected annually, is among the highest in the world, malaria is the leading cause of mortality in Burma, with 70 percent of the population living in areas at risk, at least 37,000 died of HIV/AIDS in Burma in 2005, and over 600,000 are currently infected, and the World Health Organization has ranked Burma's health sector as 190th out of 191 nations;

Whereas the failure of the State Peace and Development Council to respect the human rights and meet the most basic humanitarian needs of the Burmese people has not only caused enormous suffering inside Burma, but also driven hundreds of thousands of Burmese citizens to seek refuge in neighboring countries, creating a threat to regional peace and stability; and

Whereas the State Peace and Development Council continues to restrict the access and freedom of movement of international humanitarian organizations to deliver aid throughout Burma: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to strongly condemn the use of violence against peaceful protestors in Burma, and to call on the Government of Burma to refrain from further violence, release the demonstrators it has arrested, immediately cease attacks against ethnic minorities, release Aung Sang Suu Kyi and all other political prisoners, and begin a meaningful tripartite political dialogue with Suu Kyi, the National League for Democracy, and the ethnic minorities;

(2) to call on the People's Republic of China to remove objections to efforts by the United Nations Security Council to condemn the actions taken by the Government of Burma against the peaceful demonstrators;

(3) to call on the People's Republic of China and all other nations that have provided military assistance to the Government of Burma to suspend such assistance until civilian democratic rule is restored to Burma;

(4) that the Government of Burma should engage in a peaceful dialogue with opposition leaders and ethnic minorities to implement political, economic, and humanitarian reforms that will improve the living conditions of the Burmese people and lead to the restoration of civilian democratic rule;

(5) to recognize and welcome the many constructive statements issued by various nations, and particularly the statement issued by the Association of Southeast Asian Nations on September 27, 2007, which demanded an immediate end to violence in Burma, the release of all political prisoners, and a political solution to the crisis;

(6) that the United States and the United Nations should strongly encourage China, India, and Russia to modify their position on Burma and use their influence to convince the Government of Burma to engage in dialogue with opposition leaders and ethnic minorities towards national reconciliation;

(7) to support the United Nations mission to Burma led by Ibrahim Gambari, and to call on the Government of Burma to allow the mission freedom of movement and access to top government leaders in order to prevent additional violence and to further peaceful dialogue towards national reconciliation; and

(8) that the United States should work with the international community to pressure the Government of Burma to lift all restrictions on humanitarian aid delivery and then allow international humanitarian aid organizations to work to alleviate suffering and improve living conditions for the most vulnerable populations.

SENATE RESOLUTION 340—RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF OUTSTANDING HISPANIC SCIENTISTS IN THE UNITED STATES

Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. MENENDEZ, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 340

Whereas the purpose of the National Hispanic Scientist of the Year Award is to recognize outstanding Hispanic scientists in the United States who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the 7th annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida, on Saturday, October 6, 2007;

Whereas proceeds from the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the ''YES! Team''; and

Whereas a need to acknowledge the work and effort of outstanding Hispanic scientists in the United States has led to the selection of Dr. Louis A. Martin-Vega as the honoree of the 7th annual National Hispanic Scientist of the Year Award, in recognition of his accomplishments developing foundation-wide programs aimed at integrating research and education in science and engineering and in increasing the participation of women and underrepresented minorities in these fields; and

Whereas Dr. Martin-Vega is also to be commended for his years of leadership in engineering education at such fine institutions as the University of Puerto Rico at Mayaguez, the University of Florida, Florida Institute of Technology, Lehigh University, the University of South Florida, and North Carolina State University, and for his service at the National Science Foundation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding Hispanic scientists in the United States at the annual National Hispanic Scientist of the Year Gala and to organize a ''Meet the Hispanic Scientist Day''; and

(2) congratulates the 2007 National Hispanic Scientist of the Year designated by the Museum of Science & Industry, for ongoing dedication to improving the quality of, and access to, science and engineering research and education.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3112. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. INHOFE) 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 3113. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3114. Mrs. HUTCHISON submitted an amendment intended to be proposed by her

to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3115. Mr. SESSIONS 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.

TEXT OF AMENDMENTS

SA 3112. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. INHOFE) 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 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 purpose of the Global Logistics Support Center is to apply an enterprise approach to supply chain management to eliminate redundancies and improve efficiencies across the Air Force in order to best provide capable aircraft to the warfighter.

(5) The Air Force is working diligently to identify means to create further efficiencies in the Air Force logistics network.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should work closely with Congress as the Air Force continues to develop and implement the Global Logistics Support Center concept.

SA 3113. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Joint and Multiservice Matters

SEC. 161. SENSE OF SENATE ON THE 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 3114. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. . Notwithstanding any other provision of law, the Secretary of Veterans Affairs and the Secretary of Defense may conduct a pilot program to operate a shared facility that will provide health care services to beneficiaries of both the Department of Veterans Affairs and the Department of Defense. The purpose of conducting the pilot program will be to determine the effectiveness of operating a shared facility with the Department of Defense.

SA 3115. Mr. SESSIONS 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 91, between lines 13 and 14, insert the following:

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on a date elected by the Secretary of Defense, which date may not be earlier than the date that is one year after the date of the enactment of this Act. The Secretary shall publish in the Federal Register notice of the effective date of the amendments made by this section, as so elected.

(2) REPORT.—Not later than the effective date elected under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary regarding the following:

(A) The appropriate role and mission of the Reserve Forces Policy Board.

(B) The appropriate membership of the Reserve Forces Policy Board.

(C) The appropriate procedures to be utilized by the Reserve Forces Policy Board in its interaction with the Department of Defense.

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 11, at 10 a.m., in the Thomas & Mack Moot Court at the William S. Boyd School of Law at the University of Nevada, Las Vegas, located at 4505 Maryland Parkway, Las Vegas, Nevada.

The purpose of the hearing is to consider the major environmental threats to the Great Basin in the 21st century.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov

For further information, please contact Scott Miller at (202) 224–5488 or Rachel Pasternack at (202) 224–0883.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Daniel Gutman and Jordan Anderson of my staff be granted floor privileges for the duration of today's session.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that MAJ John Muller, an Army fellow in my office, be granted the privilege of the floor for duration of consideration of H.R. 1585.

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

Mr. LEVIN. Mr. President, on behalf of Senator REID, I ask unanimous consent that Jacqueline Beatty-Smith, a Brookings Fellow in his office, be granted the privileges of the floor during consideration of the Defense Appropriations Act.

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

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

On Tuesday, September 18, 2007, the Senate passed H.R. 1124, as amended, as follows:

H.R. 1124

Resolved, That the bill from the House of Representatives (H.R. 1124) entitled ''An Act to Extend the District of Columbia College Access Act of 1999'', do pass with the following amendment:

On page 2, after line 11, insert:

SEC. 2. MEANS TESTING.

(a) IN GENERAL.—Section 3(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1324; Public Law 106–98) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(G) is from a family with a taxable annual income of less than $1,000,000.''.

(b) CONFORMING AMENDMENT.—Section 5(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1328; Public Law 106–98) is amended by striking ''through (F)'' and inserting ''through (G)''.

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.

APPOINTMENT OF CONFEREES—H.R. 1585

The PRESIDING OFFICER. Under the previous order, with respect to H.R. 1585, the Chair appoints Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED of Rhode Island, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. MCCAIN, Mr. WARNER, Mr. INHOFE, Mr. SESSIONS, Ms. COLLINS, Mr. CHAMBLISS, Mr. GRAHAM, Mrs. DOLE, Mr. CORNYN, Mr. THUNE, Mr. MARTINEZ, and Mr. CORKER conferees on the part of the Senate.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 110–8

Mr. BROWN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on October 1, 2007, by the President of the United States:

Protocols of 2005, the Convention concerning Safety of Maritime Navigation and to the Protocol concerning Safety of Fixed Platforms on the Continental Shelf (Treaty Document 110–8).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the ''2005 SUA Protocol'') and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (the ''2005 Fixed Platforms Protocol'') (together, ''the Protocols''), adopted by the International Maritime Organization Diplomatic Conference in London on October 14, 2005, and signed by the United States of America on February 17, 2006. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Protocols.

The Protocols are an important component in the international campaign to prevent and punish maritime terrorism and the proliferation of weapons of mass destruction and promote the aims of the Proliferation Security Initiative. They establish a legal basis for international cooperation in the investigation, prosecution, and extradition of those who commit or aid terrorist acts or trafficking in weapons of mass destruction aboard ships at sea or on fixed platforms.

The Protocols establish the first international treaty framework for criminalizing certain terrorist acts, including using a ship or fixed platform in a terrorist activity, transporting weapons of mass destruction or their delivery systems and related materials, and transporting terrorist fugitives. The Protocols require Parties to criminalize these acts under their domestic laws, to cooperate to prevent and investigate suspected crimes under the Protocols, and to extradite or submit for prosecution persons accused of committing, attempting to commit, or aiding in the commission of such offenses. The 2005 SUA Protocol also provides for a ship-boarding regime based on flag state consent that will provide an international legal basis for interdiction at sea of weapons of mass destruction, their delivery systems and related materials, and terrorist fugitives.

I recommend that the Senate give early and favorable consideration to the Protocols, subject to certain understandings that are described in the accompanying report of the Department of State.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 1, 2007.*

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PASSPORT MONTH

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 338, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 338) supporting the goals and ideals of National Passport Month.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today in support of this resolution that would designate the month of September as ''National Passport Month.''

Travel book publishers, along with travel editors from some of the most prestigious media outlets in the United States and many student travel organizations, have designated September as ''National Passport Month'' as part of a campaign to educate the public about the importance of having a passport.

This resolution supports the goals and ideals of ''National Passport Month'' and calls on the Federal Government, States, schools, businesses and the people of the United States to observe the month of September with programs and activities that will encourage Americans to get their passports and see the world.

Since 2000, the number of passport applications received by the U.S. State Department has increased by 66 percent. This year, the State Department is expected to issue a record 17 million passports, up from last year's record of 12 million.

This surge in passport applications has led to longer processing times, averaging 6 to 8 weeks. As a result, there have been significant increases in public requests for expedited processing.

The designation of September as ''National Passport Month'' will serve as an important reminder for the American people to plan ahead and begin their passport application process early.

Despite the significant increase in the number of passport applications being processed, fewer than 23 percent of Americans have passports.

This number is far too low. International travel provides a unique perspective of the world and is an invaluable opportunity to interact with the global community and experience world cultures first hand.

I want to encourage the American people to get their passports and see the world.

The designation of September as ''National Passport Month'' will not only encourage the American people to avoid delays and get their passports early, but it will also acknowledge the positive impact of international travel in promoting understanding, tolerance, acceptance, and goodwill throughout the world.

On September 5, 2007, the U.S. House of Representatives unanimously agreed to an identical resolution introduced by Congresswoman BARBARA LEE. It is my hope that this body will do the same. I urge my colleagues to support this resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 338) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 338

Whereas, through international travel, Americans can individually play a major role towards improving foreign relations by building bridges and making connections with citizens of other countries;

Whereas interacting with the global community inspires Americans to reflect on the diverse multi-cultural background that has defined the United States as a great country of cooperation and progress;

Whereas having a passport and traveling abroad creates connections with the global community;

Whereas having a passport and traveling abroad promotes understanding and goodwill throughout the world, opening the doors to increased peace, tolerance, and acceptance;

Whereas having a passport and traveling abroad opens up a wealth of educational opportunities and experiences for Americans of all ages;

Whereas having a passport and traveling abroad enables Americans to see first-hand the effect of the United States on the world, including the tremendous amount of humanitarian aid given by the United States through both public and private sectors;

Whereas having a passport and traveling abroad reminds Americans that they are members of a global family and gives them opportunities to mend rifts around the world;

Whereas fewer than 23 percent of Americans have passports, thereby limiting their ability to travel outside the United States;

Whereas the more Americans travel outside the United States, the more they will experience opportunities to increase their understanding of the world and the place of the United States in it;

Whereas the creation and support of a National Passport Month signals to Americans the important role they can play as ambassadors for the United States by serving as agents of understanding, tolerance, and mutual respect; and

Whereas travel publishers along with travel editors from the most prestigious media outlets in the United States, student travel organizations, and book sellers have designated September as ''National Passport Month'' to educate the public about the importance of having a passport and the positive impact international travel has on individuals: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Passport Month; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Passport Month with appropriate ceremonies, programs, and activities.

EXPRESSING THE SENSE OF THE SENATE ON BURMA

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 339, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 339) expressing the sense of the Senate on the situation in Burma.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. BOXER. Mr. President, I support the resolution offered by Senator KERRY on the current crisis in Burma.

In his April 16, 1963, letter from a jail cell in Birmingham, AL, Dr. King wrote that ''freedom is never voluntarily given by the oppressor, it must be demanded by the oppressed.''

The people of Burma, are demanding freedom. They are peacefully marching in the streets to demand freedom from an oppressor that is one of the world's worst human rights abusers. They are demanding freedom from a government that restricts the basic freedoms of speech and assembly, engages in human trafficking, discriminates against women and ethnic minorities, uses children as soldiers and laborers, imprisons arbitrarily, abuses prisoners and detainees, and rapes and tortures.

This military junta is now engaged in an attempt to violently suppress the Burmese people who refuse to be silenced anymore. Those who have taken to the streets are doing so at great personal risk. Thousands were killed in a similar uprising in the summer of 1988. This brutal regime is responsible for the destruction of 3,000 villages and the displacement of 2 million people. The people of Burma are saying enough is enough.

Dr. King also wrote from his jail cell that ''injustice anywhere is a threat to justice everywhere.'' That is why this resolution is so important and why I am so proud to be a cosponsor. It sends a strong message to those marching in the streets of Rangoon and Mandalay that the United States is witness to what is happening. It also says that the United States is working to rally the international community behind the Burmese people as they strive for justice after years of oppression.

This resolution recognizes that we can all play a positive role in bringing justice and peace to Burma, and that we must work with the international community to pressure the Burmese Government to lift restrictions on humanitarian aid. It also calls on the United Nations to play a unique role in furthering dialogue toward reconciliation and concurs with the Association of Southeast Asian Nations decision to demand an end to the violence, the release of all political prisoners, and a political solution to the crisis. Finally, this resolution rightly urges that China end its military assistance to the Burmese regime, and that it no longer block the efforts of the United Nations Security Council to condemn the oppressive action of the Burmese junta.

I want to end with a quote from the icon of freedom in Burma, Aung San Suu Kyi: ''We will prevail because our cause is right, because our cause is just . . . History is on our side. Time is on our side.''

We must continue to stand beside the people of Burma in that cause.

Mr. SMITH. I wish today to denounce the savage actions of Burma's military government. During this past week, a familiar pageantry of riot police and soldiers deployed to stop the peaceful demonstrations of Burmese monks and citizens. These protestors demanded an end to the dictatorship which has governed Burma for most of the past 4½ decades. They carried no weapons, incited no violence, and made no demands beyond those which constitute basic human freedoms.

Their military junta reacted as that government always has: with silence, with threats, and then at last with violence. I had hoped that the course of these protests would not conform to Burma's old pattern of repression. So often in this decade we have seen the forces of peaceful revolution triumph over the institutional relics of an earlier, more brutal age. In Georgia, Ukraine, and Kyrgyzstan the old regime was toppled with barely a hint of violence. Elsewhere, like Lebanon, strident democratic blows were struck against the ruling order. I remember not two decades ago, when the Soviet Union peacefully dissolved, its citizens having had finally enough of communism, misery, and the KGB.

Sadly, these bloodless successes are not always the norm. Events in Uzbekistan and Belarus have shown us—as did Tiananmen Square 18 years ago—that governments which are serious about holding power do not topple easily. They draw on their full arsenal of modern repression, from electronic surveillance and torture to indiscriminate beatings and murder. This is what has happened in Burma. We hoped for a bloodless success, and we are rewarded with a bloody failure. For me, this is particularly hard to bear.

I have been involved with Burmese political issues throughout my tenure in the Senate. I have cosponsored numerous bills and resolutions condemning Burma's military tyranny and its human rights record. Congress after Congress, session after session, I have pushed for stricter sanctions on the Burmese regime. In 2003, I was a cosponsor of S. 1215, the Burmese Freedom and Democracy Act, which cut off all imports to the United States from Burma and authorized support for Burmese democratic activists. I likewise supported H.R. 2330, the House version of that act which was eventually passed into law. Just this past summer, as I have done repeatedly before, I cosponsored a bill renewing the sanctions of the Freedom and Democracy Act. In October 2001, I voted for S.A. 1933 to the Foreign Operations bill, denying Burma outside aid unless Rangoon changed its behavior. And in March 2005, I introduced S. Res. 91, which urged China to stop enabling Burma with military support.

It is clear, however, that there is a limit to what my colleagues and I can effect from our seats in Washington. The regime which rules Burma is nearly impervious to outside pressure. The true wielders of influence—such as China and India—have been effectively silent thus far on the junta's latest brutalities. And so today, the Burmese protests have ended much the way I feared they would. There has been no peaceful overthrow of the government. There is now only the sight of thousands of soldiers patrolling the streets, the monks locked in their monasteries, Internet and broadcast communication nearly cut off. We will probably never know how many dissidents were thrown into jail over the past week. We have only the haziest idea of how many Burmese were killed. A regime deserter—a government intelligence officer—claims that thousands were killed. We do know that Japan has confirmed the death of one of its nationals, a photographer who was caught up in last

week's events. And we also know that Burma's emblem of democracy, the activist Aung San Suu Kyi, remains under house arrest. She was allowed to speak with the U.N.'s special envoy last Sunday, the first foreigner she has met in 10 months. She has languished under house arrest for the past 4 years, and under severe travel restrictions before then. Her father, Aung San, was another famous Burmese leader and revolutionary who was murdered before his dream of an independent Burma realized. I can only pray that history does not repeat itself.

I imagine that Aung San Suu Kyi herself, however, would have more mixed feelings. Her father fell shortly before achieving a free nation. I imagine that such is her dedication, his daughter might readily accept the same bargain. Ten years ago, when her husband was dying of cancer in London, Suu Kyi was offered the opportunity to go visit him. It was an agonizing choice. On the one hand, she was compelled to be with her husband in the last days of his life, a man she had been prevented from seeing for years. On the other, she had absolutely no doubt that once she left the country the regime would not allow her to return. It is not inappropriate to acknowledge here that the generals ruling Burma are clever, having survived many threats to their rule. But their semblance of cleverness does not detract from their barbarity. There was much of both in their offer to Suu Kyi. They dangled her dying husband in front of her as incentive to leave Burma, possibly the cruelest bait imaginable. She declined.

I cannot begin to imagine how heartrending that decision was. Aung San Suu Kyi has sacrificed almost everything for her country. I have little doubt that at some point, perhaps not far in the future, the regime will decide to take her life as well. As long as the military junta is in power, Suu Kyi and other brave Burmese who dream of freedom face a bleak fate. Watching the monks' showdown with police over the past week, she must have hoped against hope that this time would be different. It would not be like 1988. Today there is the Internet, satellite television, and digital cameras to shame the generals into restraining their response. Sadly, and perhaps predictably, they did not.

In a few more weeks, the world will go back to its other interests. The U.N. envoy will make desultory progress in achieving his political solution, and he will go home. But the Burmese people know, as I do, that a political solution is unlikely. The military junta has stayed in power through brute force, though it sought legitimacy from Burma's monasteries. After last week's beatings and killings of those monks, that relationship is shattered. Stripped of its last veneer of legitimacy, the government will fall back on its guns. But for its weapons, and its will to rule, this regime would long ago have gone the way of other bunker regimes, and today be little missed.

The one weapon it does not have, however, is time. Sooner or later, all tyrannies collapse. The effort of repression is ultimately self-immolating; and then the regime's only lasting historical legacy will be the misery it has inflicted. For the Burmese people, who suffer through this misery and resist the best they can, life will be unbearably harsh. I believe they will continue to resist regardless. My colleagues and I will assist them however we can, in whatever small way is open to us. And one day, when the orange robes of the monks line the streets once more and the troops are nowhere to be found, we shall have victory, and a new day will break over Burma. They—and I—await that day.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 339) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 339

Whereas hundreds of thousands of Burmese citizens, including thousands of Buddhist monks and students, engaged in peaceful demonstrations against the policies of the ruling State Peace and Development Council (SPDC), demanding that the State Peace and Development Council release all political prisoners, including Nobel Peace Prize laureate Daw Aung San Suu Kyi, and urging that the government agree to a meaningful tripartite dialogue with Suu Kyi, the National League for Democracy (NLD), and the ethnic minorities towards national reconciliation;

Whereas the State Peace and Development Council violently dispersed the peaceful demonstrators, killing at least 10 (and reportedly more than 200) unarmed protesters, including a number of monks and a Japanese journalist, and arrested hundreds of others, and continues to forcibly suppress peaceful protests;

Whereas the National League for Democracy won a majority of seats in the parliamentary elections of 1990, but the State Peace and Development Council refused to uphold the results or to negotiate a transition to civilian rule and subsequently placed Aung San Suu Kyi under house arrest;

Whereas Aung San Suu Kyi has spent most of the past 18 years under house arrest or in jail, and is currently being held in government custody, cut off from her followers and the international community;

Whereas 59 world leaders, including 3 former presidents of the United States, have called on the State Peace and Development Council to release Aung San Suu Kyi and all other political prisoners;

Whereas the State Peace and Development Council has destroyed more than 3,000 villages, systematically and violently repressed ethnic minorities, displaced approximately 2,000,000 Burmese people, and arrested approximately 1,300 individuals for expressing critical opinions;

Whereas the United States Department of State's 2006 Reports on Human Rights Practices found that Burma's junta routinely restricts its citizens' freedoms of speech, press, assembly, association, religion, movement, and traffics in persons, discriminates against women and ethnic minorities, forcibly recruits child soldiers and child labor, and commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives;

Whereas the Government of Burma relies heavily on the unconditional military and economic assistance provided by the People's Republic of China;

Whereas on September 30, 2006, the United Nations Security Council officially included Burma on its agenda for the first time;

Whereas on January 13, 2007, China and Russia vetoed a United Nations Security Council Resolution calling on Burma to release all political prisoners, allow a more inclusive political process and unhindered humanitarian access, and end human rights abuses, and on September 26, 2007, China blocked a United Nations Security Council Statement from condemning the State Peace and Development Council crackdown against the peaceful demonstrators;

Whereas the prevalence of tuberculosis in Burma, with nearly 97,000 new cases detected annually, is among the highest in the world, malaria is the leading cause of mortality in Burma, with 70 percent of the population living in areas at risk, at least 37,000 died of HIV/AIDS in Burma in 2005, and over 600,000 are currently infected, and the World Health Organization has ranked Burma's health sector as 190th out of 191 nations;

Whereas the failure of the State Peace and Development Council to respect the human rights and meet the most basic humanitarian needs of the Burmese people has not only caused enormous suffering inside Burma, but also driven hundreds of thousands of Burmese citizens to seek refuge in neighboring countries, creating a threat to regional peace and stability; and

Whereas the State Peace and Development Council continues to restrict the access and freedom of movement of international humanitarian organizations to deliver aid throughout Burma: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to strongly condemn the use of violence against peaceful protestors in Burma, and to call on the Government of Burma to refrain from further violence, release the demonstrators it has arrested, immediately cease attacks against ethnic minorities, release Aung Sang Suu Kyi and all other political prisoners, and begin a meaningful tripartite political dialogue with Suu Kyi, the National League for Democracy, and the ethnic minorities;

(2) to call on the People's Republic of China to remove objections to efforts by the United Nations Security Council to condemn the actions taken by the Government of Burma against the peaceful demonstrators;

(3) to call on the People's Republic of China and all other nations that have provided military assistance to the Government of Burma to suspend such assistance until civilian democratic rule is restored to Burma;

(4) that the Government of Burma should engage in a peaceful dialogue with opposition leaders and ethnic minorities to implement political, economic, and humanitarian reforms that will improve the living conditions of the Burmese people and lead to the restoration of civilian democratic rule;

(5) to recognize and welcome the many constructive statements issued by various nations, and particularly the statement issued by the Association of Southeast Asian

Nations on September 27, 2007, which demanded an immediate end to violence in Burma, the release of all political prisoners, and a political solution to the crisis;

(6) that the United States and the United Nations should strongly encourage China, India, and Russia to modify their position on Burma and use their influence to convince the Government of Burma to engage in dialogue with opposition leaders and ethnic minorities towards national reconciliation;

(7) to support the United Nations mission to Burma led by Ibrahim Gambari, and to call on the Government of Burma to allow the mission freedom of movement and access to top government leaders in order to prevent additional violence and to further peaceful dialogue towards national reconciliation; and

(8) that the United States should work with the international community to pressure the Government of Burma to lift all restrictions on humanitarian aid delivery and then allow international humanitarian aid organizations to work to alleviate suffering and improve living conditions for the most vulnerable populations.

RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF HISPANIC SCIENTISTS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 340, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 340) recognizing the efforts and contributions of outstanding Hispanic scientists in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 340) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 340

Whereas the purpose of the National Hispanic Scientist of the Year Award is to recognize outstanding Hispanic scientists in the United States who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the 7th annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida, on Saturday, October 6, 2007;

Whereas proceeds from the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the ''YES! Team''; and

Whereas a need to acknowledge the work and effort of outstanding Hispanic scientists in the United States has led to the selection of Dr. Louis A. Martin-Vega as the honoree of the 7th annual National Hispanic Scientist of the Year Award, in recognition of his accomplishments developing foundation-wide programs aimed at integrating research and education in science and engineering and in increasing the participation of women and underrepresented minorities in these fields; and

Whereas Dr. Martin-Vega is also to be commended for his years of leadership in engineering education at such fine institutions as the University of Puerto Rico at Mayaguez, the University of Florida, Florida Institute of Technology, Lehigh University, the University of South Florida, and North Carolina State University, and for his service at the National Science Foundation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding Hispanic scientists in the United States at the annual National Hispanic Scientist of the Year Gala and to organize a ''Meet the Hispanic Scientist Day''; and

(2) congratulates the 2007 National Hispanic Scientist of the Year designated by the Museum of Science & Industry, for ongoing dedication to improving the quality of, and access to, science and engineering research and education.

ORDERS FOR TUESDAY, OCTOBER 2, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, October 2; that on Tuesday, 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 be reserved for their use later in the day, and that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two sides, with the Republicans controlling the first half and the majority controlling the final portion; that following morning business, the Senate proceed to H.R. 3222, as provided for under a previous order; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conference meetings.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Tuesday, October 2, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major general

BRIG. GEN. DAVID A. RUBENSTEIN, 6677

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BERNARD J. MCCULLOUGH III, 4147

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

STEPHEN T. VARGO, 7730