

good faith. Let's be clear: even if a defendant acted in bad faith, many victims of racial profiling will not file a lawsuit because they cannot take the risk that they will be forced to pay attorney's fees if they lose.

Despite what its proponents claim, the John Doe provision applies to more than just terrorism cases. In fact, it applies to any activity related to a threat to a passenger vehicle or its passengers. As a result, this provision will probably be invoked by every defendant in every future racial profiling case.

I am especially disappointed that this legislation was inserted into the 9/11 conference report without any consideration of the concerns I have outlined. This provision was not in the 9/11 bill that the Senate passed. In the Senate, it has received no hearings, no debate, and no votes.

The John Doe bill falls under the jurisdiction of the Judiciary Committee, of which I am a member. Senator LEAHY, the chairman of the Judiciary Committee, asked that it not be included in the 9/11 conference report so that we could hold hearings on it, but unfortunately his request was not granted.

This reminds me of another controversial bill that was inserted into a conference report without any debate in the Senate. It's called the REAL ID Act, and it is now opposed by States across our country.

I will be tracking closely how this legislation is implemented. I suspect that, as with REAL ID, the John Doe law will be met with rising opposition across this country as more and more Americans learn about it.

CLOSE

The 9/11 Commission gave Congress a critically important job.

The Commission charged Congress with making structural changes to close the gaps in America's homeland security defenses. This legislation responds to that challenge, and I support final passage of the conference report.

Mr. LIEBERMAN. Mr. President, I am prepared to yield back all remaining time, and Senator COBURN, in the spirit of not only the good spirit I identify with him but in the spirit of the hour, I gather, is prepared to yield back his remaining time as well.

Ms. COLLINS. Mr. President, I yield back the time on this side as well.

Mr. LIEBERMAN. Mr. President, again, I thank Senator COLLINS and Senator COBURN. It is a measure of their devotion that they are both still here at this hour.

#### MORNING BUSINESS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### TRIBUTE TO LIEUTENANT COLONEL JEAN MCGINNIS

Mr. REID. Mr. President, I rise today to congratulate LTC Jean McGinnis upon retiring from military service. For more than 25 years, our Nation has been fortunate to have such an intelligent, accomplished and decorated American in our armed services.

Lieutenant McGinnis exemplifies selfless devotion to one's country. Born in Deadwood, SD, Lieutenant McGinnis began her service early. The New Mexico Military Institute commissioned her as a 2nd lieutenant before she even completed her bachelor's degree at Texas A&M. She joined the Army Reserve as an active Guard Reserve Officer, and continued her education at Fort Eustis, VA, where she successfully passed the aviation maintenance officer course to become an Army test pilot in the UH-1 Huey helicopter.

In 1991, Captain McGinnis was stationed in Pennsylvania at the Willow Grove Naval Air Station as the aviation operations officer for the 2/288th Aviation Regiment. Five years later, she was assigned to the Office of the Chief, Army Reserve, Program Analysis and Evaluation Division and then as a budget analyst for the Army. In 1999, Major McGinnis moved to Arlington, VA, in order to serve as a congressional liaison after training at the Command and General Staff College.

Throughout her service, Lieutenant McGinnis has gained wide recognition from her commanding officers. She has earned the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, the National Defense Service Medal, the Senior Army Aviator Badge, and the Air Assault Badge and the Army Staff Badge. These accomplishments speak volumes for her dedicated service to the country.

It is with great pride that I commend Lieutenant Jean McGinnis on this wonderful accomplishment. You have served our Nation with distinction, and I wish you the best on your well-deserved retirement.

#### LIEUTENANT COLONEL JEAN M. MCGINNIS

Mr. INOUE. Mr. President, today I honor, and pay tribute to LTC Jean M. McGinnis, who will retire from the U.S. Army on August 31, 2007, after 25 years of distinguished service. Lieutenant Colonel McGinnis is an outstanding American soldier who served in a succession of command and staff positions worldwide of increasing responsibility.

In her last assignment in the U.S. Army as the Deputy Chief of the Army, Senate Liaison Division, Lieutenant

Colonel McGinnis demonstrated the managerial and leadership skills that have characterized her career. She demonstrated Army values daily, supported her subordinates and chief tirelessly, and traveled extensively escorting Senators, their staffs, and Senate committee professional staff members on inspections and factfinding trips in the United States and overseas.

Lieutenant Colonel McGinnis previously served as a Congressional Budget Liaison Officer in the Office of the Chief of Army Reserve and as an Operations Research Analyst in Programs, Analysis, and Evaluation in the Pentagon. From 1982 to 1994, she served as an Aviation Officer, in the positions of Platoon Leader, Detachment Commander, Company and Battalion Flight Operations Officer.

During her aviation career Lieutenant Colonel McGinnis had many assignments ranging from humanitarian assistance missions in Guatemala and Honduras to piloting the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the U.S. Army in Egypt as part of Operation Bright Star.

In 1997, Lieutenant Colonel McGinnis was assigned to the Office of the Chief of Army Reserve in Washington, DC, as an Operations Research Systems Analyst. During this assignment she reconciled Army Reserve resource requirements with Army program needs. She later served as a Budget Analyst in the Office of the Deputy Chief of Staff for Personnel, Resource Division. While in this challenging assignment, she served again as an Operations Research Budget Analyst of Reserve personnel and was directly involved with complex Army training and Reserve personnel policy issues.

She was then selected to represent the Army on Capitol Hill and served 4 years working for the Army Senate Liaison Division and the Office of the Chief of Army Reserve. Lieutenant Colonel McGinnis' expertise and knowledge of the Active Army and Reserve policies and procedures has been of great value to Senators and their staffs. Lieutenant Colonel McGinnis' leadership, resourcefulness, and professionalism made lasting contributions to Army readiness and mission accomplishments. Her service to our Nation has been exceptional, and Lieutenant Colonel McGinnis is more than deserving of this recognition.

#### DIGNIFIED TREATMENT OF WOUNDED WARRIORS ACT

Mr. CRAIG. Mr. President, I wish to take a moment to comment on the passage of the Dignified Treatment of Wounded Warriors Act. The President's blue ribbon Wounded Warrior Commission met with the President to provide

him with recommendations as to how the Veterans' Administration, along with the Department of Defense, can best provide service to our dramatically injured veterans in a seamless fashion.

Our action, with passage of this legislation, is a step in the same direction. It fulfills the pledge we made a few months ago when the Veterans' Affairs Committee, along with the Armed Services Committee, held joint hearings to receive testimony on needed changes to transition programs and health care benefits.

At that time, many of us stated our intention to make a good-faith effort to work on issues under our respective committees' jurisdictions and then to merge our work back together again at the earliest possible time.

This bill not only contains the legislation that went through the Armed Services Committee earlier in the form of S. 1606, but it also includes title II of the bill, legislation sponsored by Senator DANNY AKAKA and me to address issues surrounding the treatment provided to those veterans with traumatic brain injuries.

Of course, I am proud of the comprehensive nature of the legislation Senator AKAKA and I have put forward in this legislation and pleased to see its passage.

Under the provisions in this bill, injured veterans will benefit from new investments in research into mild, moderate, and serious traumatic brain injury. They and their families will be assured that care is provided in age-appropriate settings. We will explore whether assisted living services are the most appropriate and least restrictive settings to provide care for those with traumatic brain injury.

Most important to me is that our servicemembers, veterans, and their families will have peace of mind knowing the Secretary can provide traumatic brain injury care in a private, non-VA facility anytime the Secretary determines that doing so would be optimal to the recovery and the rehabilitation of that patient. In other words, with passage of this legislation, we are assuring that whenever it is in the best interest of the patient's recovery, then VA can purchase private care to treat traumatic brain injury.

These are a few of the very important provisions in title II of the legislation. Of course, there are many other notable pieces of the bill in title I, which, as I previously stated, was produced by my colleagues in the Armed Services Committee. I compliment them again for their work on this important bill.

We said we would do this as expeditiously as possible. The earliest time possible was, of course, the National Defense Authorization Act, which was on the floor a few weeks ago. There, we added the substance of the bill as an amendment to that act.

Unfortunately, the NDAA was pulled from the floor—a little premature, in my judgment, but it was. But I do wish

to compliment both leaders for agreeing in a bipartisan way to bring this important part of that bill before us quickly so our troops and our injured veterans and their families can receive the care and benefits they deserve as quickly as it can be delivered.

I said on the floor a few weeks ago, during consideration of the National Defense Authorization Act, the legislation was very important because it demonstrated that Congress can break down the walls of jurisdiction and territory and do the right thing at the right time for our troops.

I and other Senators have been very critical of the bureaucratic roadblocks DOD and VA can put up against one another, when we all want to make sure they are working together in a seamless fashion. We now see those walls breaking apart. So I believe we are going to demand that these two agencies break down further those barriers of territory and jurisdiction. When we demonstrate we can do it, we then must ask them to do it. In this legislation, you saw two committees come together to make it possible. I am proud we have done so. It is the kind of work we ought to do.

I also think it is fitting we passed this bill yesterday because the President's Commission on Care for America's Returning Wounded Warriors is set to issue its final report. That happened. We have now had an opportunity to review it. I thank all of the Members of that Commission for their service and for all of the work they did in a short timeframe. Former Senator Bob Dole and Secretary Donna Shalala were great leaders on this issue for us and for our veterans and for our troops.

The passage of this bill is only the beginning of changes that we will make and must make for the health care and the benefit services offered to our veterans and offered through VA and DOD. I look forward to hearings on the panel's recommendations soon and to finalize the reading of the report. I now have it in hand. I am hopeful that with the passage of this legislation, which will soon be on its way to the President for signature, we in the Congress can focus on the recommendations of the Dole-Shalala panel.

With that, I again thank the chairman of the Veterans' Affairs Committee, Senator AKAKA, for his work and support in the production of title II of this bill. I also want to thank and compliment Senator MCCAIN and Senator LEVIN and Senator WARNER for their work on title I, the Wounded Warrior legislation. I truly appreciate the coming together of these diverse but connected jurisdictions to show we can break down our walls and to once again demonstrate and encourage both the Department of Defense and VA to work in a progressive, seamless fashion for the benefit of our fighting men and women and for the benefit of those same men and women when they become veterans and the responsibility for them shifts to a different jurisdiction.

It is important legislation and work of which we can be proud.

#### LIVESTOCK INDEMNITY PROGRAM PAYMENTS

Mr. THUNE. Mr. President, I rise today to highlight an important piece of legislation that was passed by the Senate last night. This legislation would fix a potentially devastating mistake in the agriculture disaster assistance legislation Congress passed last May.

Over the past few years, drought conditions and other natural disasters have financially strained tens of thousands of agriculture producers across the country. Last May, Congress responded to the needs of America's producers by enacting more than \$3 billion in emergency disaster assistance for farmers and ranchers who experienced losses in 2005, 2006, and early 2007.

This assistance includes payments for livestock losses under the Livestock Indemnity Program and compensation for grazing losses under the Livestock Compensation Program.

Last month, it was brought to my attention that as many as 90% of livestock producers will be ineligible for assistance due to an unintended technicality in the emergency supplemental bill. The USDA's Office of General Counsel is interpreting Section 9012 of the emergency supplemental bill in a very narrow manner. This section requires participation in the Non-Insured Crop Disaster Assistance Program—NAP—or Federal crop insurance pilot program during the year livestock disaster assistance is requested.

If disaster benefits are limited to only those livestock producers with NAP or crop insurance coverage, the vast majority of livestock producers in drought-stricken regions will be ineligible for disaster assistance.

While crop insurance is typically required for crop disaster assistance, similar requirements are highly unusual for livestock disaster assistance. In fact, NAP coverage has never been a prerequisite for livestock disaster assistance in previous emergency spending bills.

Only a small percentage of livestock producers have traditionally participated in the NAP program, because indemnity payments range from \$1 to \$2 per acre. Since NAP payments are so low, few grazing producers have participated. It is simply bad policy to exclude producers from disaster assistance who chose not to participate in an ineffective program.

Congress clearly intended disaster assistance to be available to those producers most impacted by years of devastating weather conditions. My legislation would strike Section 9012 of the 2007 emergency supplemental spending bill, and would ensure that livestock producers impacted by natural disasters receive assistance they deserve in a timely manner.