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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Eternal Lord God, You promised that those who passionately seek You will find You. So we fervently ask for Your presence. Deliver us from worries and distractions that hinder our pursuit of You, and guard our hearts and minds with Your peace.

As frail children of time and fate, we are lost without the wisdom of Your providence. Speak to our leaders and draw them into intimacy with You. Remind them that neither death nor life, angels or principalities, powers or things present or things to come, heights or depths, can separate them from Your love. Rescue them from misplaced priorities that major in minors and minor in majors. Keep their minds alert and their hearts at full attention as they wait for the unfolding of Your will.

We pray in Your hallowed Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 19, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning, following any time used by me or Senator MCCONNELL, the Senate will resume debate on the Department of Defense authorization measure and then have a period of 1 hour to discuss the Specter-Leahy habeas corpus amendment prior to a vote to invoke cloture on that amendment. Members have until 10 o'clock this morning to file any germane second-degree amendments to this pending amendment.

Yesterday, there were discussions with respect to restructuring—I should not say restructuring, structuring the debate format for these Iraq amendments and the Defense authorization bill. Our staffs have been working. We hope something can be worked out.

Additionally, other Members have amendments on various topics dealing with the Defense authorization bill. We hope we can get a process going where we can move through these as rapidly as possible. I announced yesterday we would vote no later than 10:30 a.m. this Friday because of the Jewish holiday which begins at sundown, and some Members need that time to fly to their homes to be ready for Yom Kippur, which starts, as I indicated, at sundown. We also are going to have a vote at noon on Monday. Everyone should be aware of that. It is not going to be a judge's vote, it is going to be an important vote. I am well aware of the many scheduling issues facing Senators, but we have much work to do prior to the scheduled Columbus Day recess. We have to extend a number of bills because of the fiscal year ending, so I encourage Members to be mindful of the schedule and need for flexibility.

I ask unanimous consent the distinguished Senator from Oklahoma be allowed to speak for up to 7 minutes on an issue dealing with the war in Iraq, a fallen soldier, and that time not be taken away from the debate on the habeas corpus amendment.

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

RECOGNIZING THE FALLEN

Mr. REID. These remarks are so important. I have had the duty—I feel it is my duty—to call home and speak to 55 mothers and fathers and husbands and wives and children of Nevadans who have died in the war. It is a difficult situation. I last week talked to a grandmother whose 19-year-old grandson committed suicide a week after he went back for his second tour of duty. He killed himself in Iraq. These are real difficult situations. I know how strongly Members feel. So I certainly appreciate the feeling of the Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, I thank the majority leader for his comments. It will be my intention, after I conclude my remarks concerning a fallen marine, that the floor be given to the Senator from South Carolina, Senator LINDSEY GRAHAM, for a period of approximately 15 minutes.

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

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

HONORING OUR ARMED FORCES

CORPORAL JEREMY D. ALLBAUGH

Mr. INHOFE. Mr. President, today I rise to remember the life of one of America's heroes, Marine CPL Jeremy David Allbaugh. Corporal Allbaugh came from Luther, OK, and graduated from nearby Harrah High School. Before graduating, he was chosen to be a U.S. marine, becoming a member in the 1st Battalion, 4th Marines. Tragically, Jeremy died on July 5, while conducting combat operations in Al Anbar Province near the city of al-Qa'im, when his humvee was struck by an improvised explosive device.

There are no words that can truly express the dedication and selflessness of this young marine. There are no words that can adequately convey our thoughts for their loss to his family, who are here with us today. They have given everything to our country, something many find it difficult to comprehend and a sacrifice fewer will ever face. But I will say these words so as to honor Jeremy's last request, a request which America will always oblige her heroes, which was: ''Remember me.''

Before deploying to Iraq with his Marine unit, Jeremy had a conversation with his brother, Army 2LT Jason Allbaugh, in which Jeremy made two simple requests. He said: If something happens to me, do me a favor. Jeremy said: Do two things for me. Take care of mom and dad, and remember me.

Jeremy, today we do that. We remember your life of service and thank you for giving the ultimate sacrifice in defense of our Nation.

Growing up, Jeremy seemed destined to become a marine. His brother Jason—and I visited with him—said as far back as he could remember, Jeremy wanted to be a marine. Most kids had the conventional costumes on Halloween but not Jeremy. He wore fatigues. Jeremy also wore a camouflage backpack to school. His dream became reality 3 years ago when, 2 months shy of his 18th birthday and prior to graduating from high school, Jeremy joined the Marine Corps. His father Jon and his mother Jenifer, seeing how much Jeremy loved his country and his desire to serve, supported his decision and gave their permission.

That decision could not have been an easy one. All parents can understand their concern, especially parents of our servicemembers who face the possibility that their son or daughter could see combat in Iraq, Afghanistan or anyplace else in the world. Although their concern was great, I am sure it was surpassed only by the enormous pride they felt for their son Jeremy.

Jeremy, driven by a sense of duty, was willing to leave the comfort of his family and friends and the life he knew and answer the call for his country. Jeremy arrived in Iraq this past April. Jenifer said in Jeremy's weekly phone calls he gave the family a much different picture of what was going on in Iraq compared to what was being reported in the media. There were a lot of good things being done there, Jeremy told his family. There were Neighborhood Watch programs, new schools, hospitals, clinics being built in the area where he was assigned. I know this is true because I was there when Jeremy was there, and I saw this for myself in some 15 trips to the area of operation in Iraq.

When asked how the local Iraqi people treated the marines, Jeremy was upbeat. ''They appreciate what we do,'' he said. Jeremy believed in the positive changes he saw happening in Iraq, and he loved being a part of it.

Jenifer wishes so desperately that the American people knew and understood the sacrifices of our men and women in uniform. She hopes that more people will start to talk firsthand to our troops who are over there, not only to politicians in Washington. I, too, wish more people would talk to our troops who are over there and see their pride, their courage, their sense of honor and duty. Jeremy exemplified these qualities.

Maybe that is why Jenifer wishes people would talk to the troops, because she knows they would be talking to men and women similar to her own son.

Similar to so many of America's fallen heroes, Jeremy was young, only 21-years-old, when an IED took his life. Jeremy joined the Marine Corps after 9/11 and after the beginning of Operation Iraqi Freedom. He knew what it meant to serve. He knew what it meant to be a marine. He knew what chances he was taking. Jeremy's courage and selflessness are common for someone of his young age serving over there. Perhaps Jeremy's last wish, the wish that he be remembered, was his most selfless act.

When we remember Jeremy, we remember that which is great about our country, and his death will force us to remember the sacrifices of those throughout our history who have given their lives in defense of the Nation. We remember; we will always remember.

Rev. Jeff Koch, Pastor of the First Christian Church of Blackwell, OK, where Jeremy was honored before being laid to rest, said Jeremy ''paid the ultimate sacrifice so tonight we can sleep easy.''

I, too, believe this. Because of Jeremy's sacrifice, America can sleep easier. But I will rest easier knowing Jeremy lived and that, though they are rare, men and women similar to Jeremy are out there right now, protecting our lives and freedoms and our liberties. In this long war against terrorism and tyranny, America will continue to rely on men and women such as Jeremy, men and women who have been called to duty, men and women willing to put service before self.

We remember the life of Jeremy David Allbaugh, a marine, a friend, a brother, a grandson, and a son. We remember and pray for his family, father Jon; mother Jenifer; brothers Jason and Bryan; sister Alicia; and his grandparents, John, Dorothy, and Peggy.

Today, on the floor of this great deliberative body and in the annals of our RECORD, we mourn Jeremy's passing and forever honor and remember his life. Jeremy Allbaugh is a living memory to us, of what is great about America.

So we say: Rest easy, Jeremy. Semper Fidelis.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, the Department of Defense Authorization Act. The clerk will report.

The legislative clerk read as follows:

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

Pending:

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

Levin (for Specter-Leahy) amendment No. 2022 (to amendment No. 2011), to restore habeas corpus for those detained by the United States.

Warner (for Graham-Kyl) amendment No. 2064 (to Amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects.

AMENDMENT NO. 2022

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to 60 minutes of debate prior to a vote on the motion to invoke cloture on amendment No. 2022, offered by the Senator from Michigan, Mr. LEVIN, with the time equally divided and controlled between the leaders or their designees.

Who yields time? The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I yield 15 minutes to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I compliment Senator INHOFE in that moving tribute to a fallen marine.

The issue we have before the Senate is one of great importance to the country. It will affect the future of this bill. It will affect the national security needs of our Nation for a long time to come. It is a bit complicated, but at the end of the day, I don't think it is that difficult to get your hands around.

We are talking about a habeas corpus amendment to the Defense authorization bill that will confer upon any combatants housed at Guantanamo Bay, and maybe other places, the ability, as an enemy prisoner, to go to a Federal court of their choosing to bring lawsuits against the Government, against the military—something never granted to any other prisoner in any other war.

We had thousands of Japanese and German prisoners housed on American territory during World War II and not one of those Germans or Japanese prisoners were allowed to go to Federal court to sue the troops who had caught them on the battlefield or the Government holding them in detention as a prisoner of war.

To start that process now would be an absolute disaster for this country and has never been done before and should not be done now.

Now, the history of this issue: Guantanamo Bay is the place where international terrorists are sent, people suspected of being involved in the war on terror. Shaikh Mohammed is there, some very high-value targets are there, bin Ladin's driver. People who have been involved with al-Qaida activity and other terrorist groups are housed at Guantanamo Bay under the theory that they are unlawful enemy combatants. They do not wear a uniform as did the Germans and the Japanese, but they are very much at war with this country. They attack civilians randomly. Nothing is out of bounds in terms of their conduct. So they fit the definition, if there ever was one, of an unlawful enemy combatant. What they do in the law of war is unlawful. They certainly are enemies of this country. Shaikh Mohammed's transcript regarding his Combatant Status Review Tribunal—take time to read it. I can assure you he is at war with us. We need to be at war with him.

The basic premise I have been pushing now for years is that the attacks of 9/11 against the World Trade Center, against the Pentagon, the hijacking of the airplanes were an act of war. It would be a huge mistake for this country to look at the attacks of 9/11 as criminal activity. We are at war, and we should be applying the law of armed conflict.

The people whom we are fighting very much fall into the category of ''warriors'' based on their actions and their own words. What is the law of armed conflict? The law of armed conflict is governed by a lot of international treaties, the Uniform Code of Military Justice, and American case law.

What rights does an unlawful enemy combatant have? Well, our court looked at Guantanamo Bay. Habeas petitions were filed by detainees at Guantanamo Bay alleging that they were improperly held. The U.S. Supreme Court in the Rasul v. Bush decision in 2004 said: There is a congressional statute, 2241, that deals with habeas rights created by statute.

The Government argued that Guantanamo Bay was outside the jurisdiction of Federal courts; it was not part of the United States. The Supreme Court said: No, wait a minute. Guantanamo Bay is effectively controlled by the Navy; it is part of the United States.

The question for the court is, Did the Congress, under 2241, intend to exclude al-Qaida from the statute? And the answer was that Congress had taken no action. So the issue, 6 years after the war started here: Does the Congress wish to confer upon enemy combatant terrorists housed at Guantanamo Bay habeas corpus rights under section 2241, a statute we wrote? That is the issue.

Now, imagine after 9/11 if someone had come to the floor of the Senate and made the proposal: In case we catch anybody who attacked us on 9/11, I want to make sure they have the right of habeas corpus under 2241 because I want to make sure their rights exceed any other prisoner in any other war. I think you would have gotten zero votes.

Well, that is the issue.

Now, last year, Congress spoke to the courts, and the DC Circuit Court of Appeals understood what we were saying. Congress affirmatively struck from 2241 the ability of a noncitizen alien enemy combatant to have access to Federal court under the habeas statute. Why is that so important? From a military point of view, it is hugely important. Under the law of armed conflict, if there is a question of status—is the person a civilian? Are they part of an organized group? Are they an unlawful combatant? There are many different categories that can be conferred upon someone captured on a battlefield.

Under Geneva Conventions article 5, a competent tribunal should be impaneled—usually one person—to determine questions of status, and the only requirement is they be impartial. The question of who an enemy combatant is is a military decision. We should not allow Federal judges, through habeas petitions, to take away from the U.S. military what is effectively a military function of labeling who the enemies of America are. They are not trained for that. Our judges do not have the military background to make decisions as to who the enemy force is and how they operate.

So a habeas petition would really intrude into the military's ability to manage this war because if habeas rights were granted by statute to the prisoners at Guantanamo Bay, they could pick, through their lawyers, any district court in this country. They could go judge shopping and find any judge in this country they believed would be sympathetic and have a full-blown trial, calling people off the battlefield, having a complete trial as to whether this person is an enemy combatant in Federal court and let the judge make that decision. Well, that has never been done in any other war, and it should not be done in this war. Judges have a role to play in war, but that is not their role. The role of the U.S. military in this war, as it has been in every other war, is to capture people and classify them based on their activity within that war, and habeas would undo that. That is why last year Congress said: No, that is not the way we should proceed in this war.

This is not unknown to our courts. In World War II, there was a habeas petition filed by German and Japanese prisoners who were housed overseas asking the Federal courts to hear their case and release them from American military confinement. Chief Justice Jackson said:

> It would be difficult to devise a more effective fettering of a field commander than to allow the very enemies he has ordered to reduce to submission to call him to account in his own civil courts and divert his efforts and attention from the military offensive abroad to the legal defensive at home.

Justice Jackson was right. And what has happened since these habeas petitions have been filed? Hundreds of them have been filed in Federal court before Congress acted. Here is what they are alleging:

A Canadian detainee who threw a grenade that killed an American medic in a firefight and who comes from a family with long-standing al-Qaida ties moved for a preliminary injunction forbidding interrogation of him or engaging in cruel, inhumane, or degrading treatment of him. This was a motion made by an enemy prisoner for the judge to sit in there and conduct the interrogation or at least monitor the interrogation. I cannot think of anything worse in terms of undermining the war effort.

A motion by a high-level al-Qaida detainee complaining about base security procedures, speed of mail delivery, medical treatment, seeking an order that he be transferred to the least onerous conditions at GITMO, asking the court to order that GITMO allow him to keep any books, reading materials sent to him, and report to the court on his opportunities for exercise, communications, recreation, and worship.

Hundreds of these lawsuits have been filed under the habeas statute. That is why Congress said: No, dismiss these cases because they have no business in Federal court.

Surely to God, al-Qaida is not going to get more rights than the Nazis. Surely to God, the Congress, 6 years after 9/11, will not, hopefully, give a statutory right to some of the most brutal, vicious people in the world to bring lawsuits against our own troops in a fashion never allowed in any other war.

Here is what we did last year: We allowed the military to determine whether a person is an enemy combatant, whether they were an unlawful enemy combatant through a competent tribunal called a Combatant Status Review Tribunal made up of three officers. The legislation allows every decision by the military to be appealed to

the D.C. Circuit Court of Appeals so the court can look at the quality of the work product and the procedures in place.

There is Federal court review over activity at Guantanamo Bay where judges review the work product of the military. To me, that is the proper way to move forward because some people at Guantanamo Bay, because they are so dangerous, may not be released anytime soon or may never be released. More people have been released at Guantanamo Bay than are still at Guantanamo Bay. They were thought not to be a threat. Thirty of them have gone back to the fight. We have released people at Guantanamo Bay to take up arms against us again. That is the result of a process where you make a discretionary decision.

It would be ill-advised for this Congress to confer on American courts the ability to hear a habeas petition from enemy prisoners housed at Guantanamo Bay where they could go judge shopping and sue our own troops for anything they could think of, including a $100 million lawsuit against the Secretary of Defense. That will lead to chaos at the jail. It will undermine the war effort.

I am urging a ''no'' vote to this amendment. We have in place Federal court review of every military decision at Guantanamo Bay and a way to allow the courts to do what they are best trained to do—review documents, review procedures, review outcomes—not to take the place of the U.S. military. I cannot think of a more ill-advised effort to undercut what I think is going to be a war of a long-standing nature than to turn it over to the judges and to take away the ability to define the enemy from the military, which is trained to make such decisions, and give it to whatever judge you can find, wherever you can find him or her, and let them have a full-blown trial at our national security detriment.

I urge a ''no'' vote.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. Mr. President, I believe I have 10 minutes reserved at this time.

The ACTING PRESIDENT pro tempore. The time is divided between the leaders or their designees.

Mr. SPECTER. Mr. President, I will act as the acting designee since no one is on this side of the aisle.

The ACTING PRESIDENT pro tempore. I see that the Senator from Vermont is yielding 10 minutes to the Senator from Pennsylvania. The Senator from Pennsylvania is recognized.

Mr. LEAHY. The Senator from Pennsylvania is the lead cosponsor of this amendment. I proudly yield him 10 minutes.

Mr. SPECTER. I thank my distinguished colleague from Vermont.

Mr. President, the arguments advanced by the Senator from South Carolina a few moments ago are outdated. The Supreme Court of the United States has held in the Rasul case that the Guantanamo detainees have rights under the Constitution to proceed in court in habeas corpus. In my view, that decision was based on both constitutional and statutory grounds. The Court of Appeals for the District of Columbia has held that it is a matter of statutory interpretation. I believe that will be reversed by the Supreme Court in a case now pending there. But the existing law is governed by the Military Commissions Act, and the question is whether the Congress should now correct the provision in the Military Commissions Act which eliminated the right of Guantanamo detainees to challenge their detention by habeas corpus proceedings in Federal court.

The District of Columbia Circuit has held that the provisions of the Combatant Status Review Tribunal are adequate. I believe that an examination of those proceedings will show that they are palpably deficient and obviously inadequate on their face.

The constitutional right of habeas corpus is expressly recognized in the Constitution, with a provision that habeas corpus may be suspended only in time of invasion or insurrection, neither of which situation is present here. That fundamental right has been in existence since the Magna Carta in 1215. As noted earlier, the Supreme Court, in Rasul, has recently applied that constitutional right to Guantanamo Bay detainees.

Now, Congress has acted to legislate to the contrary. Of course, Congress cannot legislate away a constitutional right; that can be done only by amendment to the Constitution. That matter is now pending before the Supreme Court, and I believe on the precedents it will be held that it remains a constitutional right.

But the issue which we confront today is the statute, the Military Commissions Act passed by Congress 2 years ago which eliminates habeas corpus. The Supreme Court has held, in the case of Swain v. Pressley, that habeas corpus in the Federal courts may be eliminated by an adequate substitute. In that case, the substitute held to be adequate was a proceeding in the District of Columbia courts. The Supreme Court said: That was adequate judicial review to superintend executive detention.

But when we take a look at the provisions of the Combatant Status Review Board, as examined by the District Court in the District of Columbia, in the In re: Guantanamo cases, this is illustrative. An individual was charged with being an associate of al-Qaida individuals. When asked to identify whom he was supposed to have associated with, the tribunal could not identify the person. I discussed this case at some length yesterday, and the courtroom broke into laughter. It was a laughing matter to be detaining somebody who was allegedly associated with someone from al-Qaida when they could not even identify who the person was.

Now, there has been a very revealing declaration filed by LTC Stephen Abraham, who was a member of the Combatant Status Review Tribunal and observed the process.

This is the way Lieutenant Colonel Abraham described the process:

> Those of us on the panel found the information presented to try to uphold detention to ''lack substance.'' What were purported to be specific statements of fact lacked even the most fundamental earmarks of objectively credible evidence. Statements allegedly made by witnesses lacked detail. Reports presented generalized statements in indirect and passive forms without stating the source of the information or providing a basis for establishing the reliability or credibility of the sources.

I put this in the RECORD yesterday, but it shows a proceeding totally devoid of any substance. You don't have to have sufficient evidence to go to court to detain someone at Guantanamo, but there has to be some basis for the detention. An examination of what is happening with the Combatant Status Review boards shows they are entirely inadequate under the standards set down by the Supreme Court in the case of Swain v. Pressley. Therefore, the alternative established by Congress in the Military Commissions Act is totally insufficient to provide fair play.

The Supreme Court of the United States has laid it on the line. Even the Guantanamo detainees are entitled to fairness. Guantanamo has been ridiculed around the world and Guantanamo is not being closed. No alternative has been found for it. But at a minimum, those who are detained at Guantanamo ought to have some proceeding to establish some basis, however slight, for their continued detention.

When Congress established the Military Commissions Act and provided for Combatant Status Review boards, we did so with the thought that we could have an alternative to going to Federal court, which would provide a basic rudimentary element of fairness required by the Geneva Conventions and required by the Supreme Court, which brushed aside the practices from World War II, overruling the prior precedents. So now it is up to the Congress of the United States to correct that mistake which we made 2 years ago. I believe any fair reading of what happens with the Combatant Status Review boards would demonstrate that we ought to correct the 2005 legislation. This amendment ought to be adopted.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LEAHY. Mr. President, I understand the Senator from New Mexico wants 3 minutes. I yield 3 minutes to the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized for 3 minutes.

Mr. BINGAMAN. I thank the Chair. Mr. President, I rise in support of the amendment being offered by Senators LEAHY and SPECTER to restore the writ of habeas corpus. I am proud to be a cosponsor of this legislation, and it is my sincere hope that it will be adopted.

One of the most troubling aspects of the administration's onslaught on basic civil rights, which has largely been carried out with the acquiescence of Congress, is with regard to the suspension of habeas corpus.

The ''great writ,'' as it is known in Anglo-Saxon jurisprudence, is simply the basic right to challenge the legality of one's confinement by the Government. It is based on a core American value that it is unacceptable to give the executive branch unchecked authority to detain whomever it wants without an independent review of the legality of the Government's actions. The right dates back to the Magna Carta, and our Founding Fathers included it as one of the fundamental rights guaranteed by our Constitution.

I would like to take a moment to briefly recount how we ended up where we are today.

In 2004, in the case Rasul v. Bush, the U.S. Supreme Court ruled that individuals held at the Guantanamo Bay naval base have the right to challenge the legality of their detention by filing a habeas petition in a U.S. Federal court.

In November 2005, in response to the Supreme Court's decision, and at the behest of the Bush administration, Senator GRAHAM offered an amendment to the 2006 Defense Authorization bill that sought to overrule the Rasul decision and strip Federal courts of jurisdiction to hear habeas claims filed by Guantanamo prisoners.

I offered an alternative amendment aimed at preserving the right to habeas corpus. My amendment was voted on the day before the Senate recessed for Veterans Day. No hearings had been held in either the Senate Judiciary Committee or the Armed Services Committee regarding the impact of eliminating this longstanding right. After very little debate on the Senate floor, my amendment was defeated by a vote of 49–42. The next week I offered a second amendment also aimed at preserving habeas rights, but it was also defeated after a deal was reached as part of what is known as the Graham-Levin compromise.

Under the Graham-Levin compromise, which was ultimately included in the Detainee Treatment Act of 2005, habeas rights were curtailed but the D.C. Circuit was granted very limited jurisdiction to review the determination of a Combatant Status Review Tribunal. That compromise was adopted 84–14. In 2006, the Supreme Court ruled in the Hamdan case that it was unclear as to whether Congress intended to prospectively repeal habeas rights and that the military commissions in Guantanamo were improperly constituted in violation of the Geneva Conventions and the Uniform Code of Military Justice.

Once again, the Senate had the opportunity to restore our Nation's commitment to the rule of law.

Unfortunately, rather than standing up for the rights enshrined in our Constitution, the Senate passed, by a vote of 65–34, the Military Commissions Act of 2006, which explicitly eliminated habeas rights.

Today is almost exactly a year after the Senate voted to pass the Military Commissions Act, and the Senate once again has the opportunity do what is right. We have the chance to restore one of the most fundamental rights guaranteed by our Constitution, and I hope the Senate will take this important step in restoring our Nation's commitment to the rule of law.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KYL. Might I inquire how much time exists on both sides?

The ACTING PRESIDENT pro tempore. There is approximately 18½ minutes on both sides.

Mr. KYL. I thank the Chair.

I request the Chair to advise me when I have spoken for 15 minutes.

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

Mr. KYL. Mr. President, let me respond to some of the arguments that have been made in support of this amendment and urge my colleagues, as they have done in the past, to reject it. The first thing that must be clarified is that the writ of habeas corpus is not being restored. It can't be restored because it has never existed to question detention. POWs and enemy combatants, detainees, have never, in the history of English common law or American jurisprudence, had the constitutional writ of habeas corpus to challenge their detention—never. So it is a mistake for those who support this amendment to claim that somehow we need to restore the right. It has never existed for this purpose; no case in the history of English or American jurisprudence or anywhere else in the world, for that matter.

Yesterday our distinguished friend and colleague Senator DODD praised and upheld the honor and wisdom of those like his father who participated in the Nuremberg tribunals after World War II. It is well that he should. Along with his father, Thomas Dodd, is, of course, Robert H. Jackson, who became a Justice of the U.S. Supreme Court in 1941 and who returned to the Court after serving as chief counsel at the Nuremberg tribunals from 1945 to 1946. The heroes of American justice and the lions of Nuremberg did not become evil men or ignorant in the law in the period between 1946 and 1950, the year that Johnson v. Eisentrager was decided by the U.S. Supreme Court. It is a case in which Justice Jackson delivered the opinion of the court that enemy combatants have no constitutional right to habeas corpus. That was the holding in the case by the very jurist who presided over the Nuremberg trials. He knew what he was talking about. That precedent remains the law of the United States to this day.

My colleague from South Carolina quoted Justice Jackson in that decision in which he said he could think of nothing that would fetter our commanders more than granting to enemy POWs a right to contest their detention, a constitutional habeas corpus right to question their detention in American courts. He said the very act of war is to subdue your opponent and for that opponent to have the right to require you to go into the courts of your land to defend your capturing of that enemy would be, from the commander's standpoint, an impossible burden to bear. He was right. It is the wisdom and correctness of that decision and all of the precedents that we defend today.

So, first, this is not about restoration of a right. With respect to questioning detention, that right has never existed. The reasons why should be evident to us all.

Secondly, to the extent there needs to be a process for determining whether an individual should be detained, this Congress has gone further than ever in the history of our country and granted an unprecedented process and procedure for that issue to be resolved. After the military tribunals sort out the people who have been captured and they determine, based upon the evidence they have, whether to detain these individuals, what we have granted to these detainees is a right never before granted. It is unprecedented in the history not just of the United States; no other country has done this. We allow that detainee to appeal that detention to a court in the United States, a Federal court, and not just any Federal court, the U.S. Circuit Court for the District of Columbia, the U.S. Court of Appeals for the District of Columbia, which many view as the court directly below the U.S. Supreme Court. And from a decision of that DC Circuit Court, the losing side can petition for writ of certiorari to the U.S. Supreme Court. Never has such an unprecedented legal right been granted to a POW or a detainee. So we should not be suffering under the illusion that by not granting habeas, they don't have any rights. They have more rights than they have ever had.

I would briefly respond to my good friend and colleague Senator SPECTER, who cited an affidavit of an individual who said, from his perspective, the evidence of the Government was inadequate in a case or in a series of cases, there are three remedies for that. The first is that the tribunal says the evidence is inadequate. The detainee gets to go. The second is for the court to ask for more evidence and say this isn't sufficient; do you have anything else you can provide. Of course, it is usually a question of classified information that the Government is loathe

to release because frequently it is from a source to which a commitment has been made that the source would not be revealed or that the intelligence wouldn't be revealed, or sometimes it is from another country that we have gotten the information from and we have also made agreements with those countries not to air intelligence they provided to us. So there is always a tension between how much evidence the United States wants to reveal of a classified nature in order to keep this person in detention. But that is the second remedy.

The third remedy is if the court nonetheless decides that there is sufficient evidence, the individual is detained, he can appeal that detention to the circuit court. The circuit court can make all of those same inquiries. So you have one of the most prestigious courts in the country making the final decision about whether the evidence is sufficient. That is certainly adequate process.

The Congress has ratified that twice through our decisions in dealing with the statutory right of habeas. Remember, there is the constitutional right and a statutory right of habeas. What Congress did 2 years ago, in consideration of the Detainee Treatment Act, was to develop a compromise that provided this procedure and make it clear, we thought, that the statutory right of habeas did not apply to these detainees.

A subsequent court decision said: Well, you made that clear with respect to future cases, but for pending cases we think you have not made it clear. So we came back and made it clear that the statutory right applied to neither the existing cases nor future cases. Of course, Congress has the right to limit the statutory right of habeas corpus. So neither the statutory right nor the constitutional right has provided a remedy for these detainees.

There is an alternative remedy that is perfectly adequate. When the Military Commissions Act was marked up by the Armed Services Committee—the bill that is before us—it was adopted with an even more specific provision removing Federal court habeas jurisdiction over enemy combatants to clear up any remaining doubt after the Supreme Court's interpretation of the DTA in the Hamdan decision. That vote, last September, was 15 to 9, including all the committee's Democratic members. Were they all wrong about the Constitution at that time? After subsequent negotiations that did not change the habeas provisions in the bill, the MCA passed this body on a vote of 65 to 34.

We have acted on this matter. I urge my colleagues, when they vote in a few minutes, to refer to their previous vote. It was correct at that time. It remains correct today. If, by some reason, we are wrong, and the case the Supreme Court has before it decides that this fall, then there is no necessity for us to act in a statutory way now. It is not going to change what the Court decides. The Court will say that right exists, and nothing we do will affect that. It would be unnecessary in any event. But if the Court confirms we are right, then it would not only be unnecessary but wrong for us to change that law by supporting the habeas amendment in a few minutes.

The final point I wish to make is that the consequences of granting the habeas right would be horrendous. Justice Jackson referred to this in the Eisentrager decision. I can be more explicit. But as he said: No decision of this Court supports the view. None has ever even hinted that the right of habeas existed in this case.

What would the consequences of granting habeas be?

At least 30 detainees who have been released from the Guantanamo Bay facility have since returned to waging war against the United States and our allies. A dozen released detainees have been killed in battle by U.S. forces. They went right back to fighting us. Others have been recaptured. Two released detainees later became regional commanders for Taliban forces. One released Guantanamo detainee later attacked U.S. and allied soldiers in Afghanistan, killing three Afghan soldiers. Another former detainee killed an Afghan judge. One released detainee led a terrorist attack on a hotel in Pakistan and also led a kidnaping raid that resulted in the death of a Chinese civilian. This former detainee recently told Pakistani journalists he plans to fight America and its allies until the very end.

The point here is even detainees whom we have released, either because there was insufficient evidence to hold them or because we deemed they no longer posed a threat to us, have gone back to the battlefield and have fought us and fought our allies, have killed and been killed. These are dangerous killers.

This is not some law school exercise we are going through here. This is not the American criminal justice process. This is dealing with terrorists who are fighting us on the battlefield, and will continue to do so if they are released improperly. That is why dealing with something such as habeas is a very serious—very serious—matter.

I mentioned the problem of classified evidence. In a habeas trial, there clearly would be a right of the defendant or the detainee to both call witnesses—he would literally be able to call his captors, the people who captured him on the battlefield and require them to verify his identity and the reasons why he was held and why he needs to continue to be held—totally disrupting our operations—and classified evidence would probably be required in most of the cases because these are people on whom we have gotten good intelligence as to their intentions and their past activities. Much of this intelligence is highly sensitive as it comes from foreign sources and human sources to whom we have made commitments that we would not reveal the information they provided to us.

It is a Hobson's choice, then, if you treat this like an American trial, where you say either the Government has to come and make this classified evidence available—and then it becomes public—or you have to withhold the classified information and let the detainee go. That cannot be the case in the case of these detainees. That is another practical reason why you cannot have the habeas granted to allow them to contest detention.

Again, put this in the context. What we have is a process that allows them to contest their detention at several stages. It allows counsel to have access to at least some of the classified information. It allows the court—and, in fact, the court of appeals has said it has the right—to review this information, all of the information that is relevant to a particular detainee's case.

The process is not lacking. It is not as if you have to grant habeas in order for these individuals to have a fair determination of their detainee status. They have that today. What they do not have is the extra right that habeas accords American citizens, people here in the United States, to call the witnesses to the court who captured you, to call up all of the classified evidence that is used against you—for the detainee to have a right to that.

The judge who tried the 1993 World Trade Center bombing case and the Padilla case made the point that when information was granted to the lawyers of the detainees in that case, within 10 days the information that was supposed to remain classified—the lawyers were not supposed to reveal it to anyone because it was highly classified; it included the names of coconspirators—within 10 days that information was in Sudan and was in the hands of Osama bin Laden. He knew because his name was on the list that we were after him. He was named as a coconspirator in the case.

So when the habeas right exists, and you have an even greater requirement to release this information, it is inevitable that highly sensitive information in fighting this war on terror will find its way into enemy hands. So the detainees can get back to the battlefield and the highly sensitive information will be very much jeopardized.

These are reasons not to grant, for the first time, a writ of habeas corpus. It is a reason to sustain what we have established for these detainees—a very fair procedure. I urge my colleagues not to grant the cloture motion, to vote ''no'' on cloture, so we do not open up this can of worms, so we can continue to fight the war against these terrorists.

I reserve the remainder of the time on this side.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask to be yielded 2 minutes.

Mr. LEAHY. Mr. President, I yield 2 minutes to the senior Senator from Michigan.

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

Mr. LEVIN. Mr. President, the law we passed last Congress stripped the Federal courts of jurisdiction to grant habeas corpus despite a constitutional prohibition which says that habeas corpus may not be suspended except in cases of rebellion or invasion, neither of which is the state of affairs today.

I want to make in this 2 minutes one essential point. The Specter-Leahy-Dodd amendment does not grant any individual the affirmative right to go to court. It does not grant a right of habeas corpus. It simply removes a legislative barrier to such action, restoring the law as it was before we enacted this provision in the last Congress, leaving it up to the courts—where it belongs and it always has been—as to whether habeas corpus should be granted.

When we debated this provision in the last Congress, we received a letter from three retired Judge Advocates General who urged us not to strip the courts of habeas corpus jurisdiction. That letter, signed by Admirals Hutson and Guter, and General Brahms, said the following:

> We urge you to oppose any further erosion of the proper authority of our courts and to reject any provision that would strip the courts of habeas jurisdiction.
>
> As Alexander Hamilton and James Madison emphasized in the Federalist Papers, the writ of habeas corpus embodies principles fundamental to our nation. It is the essence of the rule of law, ensuring that neither king nor executive may deprive a person of liberty without some independent review to ensure that the detention has a reasonable basis in law and fact. That right must be preserved. Fair hearings do not jeopardize our security. They are what our country stands for.

Well, we received similar letters from nine distinguished retired Federal judges and from hundreds of law professors from around the United States, and from many others.

I urge our colleagues to support the Specter-Leahy-Dodd amendment.

Mr. KENNEDY. Mr. President, I am cosponsoring this amendment because I strongly support the restoration of the right to habeas corpus for noncitizens detained as enemy combatants.

This bill will reinstate one of the cornerstones of the rule of law. Habeas corpus protects one of our most fundamental guarantees: that the Government may not arbitrarily deprive persons of their liberty.

President Bush and Congress undermined that guarantee last year by enacting the Military Commissions Act, which stripped courts of jurisdiction over habeas corpus petitions by enemy combatants. That legislation is a stain on our human rights record and an insult to the rule of law. It is almost surely unconstitutional.

For centuries, the writ of habeas corpus has been a core principle of Anglo-American jurisprudence. Since the days of the Magna Carta in the 17th century, it has been a primary means for persons to challenge their unlawful government detention. Literally, the Latin phrase means ''have the body'' meaning that persons detained must be brought physically before a court or judge to consider the legality of their detention.

The writ prevents indefinite detention and ensures that individuals cannot be held in endless detainment, without indictment or trial. It requires the Government to prove to a court that it has a legal basis for its decision to deprive such persons of their liberty.

The Framers considered this principle so important that the writ of habeas corpus is the only common law writ enshrined in the Constitution. Article I, section 9, clause 2, specifically states, ''The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.''

Mr. President, 9/11 was a tragic time for our country, but we did not set aside the Constitution or the rule of law after those vicious attacks. We did not decide as a nation to stoop to the level of the terrorists. In fact, we have always been united in our belief that an essential part of winning the war on terrorism and protecting the Nation is safeguarding the values that Americans stand for, both at home and throughout the world.

Instead of standing by these principles, however, the Bush administration used 9/11 to justify abandoning this basic American value. It has consistently undermined habeas corpus, claiming that the Constitution, statutory habeas corpus, and the Geneva Conventions, which Alberto Gonzales described as ''quaint,'' do not apply to enemy combatants held at Guantanamo Bay or elsewhere.

The administration even went so far as to establish detention facilities outside the United States to avoid the reach of U.S. courts and the application of basic legal protections such as habeas corpus. The administration's purpose was to hold these combatants indefinitely and try them in military commissions.

The commissions, however, have severely limited the rights of alleged enemy combatants. The accused have no access to the evidence which the Government claims it possesses and no ability to provide a meaningful defense. The tribunals are a sham and an insult to the rule of law.

The administration's lawlessness failed. Last year, the Supreme Court ruled in Hamdan v. Rumsfeld that Federal courts have jurisdiction over habeas corpus petitions brought by detainees at Guantanamo Bay. Justice Stevens reminded the administration that ''in undertaking to try Hamdan and subject him to criminal punishment, the Executive is bound to comply with the Rule of Law.''

In the face of this clear Supreme Court precedent, the administration and Congress recklessly responded with the Military Commissions Act, which eliminated the right of all noncitizens labeled by the executive as enemy combatants to be heard in an Article 3 court. This bill will repeal these disgraceful provisions of the Military Commissions Act and restore the right to habeas corpus for detainees held at Guantanamo Bay and elsewhere. I urge my colleagues to vote for the rule of law and to support this amendment.

Mr. DODD. Mr. President, I rise to once again voice my support for the Specter-Leahy-Dodd amendment to the Department of Defense Authorization Act. This amendment will restore habeas corpus rights to individuals held in U.S. custody.

Just as importantly, it will begin to undo the damage done by the Military Commissions Act of 2006—legislation that undermined our values and our commitment to the rule of law. In a struggle with terrorism in which our credibility, our good name, is a powerful weapon, the Military Commissions Act was not simply wrongheaded; it was dangerous. The amendment we offer today is a first step out of that danger and back to our moral authority.

Critics of this amendment in the Bush administration and elsewhere have argued that restoring habeas corpus rights will clog Federal courts and hamper our military operations in Iraq and Afghanistan. This is simply not true.

First, in keeping with long tradition, this amendment only applies to individuals held on clearly defined U.S. territory, including Guantanamo—but not to individuals held in U.S. custody in Iraq and Afghanistan. Several individuals filing habeas petitions from Iraq and Afghanistan have already been denied. The truth is that a relatively small number of individuals are covered by this amendment. Right now, fewer than 500 people are held in Guantanamo Bay. It is simply not credible to suggest that thousands or millions of petitions would deluge our courts and grind them to a halt. From 2002 to 2006, when detainees had the ability to file habeas petitions, the Federal courts continued to run smoothly. Last year, a distinguished group of retired judges wrote to Congress, stating clearly that habeas petitions from detainees in no way tied up our courts.

Second, habeas petitions heavily favor the Government's position. They are often decided solely by paper filings by the Government, and Federal judges have wide discretion in determining what type of evidence they need to make their determinations. In addition, usually only a minimal amount of evidence is needed to justify continued detention. Therefore, it is highly unlikely that U.S. servicemembers will be called from the battlefield to testify before a Federal judge.

Finally, many of those who oppose this amendment have relied on Justice Jackson's opinion in Johnson v. Eisenstrager to defend the stripping of habeas rights to detainees. But Eisentrager has been overtaken by more recent cases. Justice Jackson's opinion in that case relied in part on the fact that the petitioners were German prisoners of war who were imprisoned outside the United States. In 2004, however, the Supreme Court held in Rasul v. Bush that the U.S. courts have jurisdiction to hear challenges to the legality of detention of foreign nationals held there because the United States had complete jurisdiction and control over the base at Guantanamo. In other words, the Supreme Court itself rejected the Government's reliance on Eisentrager as it applies to individuals held in Guantanamo. That was the very decision that prompted the President and Congress to strip detainees of habeas rights with the Military Commissions Act.

In ignoring the most recent precedent, President Bush and his supporters are ignoring the history of the very bill they are now fighting to uphold. Their reliance on outdated rulings is, at best, disingenuous. Willfully or not, they have once again distorted the facts.

I believe that returning to the legal framework that was in place prior to the Military Commissions Act would not undermine our security. In fact, I believe reaffirming our commitment to the rule of law will strengthen our efforts to combat terrorism—we can protect our security and uphold our values at the same time. And so I ask my colleagues to support this amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to speak in favor of the Leahy-Specter amendment to restore habeas corpus, as part of the Defense authorization bill. This amendment is identical to S. 185, the Habeas Restoration Act, which was introduced earlier in this Congress and enjoys bipartisan support. I was pleased to sign onto that bill as one of its earliest cosponsors, and I am pleased to speak in favor of this amendment today.

I strongly disagree with the provisions in the Military Commissions Act that were passed last fall, eliminating the jurisdiction of American courts to consider any petition for a writ of habeas corpus filed by an alien detained by the United States after either being determined to be an enemy combatant or while awaiting such a determination.

I believe the Leahy-Specter amendment would rectify this provision, and I urge my colleagues to support it.

I firmly believe that we must do all we can to fight the war on terrorism. But we also must preserve the core principles that create the foundation of this country.

The right to habeas corpus is one of those fundamental principles. Habeas corpus is the right secured in the Constitution, allowing a person to seek relief from unlawful detention. It has roots that date back to the Magna Carta of 1215.

Habeas corpus has been suspended only a few times in our history—and then only temporarily, such as during our Civil War. Never in history have we suspended habeas corpus indefinitely, for a war that has no foreseeable end.

This is not simply a matter affecting a few hundred detainees at Guantanamo. The Military Commissions Act went far beyond eliminating the rights of the remaining detainees at Guantanamo—it also potentially can reach all 12 million lawful permanent residents in the United States, as well as visitors to our country. Under this law, any of these people can be detained, potentially forever, without any ability to challenge their detention in Federal court, simply based on the Government declaring them enemy combatants.

In fact, the Government need not even find that a noncitizen is an enemy combatant for their habeas rights to be stripped. It is enough for someone to be ''awaiting'' a determination—of a mere accusation is enough for a person to lose this basic right.

Here is what the Military Commissions Act says:

> No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States who has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

Most of the remaining detainees at Guantanamo have been held without charges for years. While they did receive very limited due process through DOD-sponsored administrative tribunals, designed to evaluate whether they can continue to be classified and held as enemy combatants, in these review tribunals, detainees can often face: secret and hearsay evidence, evidence obtained from ''enhanced interrogation techniques,'' and no right to counsel. Appeals from these review tribunals are limited to the question of whether the Government followed its own limited procedures. There are even recent reports that when some of these tribunals found that a detainee was not an enemy combatant, the Defense Department arranged for the tribunals to be repeated, until Government officials got a result that they wanted.

Rather than abolishing habeas corpus, I believe the judiciary plays a vital role in evaluating and reviewing whether due process has been provided and whether innocent persons are being held.

This is not a partisan issue, as demonstrated by the fact that the lead Senators are the chair and ranking member of the Judiciary Committee. In addition, conservatives like Kenneth Starr, Professor Richard Epstein, and David Keene of the American Conservative Union have all called for restoration of habeas, as have a long list of liberal and other scholars, retired Federal judges, and military leaders such as RADM Donald Guter, former Judge Advocate General of the Navy, who wrote that the elimination of habeas corpus rights for detainees ''makes us weaker and impairs our valiant troops.''

The right of habeas corpus is a key component of what keeps our system of justice fair and balanced. It is time for Congress to ensure that it remains available. I urge my colleagues to support the Leahy-Specter amendment to restore the rule of law at Guantanamo and elsewhere and the Great Writ of habeas corpus to its rightful place in our American system of justice.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to——

Mr. LEAHY. Mr. President, if I could ask the Senator from Alabama a question.

Mr. SESSIONS. Yes.

Mr. LEAHY. Is it the Senator's intention to close for his side?

Mr. SESSIONS. Mr. President, let's see how the time looks. I think perhaps so. How much time is left on this side?

The ACTING PRESIDENT pro tempore. Three minutes remain.

Mr. SESSIONS. Mr. President, I would utilize that 3 minutes and allow the distinguished chairman of the Judiciary Committee to close with his remarks.

First, I express my appreciation to Senator LINDSEY GRAHAM and Senator JON KYL, who meticulously explained the origin of the situation we find ourselves in today and why we have never provided the writ of habeas corpus to enemy combatants and why we should not do so.

Let's back up a little bit and go to the core of it. The Senator from New Mexico, Mr. BINGAMAN, I think correctly gave us the status of the case. Congress passed section 2241, part of the United States Code, a statutory provision of Congress dealing with habeas. At that time, I suggest, without any doubt in my own mind, Congress had no idea that years later the Supreme Court would conclude that language—and rightly or wrongly on the Supreme Court ruling—that language would provide habeas rights to combatants captured on the battlefield. OK. But the Supreme Court ruled that based on the way the statute was written. It was an unintended consequence. I would note, three members of the Supreme Court dissented and did not think that statute covered that.

So after that happened, we had to ask ourselves: Is the Supreme Court saying: You, Congress, provided habeas rights to prisoners. You did it when you passed the statute. We are not saying the Constitution requires it. We are not saying the Supreme Court requires it. What we are saying is you did it when you passed the statute?

So Congress said: OK, we did not mean that. Then we passed the amendment last year Senator GRAHAM offered

that fixed it, and did not provide, for the first time in the history of American history—or world history, for that matter—enemy prisoners be given the right to sue the generals who have captured them.

All right. So we did that, and we passed it. The DC Circuit Court of Appeals, in interpreting that statute, has followed it and concluded that Congress has changed the law and that the prisoners in Guantanamo are not entitled to habeas rights that we provide to every American citizen.

Now, that is the right thing. This is exactly what we should do. So I am somewhat taken aback by the suggestion of those who are promoting this amendment that somehow Congress denied the Great Writ and changed the law and they are here to restore it.

This is purely a matter of congressional policy and national policy on how we want to conduct warfare now and in the future. How are we going to do that? Are we going to do it in a way that allows those we capture to sue us? Now you can utilize those rights if we choose to try a prisoner of war and to lock them up or to execute them. You can use a lot of legal rights. A prisoner can use those rights, but not in this circumstance. This is merely to restore the historical principles of habeas that already existed. The current law does that. The new amendment would change it.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, at the beginning of this debate, I said Congress committed a historic error when it eliminated the Great Writ of habeas corpus because it did it not just for those detained at Guantanamo Bay—that raises enough questions about our sense of history and our sense of our own basic jurisprudence in this country—but Congress also eliminated it for millions—millions—of permanent legal residents here in the United States. Some of them are professors in our finest schools, others are medical people in our hospitals, and some are actually serving in our law enforcement and in our military. Listening to the arguments these past few days of those opposed to restoring habeas rights, it becomes ever more apparent that this was a mistake the last Congress and the administration made based on fear. I cannot think of a greater mistake than one based on fear in the most powerful Nation on Earth.

Opponents make the alarmist argument that if we permit people to challenge their detention in Federal court, we will jeopardize our national security and place ourselves in greater danger. In fact, of course, the opposite is true.

We have heard these kinds of arguments before during trying and turbulent times in American history, such as when the Government shamefully interned tens of thousands of Japanese-Americans during World War II. We should know by now that it hurts this country, and especially our men and women in uniform, when we allow public policy to be guided by fear, rather than by American values and freedoms.

The critics of habeas restoration resort to scare tactics because they know that history and the facts are against them.

The truth is that casting aside the time-honored protection of habeas corpus makes us more vulnerable as a nation because it leads us away from our core American values and calls into question our historic role as the defender of human rights around the world. It also allows our enemies to accomplish something they could never achieve on the battlefield—the whittling away of liberties that make us who we are, the liberties we fought during the Revolutionary War to preserve, the liberties we fought a civil war to preserve, the liberties we defended not only our own freedom but the freedom of much of the Western World in two world wars to preserve.

The need for the Great Writ has never been stronger than it is today. We have an administration that at every opportunity has aggressively sought unchecked executive power while working to erode or to eliminate constitutionally enshrined checks on that power by the courts and by Congress. Stripping away habeas rights which allow people to go to court to challenge detention by the executive is just the latest brazen attempt in a 6-year-long effort to consolidate power in the executive branch. You could have picked up somebody, locked them up, and all that person wants to say is: I am not the person named here. Before we did this, someone could at least get a writ of habeas corpus, go to the court, and say: I am not going to contest the case or anything else, but just the fact that you picked up the wrong person. They can't even do that now. This is America?

The writ of habeas corpus is not some special benefit to be honored only when it is convenient. As no less a conservative than Justice Antonin Scalia has written, ''[t]he very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive.'' Habeas has served for centuries to protect individuals against unlawful exercises of state power.

Habeas corpus is the only common law writ enshrined in the Constitution. Article I, section 9 provides that the ''Writ of Habeas Corpus shall not be suspended, unless when in Cases of rebellion or invasion the public Safety may require it.'' The Judiciary Act of 1789 specifically empowered federal courts to issue writs of habeas corpus ''for the purpose of an inquiry into the cause of commitment.'' In more than two centuries since then, habeas has only been suspended four times, all of them at times of active rebellion or invasion. Even this administration does not claim that we are at such a point now.

The Military Commissions Act of 2006 spurned centuries of tradition and empowered the executive to detain noncitizens potentially forever, with no meaningful check by another branch of Government. With this act, Congress permanently eliminated the writ of habeas corpus for any noncitizen determined to be an enemy combatant or even awaiting such determination. If the determination hasn't been made, we are going to spend a few years making up our minds whether you are an enemy combatant, but you still can't contest the fact that we have picked up the wrong person. So a mere accusation by the executive is enough to keep a person in custody indefinitely, and that detention is not subject to review. As our Founders knew well, no administration—no administration, not this one, not the next one, not the one after that—can be trusted with that kind of power.

The Specter-Leahy amendment would restore the proper balance of power between the branches of Government by reestablishing the law on habeas as it existed prior to the passage of the Detainee Treatment Act and the Military Commissions Act. It creates no new legal rights. The U.S. Supreme Court confirmed in the Rasul case that American and British courts have routinely assumed jurisdiction over habeas claims made by aliens.

British courts in the 18th century considered habeas claims of aliens held as enemy combatants, as did the U.S. Supreme Court during World War II, a war where we faced the possible destruction of democracy. These courts considered habeas claims of alien enemy combatants who had already received military trials—meaning even before their habeas claims, they had already received more process than most noncitizen detainees will ever get now. Our legendary Chief Justice, John Marshall, in one instance granted relief to an alien enemy combatant bringing a habeas claim. In most of these historical cases, though, habeas petitioners lost and were not granted any relief, and indeed most habeas petitioners have their claims dismissed with a simple, one-page ruling from a judge. This historical record is evidence that habeas can be relied upon as a necessary, but entirely reasonable, check on Executive power.

As in the past, noncitizen detainees alleged to be enemy combatants should at least have the right to go into an independent court to assert that they are being held in error—not to have a trial but at least to say: Hey, we read the warrant, this is not the person—I am not the person named; you picked up the wrong person. They can't even ask an independent court to determine that.

As in the past, a court will only grant habeas relief if the petitioner is able to, in fact, establish this effort.

We are not talking about having a trial with all of these red herrings we have heard from those on the other side, who say that somehow we would have to bring in battlefield tactics or we would have to bring in classified information. That is not it. That is not it. We are talking about just being able to at least contest the fact that they have been picked up.

If the detainees held at Guantanamo truly are the worst of the worst of our enemies, as this administration claims, surely it will be easy for the Government to make a baseline showing in court that they are lawfully detained. If they are really such enemies, we ought to at least know that and know that they were lawfully detained. Of course, senior government and military officials have told the press a story very different from the party line. They have told the New York Times that the Government detained many of the Guantanamo detainees in error.

In any case, the sweep of the Military Commissions Act goes well beyond the few hundred detainees held at Guantanamo Bay. It threatens the civil liberties of an estimated 12 million lawful, permanent residents of the United States. They work here, they pay taxes in this country, and under current law, any of these people can be detained forever without the ability to challenge their detention in Federal court simply on the executive say-so, even if the Government made a mistake and picked up the wrong person. As we heard from Professor Mariano-Florentino Cuellar at the Judiciary Committee's hearing on this issue, this is of particular concern to the Latino community, which includes so many of the hard-working lawful permanent residents in this country.

The cursory review process set up by Congress for detainees, called combatant status review tribunals or CSRTs, is no substitute for habeas corpus because, among many other deficiencies, it does not provide a neutral arbiter—a Federal judge—to review the factual record for error. This summer, LTC Stephen Abraham, a military lawyer who participated in the CSRT process, said in a sworn affidavit that the evidence presented to CSRTs ''lack[s] even the most fundamental earmarks of objectively credible evidence.'' He also said that superiors pressured the officers on review panels to find detainees to be ''enemy combatants.'' That is neither just nor fair, and rigged tribunals are not the way this country has ever dispensed justice, nor the way it should. Court review allowed under current law that relies on the findings of such a flawed system falls well short of the independent review that our system of checks and balances demands.

Restoring habeas would send a clear message that when we promote democracy and the importance of human rights to the rest of the world, we are practicing what we preach. I have heard so many speeches on the floor of this body—and I agree with them—criticizing other countries for doing what we have done. How do we go to these other countries and say: You can't do this. And they say: But you do it. And we say: Oh, well, that was the war on terror; we are facing this great threat, so we have to do it, but you shouldn't do it. Well, we need to listen to our military leaders and our foreign policy specialists on this point who disagree with what we have done.

The former Navy Judge Advocate General Donald Guter told the Judiciary Committee in May that by stripping even our enemies of basic rights, we are providing a pretext to those who capture our troops or our civilians to deny them basic rights. What do we say the next time an American civilian, lawfully in another country, is picked up and detained and not even allowed to raise the point that they picked up the wrong person, and we go to that country, and they say: Hey, wait a minute, that is what you do in your country; don't preach to us. Your American citizen is going to stay behind bars. We are just doing to you what you are allowed to do to us.

William H. Taft IV, former Deputy Secretary of Defense under President George H. W. Bush, and a former State Department adviser in the current administration, told us that stripping the courts of habeas jurisdiction sacrificed an important opportunity to enhance the credibility of our detention system. Restoring habeas to detainees will improve our strategic and diplomatic positions in the world and remove a rallying point for our enemies.

The right to habeas corpus is a limited right. Habeas, as I said before, does not give a person the right to a trial. It does not give a habeas petitioner a right to personally appear in court. It most certainly does not mean that U.S. service men and women will be pulled from the battlefield to testify in such proceedings, notwithstanding the alarmist comments made on the other side of the aisle. All the Government must do to defeat a habeas claim is demonstrate to a judge by a preponderance of the evidence that the detainee is being lawfully held. That is all.

Most habeas petitions are rejected by the Federal courts without the need to call a single witness. I certainly knew that when I was a prosecutor. Any time I ever sent anybody to prison for more than a year, I knew there would be half a dozen habeas petitions filed. They would usually be denied without even ever having called a single witness. In fact, habeas petitions can be, and routinely are, disposed of in Federal court based on a single affidavit by a Government agent explaining the basis for detention. I simply sent over an affidavit showing the date and time of conviction to the court clerks. That is all I had to do. Habeas simply provides an opportunity for a detainee to argue to an independent Federal judge that he or she is being held in error. If the detainee is properly held, the Government can easily overcome that claim. The distinguished Presiding Officer was a distinguished U.S. attorney. He understands very well that point.

Recent history makes clear that restoring habeas will not invite habeas litigation from abroad, as some have claimed. The Supreme Court found habeas jurisdiction at Guantanamo Bay because Guantanamo is, for all intents and purposes, a U.S. territory. U.S. courts have found no habeas jurisdiction in the case of enemies captured, detained, and held in Iraq. There was no flood of international habeas petitions following the 2004 Rasul decision validating the extension of habeas rights at Guantanamo, and there is not going to be if habeas is restored now.

Guantanamo detainees had habeas rights until those rights were conclusively taken away last year. Between 2002 and late 2006, these claims were handled by judges in the U.S. District Court in Washington, DC. The judges in that court released no detainees, and they issued no orders compelling the Government to alter the detainees' conditions of confinement. Habeas is a necessary and appropriate check on executive power, but it is a far cry from a get-out-of-jail-free card.

Opponents of habeas restoration suggest other countries will not open their courts to petitions from enemy aliens. But if a foreign country imprisoned an American, as I said before—say an aid worker or a nurse or a civilian contract employee—and held that person without any charge as a combatant, or simply said: We are going to ''determine'' whether that person is a combatant because he or she has supported the U.S. military, for example, or had a ''Support Our Troops'' sticker on their car, the U.S. Government would surely demand that American have a chance to go to court. Our consul would be down there immediately demanding that. What kind of a reaction would there be in this country if we read in the paper where another country said: No, you have no right to challenge the fact that we picked them up; you have no right to challenge even that we picked up the wrong person. When we screamed about that in editorials all over this country saying how horrible that is, they would simply answer: We are just doing what you do. By denying basic rights to alien detainees, we encourage other nations to do the same to American civilians, and they will. They will. That is why we hear from so many of our military, so many distinguished people that we should change this.

Critics of the Specter-Leahy bill also point to released detainees who they assert went back to the battlefield, as a reason not to restore habeas rights. But the truth is that those Guantanamo detainees who have been released since 9/11 have been freed by the military following its own process, not by Federal judges on habeas review.

The critics' assertions that habeas proceedings in Federal court will somehow lead to the sharing of classified information with terrorists is

cockamamie. It is merely fear-mongering. This argument demeans our Federal judiciary. It ignores the procedures established by Congress to ensure that classified information is safeguarded in Federal proceedings. Federal judges have significant discretion in determining what kinds of evidence to consider, what witnesses, if any, to allow for a habeas claim. Many detainee habeas claims could be resolved with no recourse to classified documents at all. Where classified evidence is relevant, all Federal judges are cleared to view such information, and they are well equipped to deal with it without compromising national security.

We must not succumb to baseless, fear-driven arguments. The sky will not fall if we vote to restore habeas. Quite the contrary: Congress will take a positive step toward returning to our core American values of liberty, due process, and checks and balances. In doing so, we will increase America's security and bolster our place in the world. That is why this amendment has support from across the political and ideological spectrum.

I thank Senator DODD, Senator MENENDEZ, Senator BINGAMAN, Senator LEVIN, and Senator SPECTER for coming to the floor and eloquently calling for a return to basic American values and the rule of law.

Yesterday, 41 Republicans voted to filibuster a bill that would have given to hundreds of thousands of residents of the District of Columbia the fundamental right to vote for Congress—the District of Columbia, which has roughly the same population as my own State of Vermont. I hope they will not follow that sad day with a filibuster today of legislation to restore the fundamental right of someone held by the Government without any charge to at least go to court and ask why.

The most daunting challenge in the age of terrorism is to strike the proper balance between maintaining our national security against very real threats but also preserving the liberties that are the proudest legacy of our Founders. It is our Founders who were willing to risk capture and hanging to bring about a nation based on the principles that you, Mr. President, and I have always supported and which we supported in our oath of office.

More than ever, especially in the wake of September 11, we have to remain vigilant against security threats, but let's never forget that our values are the foundation that makes our Nation strong. Now is the time to reaffirm those values, to be renewing this country's fundamental, longstanding commitment to habeas corpus review. I urge every Senator to support the Specter-Leahy amendment to restore habeas corpus.

Mr. President, I wish Members would look at those who support this. Support from this amendment goes across the political spectrum, from the American Conservative Union to liberal groups, to some of our leading citizens, including former Secretary of State Powell and others who have spoken out for this. We should pass this amendment.

Mr. President, how much time remains?

The PRESIDING OFFICER. All time has expired.

Mr. LEAHY. I thank the Chair. Mr. President, if the yeas and nays have not been ordered, I will ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are mandatory.

Mr. LEAHY. I thank the Chair.

CLOTURE MOTION

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on amendment No. 2022, regarding restoration of habeas corpus, to H.R. 1585, the Department of Defense Authorization bill.

Harry Reid, Dick Durbin, Carl Levin, Christopher Dodd, Jeff Bingaman, Barack Obama, Robert Byrd, Ken Salazar, Debbie Stabenow, Dianne Feinstein, Patrick Leahy, Sheldon Whitehouse, Daniel K. Akaka, Russell D. Feingold, Amy Klobuchar, Bill Nelson (FL).

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

The question is, Is it the sense of the Senate that debate on amendment No. 2022, offered by the Senator from Michigan, Mr. LEVIN, to amendment No. 2011 to H.R. 1585 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—56

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

NAYS—43

Alexander	Crapo	Lott
Allard	DeMint	Martinez
Barrasso	Dole	McCain
Bennett	Domenici	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Coburn	Gregg	Stevens
Cochran	Hatch	Thune
Coleman	Hutchison	Vitter
Collins	Inhofe	Voinovich
Corker	Isakson	Warner
Cornyn	Kyl	
Craig	Lieberman	

NOT VOTING—1

Chambliss

The motion was rejected.

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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, I have been talking with Senator MCCAIN, and it is our understanding the agreement now is the Graham amendment, which would be next in order under the previous UC, would be laid aside temporarily—we think we are making some progress on working out that amendment—and then we would now have Senator WEBB recognized to introduce his amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to thank my friend from Michigan. We would like to get a time agreement on debate on the Webb amendment, but I do not know how many speakers we have on our side. We will be proposing an amendment that has been put together by my other colleague from Virginia, Senator WARNER, as a sort of side-by-side effect.

I thank the Senator from Virginia, Mr. WARNER, for working on an amendment that I think expresses very clearly we all want all our troops home. We understand the stress and the strain that has been inflicted on the men and women in the military—and the Guard and Reserves—and we admire the motivation and the commitment of Senator WEBB from Virginia. We are, obviously, in opposition to his amendment and think his colleague from Virginia has an alternative idea that expresses the will of practically all of us to relieve this burden on the men and women in the military.

So I wish to thank my friend from Michigan, and I also wish to say again, hopefully, within a relatively short period of time we can get a time agreement on debate and vote as soon as possible on this issue. This same amendment has been debated before in the Senate and it is pretty well known to our colleagues, although it is very clear that many want to speak on it because of its importance.

So I thank my friend from Michigan and both Senators from Virginia, for whom I have the greatest respect, and we will look forward to a rather unusual situation here in the Senate—a vote on a resolution by one Senator from Virginia and a resolution from another Senator from Virginia on the same issue. I look forward to this debate. I know it will be both educational and, I hope, enlightening and informative not only to our colleagues but to the American people.

Mr. LEVIN. Mr. President, I now ask unanimous consent that the pending amendments be set aside and that Senator WEBB be recognized to offer his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I would not object, but I ask my friend from Michigan, will the vote on this amendment have a 60-vote requirement?

Mr. LEVIN. I think that is the intention, as part of a unanimous-consent agreement. It is my understanding that is the intent, however, that will be part of a larger UC.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The Senator from Virginia.

Mr. WEBB. Mr. President, I assume you are calling on this particular Senator from Virginia.

I rise to offer, along with Senator HAGEL, as the lead Republican cosponsor, and 35 of my colleagues a bipartisan amendment that speaks directly to the welfare of our servicemembers and their families.

I have learned from Senator MCCAIN's comments that Senator WARNER will be offering a side-by-side amendment that goes to the sense of the Congress rather than the will of the Congress, and I would like to state emphatically at the outset this is a situation that calls for the will of the Congress. It calls for the Congress to step in and act as, if nothing else, an intermediary in a situation that is causing our men and women in uniform a great deal of stress and which again calls for us in the Congress to do something about this.

We have been occupying Iraq for more than 4 years—more than 4½ years. During that time, it is sensible to assume our policies could move toward operational strategies that take into account the number of troops who are available rather than simply moving from one option to another, one so-called strategy to another, and continually going to the well and asking our troops to carry out these policies. This amendment would provide a safety net to our men and women in uniform by providing a minimum and more predictable time for them to rest and retrain before again deploying.

If you are a member of the regular military, this amendment basically says that as long as you have been gone, you deserve to have that much time at home. This is a 1-to-1 ratio we are trying to push. Many of our units and our individuals are below that, even when the Department of Defense's stated goal and the restated goal of the Commandant of the Marine Corps not long ago was to move back to 2 to 1. In other words, our troops right now are being deployed in environments, many of them, where they are spending more time in Iraq than they are spending at home, when traditionally they should have twice as much time in their home environments to refurbish their units, retrain, get to know their families, and then continue to serve their country. For the Guard and Reserve, we have a provision in here that would require that no member or unit be deployed to Iraq or Afghanistan within 3 years of a previous deployment.

I would like to emphasize this amendment is within the Constitution. There have been a number of Members, including the Senator from Arizona, who have stated publicly this is blatantly unconstitutional. It is well within the Constitution, and I read from article I, section 8:

> The Congress has the power to make rules for the government and regulation of the land and naval forces.

This constitutional authority has been employed many times in the past, most significantly during the Korean war, when the administration in charge at the time was sending soldiers to Korea before they had been adequately trained. The Congress stepped in under that provision of article I, section 8 and mandated that no one be deployed overseas until they had at least 120 days of training. We are doing essentially the same thing in terms of a protective measure for the troops of our military but on the other end. We are saying, as long as you have been deployed, you deserve to have that much time at home.

This amendment is responsible. It has been drafted with great care. We have put waivers that would apply to unusual circumstances into it. The President can waive the limitations of this amendment in the event of an operational emergency posing a threat to vital national security interests. People who want to go back, can go back. It does not stop anyone from volunteering to return if they want to waive this provision.

I have spoken with Secretary Gates, spoken with him at some length last week. I listened to his concerns. We put in two additional provisions in this amendment to react to the concerns the Secretary of Defense raised. The first is a 120-day enactment period, which is different from the way this amendment was introduced in July. In other words, the Department of Defense would have 120 days from the passage of this legislation in order to make appropriate plans and adjust to the provisions.

I also have a provision in this bill that would exempt the special operations units from the requirements of the amendment. Special operations units are highly selective, their operational tempos are unpredictable, and we believe it is appropriate they be exempted.

This amendment is not only constitutional, not only responsible, but it is needed. It is needed in a way that transcends politics. After 4½ years in the environment in Iraq, it is time we put into place operational policies that sensibly take care of the people we are calling upon to go again and again.

That is one reason why the Military Officers Association of America took the unusual step to actually endorse this amendment. The Military Officers Association of America is not like the Veterans of Foreign Wars, not like the American Legion. They rarely step into the middle of political issues. But this organization, which comprises 368,000 members, military officers, took the step of sending a letter of endorsement for this amendment, calling upon us in the Congress to become better stewards of the men and women who are serving.

It is beyond politics in another way. We are asking our men and women in uniform to bear a disproportionate sacrifice as the result of these multiple extended combat deployments with inadequate time at home. We owe them greater predictability.

This is this week's issue of the Army Times. The cover story in the Army Times this week talks about brigade redeployments, who has gone the most, who has gone the least, who is going next. At least eight of the Army's active combat teams have deployed three or four times already. These are year or 15-month deployments. Another six, including three from the 101st Airborne, leave this month for either round three or round four.

There is one brigade in the 10th Mountain Division, which is now nearing the end of its 15-month deployment, that is on its fourth deployment. When these soldiers return in November, they will have served 40 months since December 2001. That is about two-thirds of the time we have been engaged since December 2001. This amendment is needed for another reason, and that is that it has become clearer since the testimony of General Petraeus and Admiral Crocker that the debate on our numbers in Iraq and our policy in Iraq is going to continue for some time. We have divisions here in the Senate. We have divisions between the administration and the Congress. We are trying to find a formula, the right kind of a formula that can undo

what I and many others believe was a grave strategic error in going into Iraq in the first place. But we have to have this debate sensibly. In the meantime, because this debate is going to continue for some time, we need to put a safety net under our troops who are being called upon to go to Iraq and Afghanistan.

I noted with some irony on Monday, as I was presiding, when the Republican leader expressed his view that it would not be an unnatural occurrence for us to be in Iraq for the next 50 years. This comparison to Korea and Western Europe is being made again and again.

I go back to 5 years ago this month when I wrote an editorial for the Washington Post, 6 months before we invaded Iraq. One of the comments I made in this editorial 5 years ago was that there is no end point, there is no withdrawal plan from the people who have brought us to this war, because they do not intend to withdraw.

I said that 5 years ago. It is rather stunning to hear that ratified openly now by people in the administration and by others who have supported this endeavor. We need to engage in that debate. We need to come to some sort of agreement about what our posture is going to be in the Middle East. And, as we have that debate, it is vitally important that we look after the well-being of the men and women who are being called upon, again and again, to serve.

We are seeing a number of predictable results from these constant deployments. We are seeing fallen retention among experienced combat veterans. We are seeing soldiers and marines—either retained on active duty beyond their enlistments in the ''Stop Loss'' program or being recalled from active duty after their enlistments are over—being sent again to Iraq or Afghanistan. We are seeing statistics on increased difficulties in marital situations and mental health issues.

There was a quote in this week's Army Times by one Army division's sergeant major who was saying:

After the second deployment, it's hard to retain our Soldiers. They have missed all the first steps, they've missed all the birthdays; they've missed all the anniversaries.

I have seen that again and again with people I have known throughout their young lifetimes. One young man who is a close friend of my son just returned with an army unit, back for his second tour in Iraq. One of his comments at his going-away party was: 15-month deployments mean two Thanksgivings, two Christmases, two birthdays.

What we are trying to do with this amendment is to bring a sense of responsibility among the leadership of our country in terms of how we are using our people. It is an attempt to move beyond politics as the politics of the situation are sorted out. Again, it is constitutional, it is responsible, it has been drafted with care, it is needed beyond politics. I hope those in this body will step forward and support it to the point that it could become law.

I note my colleague, the Senator from Nebraska, has arrived, my principal cosponsor, for whom I have great regard. He and I have worked on many issues over nearly 30 years. I am grateful to be standing with him today and I yield my time and hope the Senator from Nebraska is recognized.

AMENDMENT NO. 2909 TO AMENDMENT NO. 2011

Mr. President, I had assumed the amendment was called up by the chairman. I erred. I ask amendment No. 2909 be called up.

The PRESIDING OFFICER (Mr. CASEY). The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WEBB] for himself, Mr. REID, Mr. HAGEL, Mr. LEVIN, Ms. SNOWE, Mr. SMITH, Mr. OBAMA, Mrs. CLINTON, Mr. BYRD, Mr. KENNEDY, Mr. SALAZAR, Mr. HARKIN, Mr. BROWN, Mrs. LINCOLN, Ms. KLOBUCHAR, Mr. DODD, Mr. BIDEN, Mr. LAUTENBERG, Mr. KERRY, Mr. DURBIN, Mr. TESTER, Mrs. MCCASKILL, Mr. SCHUMER, Mr. PRYOR, Mr. SANDERS, Ms. MIKULSKI, Ms. CANTWELL, Ms. STABENOW, Ms. LANDRIEU, Mr. JOHNSON, Mr. CARPER, Mr. ROCKEFELLER, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. AKAKA, and Mr. MENENDEZ, proposes an amendment numbered 2909.

Mr. WEBB. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To specify minimum periods between deployment of units and members of the Armed Forces deployed for Operation Iraqi Freedom and Operation Enduring Freedom)

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

SEC. 1031. MINIMUM PERIODS BETWEEN DEPLOYMENT FOR UNITS AND MEMBERS OF THE ARMED FORCES DEPLOYED FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

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

(1) Congress expresses its grateful thanks to the men and women of the Armed Forces of the United States for having served their country with great distinction under enormously difficult circumstances since September 11, 2001.

(2) The all-volunteer force of the Armed Forces of the United States is bearing a disproportionate share of national wartime sacrifice, and, as stewards of this national treasure, Congress must not place that force at unacceptable risk.

(3) The men and women members of the Armed Forces of the United States and their families are under enormous strain from multiple, extended combat deployments to Iraq and Afghanistan.

(4) Extended, high-tempo deployments to Iraq and Afghanistan have adversely affected the readiness of non-deployed Army and Marine Corps units, thereby jeopardizing their capability to respond quickly and effectively to other crises or contingencies in the world, and complicating the all-volunteer policy of recruitment, as well as the retention, of career military personnel.

(5) Optimal time between operational deployments, commonly described as ''dwell time'', is critically important to allow members of the Armed Forces to readjust from combat operations, bond with families and friends, generate more predictable operational tempos, and provide sufficient time for units to retrain, reconstitute, and assimilate new members.

(6) It is the goal of the Armed Forces of the United States to achieve an optimal minimum period between the previous deployment of a unit or member of a regular component of the Armed Forces and a subsequent deployment of such a unit or member that is equal to or longer than twice the period of such previous deployment, commonly described as a 1:2 deployment-to-dwell ratio.

(7) It is the goal of the Department of Defense that units and members of the reserve components of the Armed Forces of the United States should not be mobilized continuously for more than one year, and that a period of five years should elapse between the previous deployment of such a unit or member and a subsequent deployment of such unit or member.

(8) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Army has been required to deploy units and members to Iraq for 15 months with a 12-month dwell-time period between deployments, resulting in a less than 1:1 deployment-to-dwell ratio.

(9) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Marine Corps currently is deploying units and members to Iraq for approximately seven months, with a seven-month dwell-time period between deployments, but it is not unusual for selected units and members of the Marine Corps to be deployed with less than a 1:1 deployment-to-dwell ratio.

(10) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Department of Defense has relied upon the reserve components of the Armed Forces of the United States to a degree that is unprecedented in the history of the all-volunteer force. Units and members of the reserve components are frequently mobilized and deployed for periods beyond the stated goals of the Department.

(11) The Commander of the Multi-National Force–Iraq recently testified to Congress that he would like Soldiers, Marines, and other forces have more time with their families between deployments, a reflection of his awareness of the stress and strain placed on United States ground forces, in particular, and on other high-demand, low-density assets, by operations in Iraq and Afghanistan.

(b) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be equal to or longer than twice the period of such previous deployment.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(c) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that—

(A) the units and members of the reserve components of the Armed Forces should not be mobilized continuously for more than one year; and

(B) the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be five years.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(d) INAPPLICABILITY TO SPECIAL OPERATIONS FORCES.—The limitations in subsections (b) and (c) shall not apply with respect to forces that are considered special operations forces for purposes of section 167(i) of title 10, United States Code.

(e) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (b) or (c) with respect to the deployment of a unit or member of the Armed Forces specified in such subsection if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(f) WAIVER BY MILIARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Staff of the Army (or the designee of the Chief of Staff of the Army).

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Naval Operations (or the designee of the Chief of Naval Operations).

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Commandant of the Marine Corps (or the designee of the Commandant of the Marine Corps).

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Staff of the Air Force (or the designee of the Chief of Staff of the Air Force).

(5) COAST GUARD.—With respect to the deployment of a member of the Coast Guard who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Commandant of the Coast Guard (or the designee of the Commandant of the Coast Guard).

(g) EFFECTIVE DATE.—In order to afford the Department of Defense sufficient time to plan and organize the implementation of the provisions of this section, the provisions of this section shall go into effect 120 days after the date of the enactment of this Act.

Mr. WEBB. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I wish to acknowledge my friend, the junior Senator from Virginia, and also recognize his leadership, not just on this issue that he has framed over the last few minutes on which the Senate will be voting, as we did in July, but his years of contributions to this country—specifically his efforts on behalf of our military. I think most of us recognize the distinguished record of Senator JIM WEBB, that service to his country. We appreciate that, and in particular his leadership on this amendment is important.

Senator WEBB and I wrote this amendment many months ago. We introduced it on the floor of the Senate in July. We received 56 bipartisan votes for it. As Senator WEBB has noted in his explanation of what this amendment does, it is relevant to our Armed Forces, to our country, and to our future. I wish to take a little time to expand on a couple of the points Senator WEBB has made.

First, a democracy of 300 million people, the greatest democracy in the world, the oldest living democracy in the world, finds itself in a situation today where we are asking about 1 percent of our citizens to carry all the burden, make all the sacrifices. We will be dealing with this issue for many years to come, because the consequences of what has been going on are that we are doing great damage to our military force structure, great damage to our Army and our Marines.

Senator WEBB noted some examples. These are not isolated episodes. The fact is, you cannot grind down your people, you cannot grind down your force structure as we have been doing to our force structure over the last years—redeployment after redeployment, and longer and longer deployments.

We know, because our generals and admirals tell us, that this will come to an end sometime next spring, the rate of redeployments. Why is that the case? That is the case because we can't sustain the force structure we have assigned in Iraq today. It is not because I say it or Senator WEBB says it, but our professional military leaders say it.

It doesn't do us much good to go back and review the mistakes we have made over the last 5 years, first when we invaded and occupied a country. The fact is, we never had enough force structure in that country. Many Senators, including the distinguished ranking Republican on the Armed Services Committee, our friend JOHN MCCAIN, noted that. He still talks about it, as many of us do. This administration refused to take the counsel of the then Chief of Staff of the U.S. Army, General Eric Shinseki, when he, in open hearing before the Senate Armed Services Committee, was asked the question: What will it take, General, to invade, occupy, and help stabilize Iraq? He said it would take hundreds of thousands of American forces.

He was right. He was right. But this administration chose not to listen to the Chief of Staff of the Army, who knew far more about the details of manpower requirements than anyone in the White House.

We are not going to go back and unwind all that series of bad decisions. We are where we are, and we are in a mess in Iraq today by any dynamic, any measurement, any qualifications. We heard about that, I think in some detail, as we probed General Petraeus and Ambassador Crocker's testimony last week—two distinguished Americans. General Petraeus and Ambassador Crocker are two of our best. But the military doesn't set policy. The civilian leadership sets policy. So we hand that off to the military. They salute; they say, Yes, sir. Now, you go implement the policy.

What we are addressing in this amendment is not only a basic component of fairness in how you treat your people—because, after all, as we know, it is people who represent the greatest resource of an institution, of a country, of a society. When you grind those people down to a point where they just cannot be effective, but when the morale is gone, when they leave the institution as we are seeing happen in the Army and Marines, when you are 15,000 short of Army captains and lieutenant colonels and majors, and senior enlisted, and story after story—every Senator in this body can relate these specific stories like I had in my office yesterday. A Marine Corps officer, couple of years in Iraq, 14 years in the Marines, got out. He loved the Marines. It pulled his heart out to leave the Marines.

I said, Why did you leave?

He said, Sir, I tried to balance my family life. The last time I got back from Iraq my youngest daughter said, Daddy, I am going to tape you to the refrigerator so you don't have to leave again.

The Chairman of the Joint Chiefs of Staff, Admiral Mullen, said in his confirmation hearing a few months ago, and I quote from Admiral Mullen, Chairman of the Joint Chiefs of Staff:

I am concerned about the number of deployments, the time when they're home—in fact, even when they are home, there's training associated with that, so they spend

weeks, if not months, out of their own house, again, away from their families, and I believe we've got to relieve that.

That is the end of the quote from the new Chairman of the Joint Chiefs of Staff. So, are we really asking so much here when we say that our brave fighting men and women, who are bearing all the burden, carrying all the sacrifice for this country, that 1 percent of our society, that we say they ought to have at least the same amount of downtime off as they serve in a war zone in combat? Is that outrageous?

We in this town are very good at abstractions. We talk about policies. We act like moving men and brigades in combat—that somehow this is a chess game. Somehow these people are objects.

No, humanity is always the underlying dynamic of the world and life and it always will be. As Senator WEBB has often said: Who speaks for the military? The National spokesmen.

Their leaders are appointed by the President. They have spokesmen, they are Governors, if no one else. But who speaks for the rifleman? Who speaks for the people whom we ask to go fight and die and their families?

Now, let's be very clear about another issue. As Senator WEBB has noted, this certainly is within the constitutional authority and responsibility of the Congress of the United States. Senator WEBB said article I of the Constitution is about the Congress. Section 8 of the Constitution, in article I, speaks specifically to Congress's responsibilities. We can have disagreements about policies and strategies, and that is appropriate, should be, absolutely, in a democracy. But let's not be confused about our responsibilities as well.

The fact is, as General Shinseki warned us in his comments before the Senate Armed Services Committee before we invaded Iraq, that it would take hundreds of thousands of American soldiers.

What has happened is we have a mission that does not match our manpower capabilities. So what is this administration's answer? Keep grinding down the people out there who have been fighting and dying. Keep grinding them down more because we do not have any choice. Are you going to suit the Boy Scouts up on the weekends?

Where is the manpower going to come from? So the easy answer is—because who speaks for the rifleman? Who speaks for the military? You keep asking them to do more. You keep pushing more down on them.

By the way, the so-called surge the President of the United States announced to America in January—by the way, I do not find the term ''surge'' in any military manuals. Surge is not a policy, it is not a strategy, it is a tactic.

But the President said: This is temporary. That escalation of troops, that 30,000 more troops on top of the 130,000 troops they already had over there, that is temporary. Because we are going to buy time for the Iraqi Government to find an accommodation so there can be political reconciliation. In the end, that is all that counts. As General Petraeus and everybody, every one of our great generals has said, there is no military solution in Iraq.

General Petraeus and every general has said that. They know it better than anyone knows it. The only solution in Iraq is going to come from, must come from, some political accommodation resulting in a political reconciliation.

So let's buy more time, let's grind those guys down more. Well, it will automatically come to some kind of an end. But in the process, what are we doing to our society, to our country, to our Armed Forces, that is going to take years to rebuild, just as General Schwarzkopf and General Powell and other great generals after Vietnam, they stayed in the military and rebuilt the military after what we had done to it during Vietnam.

This is a very modest step forward, of clear thinking. This is relevant. It is rational. This has at least a modicum of humanity in it. If we do not take these steps, the consequences we are going to continue to face are going to be severe.

I know the questions, the concerns on the other side of this issue are appropriate. Is this not a back-door way of trying to micromanage the war, micromanage our force structure? Well, the fact is, as I have already noted, we have inverted the logic. In order to carry out a mission or a policy or strategy, you have to match the resources for that. Those resources were never matched to that mission.

So the easy answer for all of us in Washington, and 99 percent of the American people, is: Well, let those guys over there do more. So we have 15-month deployments, in some cases they are 18-month deployments, in some cases they are longer than that. So what if they go over there three times.

That is not a good enough answer. That is a failed answer. That is irresponsible.

So I hope our colleagues take a hard look at this, and I hope they would give some intense thought to what we are doing, not only for the immediate term but for the long term. This is essential for our country. This has ramifications, societal implications that go far beyond our force structure.

I am very honored to be the original cosponsor and coauthor of this amendment with my distinguished colleague, the Senator from Virginia.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before I begin my comments on the pending amendment, I think—I hope it is appropriate to mention our colleague from Nebraska, Senator HAGEL, has announced his intentions not to seek reelection in this body.

I have the highest degree of affection and respect for my friend; we have adjoining offices in the Russell Senate Office Building. He has served this Nation in many capacities, including in combat during the Vietnam War. I think he has been an outstanding Member of this body and a dear friend. I will say a lot more about him in many venues, but I wish to express my appreciation for his outstanding service in the Senate, to the people of Nebraska, and to this country.

On July 11 of this year, I spoke against Senator WEBB's amendment on dwell time, as it is now called. The amendment has not changed substantially since then. I thought the debate at the time was comprehensive and adequately addressed the merits of the proposal. But here we are again. Here we are again. Why?

In July, Senator WEBB said:

This is an amendment that is focused squarely on supporting our troops who are fighting in Iraq and Afghanistan; it speaks directly to their welfare and the needs of their families by establishing minimum periods between deployments.

More recently, he has called it a ''safety net for the troops.'' I have no doubt of Senator WEBB's sincerity and his concern for our ground troops and their families. No one in this body has served his family more honorably than Senator WEBB.

I share Senator WEBB's concerns for the well-being of our troops and their families, as I know all Senators do. But let me be clear: Senator WEBB's amendment is not a litmus test for whether you care about the troops. Would it not be great if our choices were that easy.

I argued back in July, and I repeat today, that the amendment would do more harm than good and should not pass. But the question remains: Why are we arguing again? Why are we arguing again about this proposal?

Unfortunately, the reason is obvious. It was spelled out in a New York Times article on September 15, by David Herszenhorn and David Cloud, who stated:

The proposal by Senator Webb has strong support from top Democrats who say that the practical effect would be to add time between deployments and force General Petraeus to withdraw troops on a substantially swifter timeline than the one he laid out before Congress this week.

Senator BIDEN was quoted in the article as calling the proposal the ''easiest way for his Republican colleagues to change the war strategy,'' to change the war strategy. The reporters referred to the amendment as a ''back-door approach'' aimed at influencing the conduct of the war. That is what this amendment is about.

I say to my colleagues, I will say it again and again, the President's present strategy is succeeding. If you want the troops out, support the present mission, support the mission that is succeeding. Don't say you support the troops when you do not support their mission. Excuse me, I support you but not the mission you are

embarking on today as you go out and put your life and limb on the line in a surge that is succeeding—that is succeeding.

We will have a lot of discussion on the floor of this body about the Maliki Government and the national police and the other challenges we have, but the military side of this is succeeding. This goes at the heart, this goes at the heart of the surge that is showing success in Anbar Province, in Baghdad, and other parts of Iraq.

Now, maybe someone does not agree with that. Maybe that is the point. But the effect of this amendment—the effect of this amendment—would be to emasculate this surge. That is why the Secretary of Defense, Mr. Gates, sent a letter to my colleague, Senator GRAHAM, which I intend to quote from in a minute. So what is this debate about? This debate is about whether we will force, as Senator BIDEN was quoted, as the easiest way for his Republican colleagues to change the war strategy, this backdoor approach aimed at influencing the conduct of the war.

Not only that, it is blatantly unconstitutional. Are we going to have, in conflicts the American people engage in—if it is unpopular with the American people, the way the Korean war was unpopular—and somehow designate who should stay and who should not and how long?

That is a micromanagement of the military that is very difficult to comprehend. The President is the Commander in Chief because he is the Commander in Chief. Nowhere in the Goldwater-Nickles bill, nowhere in the Constitution do I see the role for Congress to play in determining the parameters under which the men and women who have enlisted and are serving in the military, in an enterprise which the majority of this body voted to support, being embarked on.

Secretary Gates echoed this assessment last weekend in various interviews, stating the Webb amendment is:

> Really pretty much a backdoor effort to get the President to accelerate the drawdown so that it is an automatic kind of thing, rather than based on conditions in Iraq.

So I would say to my colleagues, let's not conceal or fail to mention the intended effect or purpose of this amendment. I wish to repeat, every one of us, every one of us cares about the men and women who are serving in the military, every single one of us on an equal basis. It is clear that in the wake of General Petraeus's report, the majority has brought this back in order to reduce the numbers of fully trained and combat-experienced troops available to our military commanders and thus to force an accelerated drawdown of troops and units in Iraq and Afghanistan.

Why don't we be clear about that? Let's consider the impact of this amendment on the force. The effect of the amendment would be to exclude fully trained, combat-experienced officers, NCOs, soldiers, and marines from military units that need them to perform in combat. I think we should ask the question: Will an unintended consequence of this amendment be to cause harm to our troops? I argued in July, as did various other Senators, that the amendment would cause harm to the mission, the units, and members who would have to succeed in combat despite the obstacle this amendment would impose.

Now we have the view of Secretary Gates to consider in a letter regarding the Webb amendment, which without objection, Mr. President, I ask unanimous consent to have printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, September 18, 2007.

Hon. LINDSEY GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: Thank for your recent letter requesting my views on the Webb amendment.

I understand that the specifics of this amendment may be changing so my comments are based on the version filed for Senate consideration in July (the only version available publicly).

As drafted, the amendment would dramatically limit the nation's ability to respond to other national security needs while we remain engaged in Iraq or Afghanistan. Although the amendment language does provide the President a waiver for ''operational emergencies,'' it is neither practical nor desirable for the President to have to rely on waivers to manage the global demands on U.S. military forces. Moreover, the amendment would serve to advance the dangerous perception by regional adversaries that the U.S. is tied down and overextended.

Further, the amendment, if adopted, would impose upon the President an unacceptable choice: between 1) accelerating the rate of drawdown significantly beyond what General Petraeus has recommended, which he and other senior military commanders believe would not be prudent and would put at real risk the gains we have made on the ground in Iraq over the past few months, and 2) resorting to force management options that would damage the force and its effectiveness in the field.

The first choice is not acceptable. The latter choice would require one or more of the following actions for units deployed or deploying to Iraq and Afghanistan:

Extension of units already deployed beyond their current scheduled rotation.

Creating ''gaps'' in combat capability as units would rotate home without a follow-on unit being available to replace them. Rearranging schedules to close such gaps would, even if possible, further limit the ability to continue the sound practice of overlapping unit rotations to achieve smooth hand-offs and minimize casualties.

Increase in the use of ''in lieu of'' units that are either minimally or not normally trained for the assigned mission. We will always deploy trained units, but the quality, depth of experience and thus combat capability associated with the broader use of ''in lieu of'' forces will invariably degrade combat readiness.

Return to the cobbling together of new units from other disparate units or unassigned personnel. We have discouraged this practice by adopting a unit rotation policy.

As the options for and availability of active duty units is constrained, the broader and more frequent mobilization of National Guard and Reserve units would be inevitable.

I am told that one of the possible modifications to the original amendment is to allow a transition period of a few months before its requirements are binding. While transition periods are generally helpful, such a modification would not alleviate the damaging impact this amendment would have on our military force and our efforts against violent extremists.

In sum, the cumulative effect of the above steps necessary to comply with Senator Webb's amendment, in our judgment, would significantly increase the risk to our service members. It would also lead to a return to unpredictable tour lengths and home station periods that we have sought to eliminate for our service members and their families.

The above impacts on managing the flow of military units pale in comparison to the disruptive and harmful effects the amendment would have if we have to comply with its requirements at the level of each individual service member. Such an approach would make it exceedingly difficult to sustain unit cohesion and combat readiness.

Finally, the amendment would unreasonably burden the President's exercise of his Constitutional authorities, including his authority as Commander in Chief. In particular, the amendment would hinder the President's ability to conduct diplomatic, military, and intelligence activities and limit his ability to move military forces as necessary to secure the national security.

I believe that the intent of those who support this amendment is honorable and motivated by a desire to advance the welfare of our service members. Unfortunately, I also believe the amendment would in fact result in the opposite outcome while restricting our nation's ability to respond to an unpredictable and increasingly dangerous world.

Sincerely,

ROBERT M. GATES.

Mr. MCCAIN. He said:

> As drafted, the amendment would dramatically limit the nation's ability to respond to other national security needs while we remain engaged in Iraq or Afghanistan.

He said the amendment would cause the Army and Marine Corps to resort to force management options that would further damage the force and its effectiveness on the field and would result in the following actions for units deploying to Iraq and Afghanistan:

> Extension of units [in Iraq and Afghanistan] already deployed beyond their current scheduled rotation.
>
> Creating ''gaps'' in combat capability as units would rotate home without a follow-on unit being available to replace them.

This, in turn, would squeeze ''the ability to continue the . . . practice of overlapping unit rotations to achieve smooth hand-offs and minimize casualties.'' And minimize casualties. That seems important, minimizing casualties.

Secretary Gates goes on. The Webb amendment would:

> Increase the use of 'in-lieu of' units that are either minimally or not normally trained for the assigned mission.
>
> [Would] return to the cobbling together of new units from other disparate units or unassigned personnel.

A practice discouraged by the adoption of a unit rotation policy. As a result of the Webb amendment, it would

result in the ''broader and more frequent mobilization of National Guard and Reserve units [which] would be inevitable.''

Secretary Gates, in his letter, said the Webb amendment would impose an unacceptable choice upon the President and our military to either, one, accelerate the rate of drawdown significantly beyond what General Petraeus has recommended, which he and all of our military commanders believe would not be prudent and would put at real risk the gains we have made on the ground in Iraq in the last few months; two, resorting to force management options that would further damage the force and its effectiveness in the field.

Not surprisingly, Secretary Gates has stated unequivocally that if this amendment were included in the authorization act, he would recommend the President veto it. I urge my colleagues to reject, again, the Webb amendment.

My friend from Nebraska, Senator HAGEL, pointed out accurately—and he has played an incredible role—the terrific mistakes made in the conduct of this conflict under Secretary Rumsfeld and other leaders. This strategy, the Senator from Nebraska and I knew, was doomed to failure. As far back as 2003, we came back from Iraq and said: This strategy has to change or it is doomed to failure. As I have said, it was very much like watching a train wreck. Those mistakes and errors in the strategy have been well chronicled in a number of books that have been written, among them, and which I strongly recommend, ''Fiasco'' by Tom Ricks and ''Cobra II'' by General Trainor and Michael Gordon But we are where we are.

I would be glad, along with my friends from Nebraska and Virginia, to chronicle those many mistakes. Those mistakes were made with expressions of optimism which were, on their face, not comporting with the facts on the ground in Iraq: a few dead-enders, stuff happens, last throes, on and on. The fact is, the American people became frustrated, and they have become saddened and angry. Nothing is more moving than to know the families and loved ones of those who have sacrificed, nearly 4,000 in this conflict, not to mention the tens of thousands who have been gravely wounded. But we have a new strategy. We have success on the ground.

As I said earlier, all of us are frustrated by the fact that the Maliki government has not functioned with anywhere near the effectiveness we need. We also acknowledge that there are portions of the national police which are ''corrupt,'' which is a kind word, a kind description. But the facts were made very clear last week by the President of Iran, the President of a country that has dedicated itself to the extinction of Israel, a country that is developing nuclear weapons, a country that is exporting explosive devices of the most lethal kind into Iraq today that are killing young Americans. He said: When the United States of America leaves Iraq, we will fill the void. That is what this conflict is now about. It may not have been that when we started. The President of Iran has made Iranian intentions very clear. The Saudis will feel that the Sunnis have to be helped. Syria continues to try to destabilize the Government of Lebanon and continues to arm and equip Hezbollah. By the way, there is a standing United Nations Security Council resolution that calls for the disarmament of Hezbollah. Has anybody seen any effect of that lately? Jordan has 750,000 refugees in their small country.

The situation as regards Afghanistan, as far as Pakistan is concerned, is certainly murky at best, and perhaps we could see a nuclear-armed country, which Pakistan is, in the hands of people who may not be friendly to the United States or interested in controlling the Afghan-Pakistan border areas which are not under control now.

As Henry Kissinger wrote in the Washington Post over the weekend, a precipitous withdrawal would have profound consequences. As GEN Jim Jones testified, on the results of his commission, his last words were, a precipitous withdrawal would cause harm to America's national security interests, not only in Iraq but in the area.

The reason I point this out is because the effect of the Webb amendment—and whether it is intended by the Senator from Virginia or not but it is interpreted by many, including others whom I have quoted—would be to force precipitous withdrawal before the situation on the ground warranted.

I hope we understand that America is facing a watershed situation. We have grave challenges in Iraq. I believe if we set a date for withdrawal or, through this backdoor method, force a date for withdrawal, we will see chaos and genocide in the region, and we will be back.

I fully acknowledge to my friends and colleagues that we have paid a very heavy price in American blood and treasure because of failures for nearly 4 years. I understand their frustration. I understand their anger. But I am also hearing from the men and women serving in Iraq as we speak. Always throughout this long ordeal, the most professional and best- equipped and best-trained and bravest military this Nation has ever been blessed with were doing their job. They were doing their job under the most arduous conditions of warfare that any American, Army and Marine Corps and military, has ever been engaged, ever.

But now in the last few months, we are hearing a different message from these brave people; that is, they believe they are succeeding. They believe they are succeeding. In Anbar Province, the marines are walking in downtown Ramadi, which used to be Fort Apache. Neighborhoods in Baghdad are safer. They are not safe, but they are safer. Al-Qaida is being rejected in many areas. I pointed out the difficulties in the other part of it, but I also believe, from my study of history, that when you have a condition of military security, it is very likely and much more possible that the commercial, social, and political process moves forward in a successful fashion. I keep saying over and over: We have not seen that with the Maliki government, and we have every right to see it. But I believe the conditions have been created, if they seize it, that we will also see political progress in that country.

I believe the people of Iraq, not wanting to be Kurds or Sunni or Shia but Iraqis, harbor the same hopes and dreams and aspirations to live in a free and open society where they can send their kids to school and live in conditions of peace and harmony. That can be achieved over a long period of time.

Let me finally say that success in Iraq is long and hard and difficult, but I also believe the options are far worse than to pursue what has been succeeding.

This amendment will probably define our role in Iraq as to how this whole conflict will come out. I question no one's patriotism. I question no one's devotion to this country. I am sure there are Members on the other side of this issue, supporting this amendment, who are more dedicated than I am, perhaps. But the fact is, this is a watershed amendment. We need to defeat it. We need to make sure these brave young men and women who are now serving and succeeding have more opportunity to succeed and come home with honor. We all want them home. We don't want to see the spectacle of another defeated military. Overstressed, overdeployed, weary, but not defeated—that is our military today. The Webb amendment could easily bring about their defeat.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to yield further time to the Senator from New Jersey, but before doing so, I would like to respond to some of the things the Senator from Arizona said in his statement, just to clarify the intention of this amendment and the environment in which it is being offered.

Contrary to what the Senator from Arizona said, this amendment has been changed since July. There is a 120-day implementation provision in it, after my discussion with Secretary Gates. There is also an exclusion of special operations units from the requirements of the amendment. There are, as always, clear waiver provisions in here which would address a number of the situations Secretary Gates mentioned.

The Senator from Arizona may believe the impact of this amendment would be to alter the strategy in Iraq, and he has made a few implications

that people cannot support our military people unless they support a political mission. I don't believe that is correct. I believe it is the role in American society to question missions when one believes they are heading in the wrong direction. I believe many of our troops have that option and also exercise it. You can look at poll after poll on that.

The one thing we can say about the U.S. military is that it has always controlled the tactical battle space into which it has been put. We can clearly say that in Iraq today. We can say that about other engagements. That is the job the military is being called upon to do.

When the Senator from Arizona talks about what is this debate really about, to characterize this as a debate about defeat is inappropriate. The narrow purpose of this amendment is not to question so much whether the strategy is working but how do you feed troops into an operational environment. Where do we draw the line? I suppose we could have a decision from an administration that we would put all of American forces in Iraq until the war was over. When does the Congress decide that the policies of the executive branch have reached an imbalance? This is a very modest amendment.

With respect to the constitutional implications, this is a tired old argument. I addressed it in July. I addressed it again today. There is a third provision in article I, section 8, which clearly gives Congress the authority to make these sorts of decisions.

Senator MCCAIN rightly talks about the loss of qualified officers and NCOs. My experience, looking at the U.S. military today, is that we are now losing them permanently. If you look at the retention rates from West Point, they are clearly on a marked downside. That is the canary in the bird cage.

With respect to the letter of Secretary Gates, I respect Secretary Gates. I talk with him. He is a political appointee. We can expect political answers to a number of these questions.

When Senator MCCAIN speaks of the implications of withdrawal, we are in a box, I agree. The same implications being addressed right now for withdrawal were the implications that people such as myself, General Zinni, General Scowcroft, General Hoar, and many others with long national security experience were warning about if we went in in the first place. We have a region that is on the edge of chaos. We have oil now at $82 a barrel. We have a situation with the Turks, who once were our greatest supporters in the region, being roundly critical of the United States, complaining about guerilla activities emanating out of the Kurdish areas. We need to get the Saudis to the table. We need to address Iran. The only way for us to do that on a permanent basis is through aggressive diplomacy.

I, too, read Henry Kissinger's article last Sunday. A big portion of it at the end was about the need to move forward more strongly with diplomacy.

All of those issues are legitimate. They are all going to be thoroughly debated. The purpose of this amendment, again, is to put a safety net under our Active-Duty military and our Guard and Reserve while these debates are taking place.

With that, I yield the floor and note the Senator from New Jersey wishes to speak. Perhaps the Senator from Arizona wants to speak.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Virginia for his comments. I would like to point out that the Senator from Virginia says his amendment has a waiver associated with it, so, therefore, it should be acceptable to us. I would like to quote from Secretary Gates's letter to Senator GRAHAM. He says:

> Although the amendment language does provide the President a waiver for ''operational emergencies''—

''Operational emergencies''—not just a waiver, but there has to be an operational emergency—

> it is neither practical nor desirable for the President to have to rely on waivers to manage the global demands on U.S. military forces. Moreover, the amendment would serve to advance the dangerous perception by regional adversaries that the U.S. is tied down and overextended.

So I think we ought to understand what this waiver really means. Of course, Secretary Gates is a political appointee. That is the way the Government functions. But to somehow, therefore, question his judgment because he is a political appointee is inappropriate, I say to the Senator from Virginia.

GEN Brent Scowcroft, whom the Senator from Virginia referred to, said: The costs of staying are visible. The costs of getting out are almost never discussed. If we get out before Iraq is stable, the entire Middle East region might start to resemble Iraq today. Getting out is not a solution.

Now, that is the view of one of the most respected men in America. He also was a political appointee at one time as the President's National Security Adviser. He believed very strongly we should not have gone to Iraq, and I would be glad someday, along with Senator WEBB and Senator HAGEL, to talk about all the reasons why we should or should not have. But the fact we are where we are today, in his view, is very clear.

Now, on the issue of constitutionality, it clearly violates the principles of separation of powers. Congress has no business in wartime passing a law telling the Department of Defense which of its fully trained troops it can and cannot use in carrying out combat operations.

As we all know, this dwell time provision, as I said, has been tried before. The President, when it was included in the Emergency Supplemental Appropriations Act, said:

> [T]he micro-management in this legislation is unacceptable because it would create a series of requirements that do not provide the flexibility needed to conduct the war.
>
> This legislation is unconstitutional because it purports to direct the conduct of operations of the war in a way that infringes upon the powers vested in the Presidency by the Constitution, including as Commander in Chief of the Armed Forces.

The Senator from Virginia referred to article I, section 8 of the Constitution, which gives Congress the power ''to make Rules for the Government and Regulation of the land and naval Forces.'' Well, clearly that applies to pay, equipment, end strength, basing, and most of the training, equipping, and organizing functions that are vested in the services under the Goldwater-Nichols Act. But the article I power cannot be employed to accomplish unconstitutional ends, and that would include restricting the President's authority as Commander in Chief in wartime to direct the movement of U.S. forces.

Justice Robert Jackson, who served as President Franklin Delano Roosevelt's Attorney General, said:

> The President's responsibility as Commander in Chief embraces the authority to command and direct the armed forces in their immediate movements and operations, designed to protect the security and effectuate the defense of the United States.

I submit that current policies regarding combat unit rotations, tour length, and dwell time that affect our brave men and women in uniform fall squarely under that authority.

In his letter, as I mentioned before, Secretary Gates addressed this constitutional question. He said:

> The amendment would unreasonably burden the President's exercise of his Constitutional authorities, including his authority as Commander in Chief. In particular, the amendment would hinder the President's ability to conduct diplomatic, military, and intelligence activities and limit his ability to move military forces as necessary to secure the national security.

Let's consider other legislation—the Goldwater-Nichols Act of 1986—which fundamentally reorganized the Department of Defense and reflected some serious thought about how wars ought to be conducted. The act says:

> Unless otherwise directed by the President, the chain of command to a unified or specified command runs—
>
> from the President to the Secretary of Defense; and
>
> from the Secretary of Defense to the commander of the combatant command.

I see no mention of Congress in that chain of command.

The Goldwater-Nichols Act also has a section titled ''Responsibilities of the Combatant Commanders'' that says: The commander of a combatant command is responsible to the President and to the Secretary of Defense for the performance of missions assigned to that command by the President or by the Secretary with the approval of the President. Again, no mention of Congress in that chain of command.

I want to clarify to my friend from Virginia, I have—again, I repeat, and I

am sure I will repeat several times in the conduct of this discussion—I have no doubt that the intent of the Senator from Virginia is to relieve this terrible burden of service that is being laid upon a few Americans. He and I both know people who have been to Iraq and Afghanistan three and four times—an incredible level of service. The National Guard has never, ever that I know of in my study of history borne the burden they have today. These citizen soldiers have performed not only at the same level but sometimes at a higher level of our professional standing Army, Marine Corps, Air Force, and Navy. But the fact is, the amendment of the Senator from Virginia—I believe and am convinced from my study of the Constitution, my view of the role of the Commander in Chief, what is at stake in Iraq, as I pointed out—will have the effect of reversing what has been a successful strategy employed by General Petraeus, General Odierno, and the brave men and women. I have no doubt of the intention of the Senator from Virginia in this amendment, but I have great concerns and conviction that the effect of this amendment would have impacts that would lead to greater consequences and require, eventually, over time, because of chaos in the region, greater sacrifice of American blood and treasure.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise in strong support of the Webb-Hagel amendment. Both of our colleagues have served our country not only in the Senate but also in uniform, and they have done so honorably. So they speak from experience, and I, for one, do not question their sincerity of purpose. I do not know how every Member of the Senate will decide on how they will cast their vote, but I do not question their sincerity or the purpose of what they are driving at.

This is about preserving our troops, enhancing their ability, and in the long term being able to continue to enlist people who want to serve their country, who bear the overwhelming burden of the national security of the United States by a small percentage of the population. That is what I believe Senator WEBB is doing, and that is why I join him strongly in support of his and Senator HAGEL's amendment.

This amendment provides an important opportunity to recognize the courageous efforts of our men and women in uniform. This amendment provides a critical opportunity to ensure the care and safety of our troops—the care and safety of our troops—now, but I would argue not only now but for the long term. To those who believe this amendment is only about now, to change the current course of events, I believe the amendment has longstanding import now and for the long term. It sets our policy as to where we are going to be headed in the deployment of troops—the respites they need, the ability for us to sustain a voluntary Army under all of the circumstances.

This amendment provides a great opportunity for us in the Senate to ignore politics and work together on behalf of our troops. This amendment simply says that our troops should have at least—at least—the same time at home as they spend deployed abroad. It ensures that no unit, including the National Guard, which is clearly citizen soldiers who have been asked to do far beyond what many of them thought they were ever going to be called upon to do on behalf of their Nation—they would get the same treatment.

This amendment simply says that after 4½ years of bravely fighting for our country, we must honor the sacrifice of the troops and their families. This amendment simply says we must make sure we are taking care—underline ''taking care''—of our troops. We believe we must protect our troops fighting in combat now, just as we must take care of our veterans when they return home from combat.

Let me be clear. I do not believe this amendment ties the hands of the administration in the case of a clear threat to our national security. Senator WEBB has been responsive in providing a fair and reasonable waiver for the President, as well as a waiver for those individuals in service who want to volunteer to return early. If they want to return, if they feel they are ready to return, they will be able to do so and provide the continued leadership they have been providing. I am sure many may. But the bottom line is, there are many who may not feel they can do that. So, therefore, their ability to perform at the optimum is not being preserved under the present circumstances.

This amendment also responds to specific concerns raised by the Secretary of Defense and other military leaders. It allows the Department of Defense time for a transition period, for an implementation period that is well within the scope that is necessary. It also provides a specific exemption for special operations forces since the nature of their deployment schedule is much different.

So I think Senator WEBB has listened and responded since the last time he offered this amendment, as has Senator HAGEL.

Now, unfortunately, the war in Iraq has taken a terrible toll on our military. I am deeply concerned about our ground forces. I am deeply concerned about severe mental health issues, such as post-traumatic stress syndrome, which comes out of extended and repeated deployments. I am deeply concerned about our ability to retain experienced servicemembers and our ability to recruit new forces.

Clearly, if someone is looking at whether to be engaged, in addition to their great desire to serve their country, especially if they have family, they are going to be looking at: Well, how are these deployments taking place? Are they taking place in a way to respond to my desire to serve but also to be able to sustain my family? That is why we have to adopt this amendment. It is about now and the long term.

Some here have argued that Congress should not interfere. But the Founding Fathers put it right up there early in the Constitution. They did not wait for various later articles; they put it right up there in article I. Article I, section 8 of the Constitution is where they gave the Congress the right, the power ''to make Rules for the Government and Regulation of the land and naval Forces.''

I have heard other statutory references here, but none of those statutory references have the power to undermine the Constitution. The Constitution is supreme. It comes first above all other acts. So, therefore, the Founders understood how important it was for the Congress to have the role ''to make Rules for the Government and Regulation of the land and naval Forces,'' and they put it up early in the Constitution to make it very clear. Those who wish to ignore or reject that provision of the Constitution, in my mind, undermine the Constitution by doing so.

This President often acts as if the only role for the Congress is to provide a blank check for his failed war policy. I believe he is definitely wrong in believing that Congress's only role is to provide a blank check. That is not the role of the Congress. As a matter of fact, that would be an abdication of the duties and responsibilities of the Congress in its role under the Constitution. We have a fiduciary responsibility to the American people, both in national treasures and, most importantly, in lives. We have a responsibility to the men and women in uniform.

This amendment before us reflects the reality on the ground and the will of the American people, but most importantly the welfare of those sacrificing the most. I have heard a lot from our colleagues in the time I have been in the Senate, and before in the House, about supporting our troops. Well, we are providing here a plan to fully support our troops who volunteer to put their lives on the line for our country. Senator WEBB has referred to the Military Officers Associations' unusual movement or action of supporting this amendment. I think we need to listen to those who serve, especially when they act out of the norm and say: We believe this is in the interests of those men and women who serve. And it comes from the association of those men and women who are actively engaged in serving. I have so often heard our colleagues say: Let's listen to those on the ground. Well, this is a reflection of those in boots in service. Our brave troops have answered the call of duty. Let us now answer the call to do what is right by them.

I urge all of our colleagues to support this amendment. It goes to the heart of how we truly honor those people who are serving our country, sacrificing for our country, and in my mind, when we talk about supporting the troops, making sure our long-term security can be preserved and enhanced goes to the very core of how we are going to treat them in their service. That is why I strongly support Senator WEBB's and Senator HAGEL's amendment, and I hope all of our colleagues will do so as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I rise in opposition to the Webb amendment. I guess if I can pick up where my colleague from New Jersey left off, what is the best thing for the Congress to do in terms of supporting our troops? What are our duties? What are our obligations? I would argue the worst thing the Congress can do at a time of war is to start taking over operational control of deployments.

Many of us are up for reelection next year. This Iraq war has become one big political commercial. There are commercials being run out there—I don't know if they are on the air right at this moment, but every time there is a vote in this body, a Republican in a tough State will have an ad run in their State saying: Senator so-and-so has voted six times not to withdraw from Iraq. There are political commercials being run around every policy debate we have regarding this war. This is a political consultant's dream, this war.

Well, this war is not about the next election; this war is about generations to come. The commercials will keep coming. Every time we have a vote like this, somebody is going to take a work product, turn it into a political ad, and try to get some political momentum from the dialog we have on the floor.

None of us question each other's patriotism. That is great. To those who have served in combat, my hat is off to you. But we all have our independent obligation to make our own decisions here, and those who have never worn the uniform, you are just as capable of understanding this issue as I think anybody else. If you have been to Iraq, you understand how tired people are. They are tired. If you visit the military on a regular basis, you know they are stressed.

Let me give my colleagues some numbers here. The 1st Cavalry Division, their retention rates are 135 percent; The 25th ID, 202 percent; the 82nd Airborne, 121 percent retention rates. Recruiting and retention is very good because people who are in the fight now understand the consequences of the fight and they don't want to lose. I was in Baghdad on July 4. We had 680-something people reenlist in theater.

The troops are tired. That is not the problem. They understand the war. They understand the enemy because they deal with the enemy face-to-face, day-to-day. They realize that if we don't get this right—and in spite of the mistakes we have made, we can still get it right—if at the end of the day we don't get it right in Iraq, their kids are going to go back. The No. 1 comment I get from the troops after having been there many times is: I want to do this, Senator GRAHAM, so that my children do not have to come over here and fight this war. Let's get it right now.

Well, let's help them get it right. I think we are not helping them if the Congress mandates troop rotations that will undercut the ability for the surge to continue.

Everyone cares about the troops, but the politics of this amendment are such that it would get—the bill would be vetoed. The President has said that if this amendment gets to be part of the underlying Defense authorization bill, he would veto it. I think any President would veto this bill. The Secretary of Defense's letter to me is a chilling rendition of what would happen to the force if this amendment was adopted. So we know the Defense authorization bill would get vetoed, and all the good things in it we do agree on—about MRAPs, support for the troops, better health care—all that gets lost.

Now, why are we doing this? Some people have a very serious concern that the force is stressed, and they want to take pressure off the force by giving them as much time at home as they have in the theater. Some people want to use this amendment to make sure the surge can't go forward because that would be the effect of it. People are all over the board. The consequence to the Defense authorization bill is it would get vetoed over this provision. Now, if that is what my colleagues want to happen, this is a way to make sure it happens.

The idea of telling the Department of Defense how long someone can stay in combat once they are trained and ready to go to the fight is probably the most ill-advised thing any Congress could do in any war. The Congress is a political body that is driven, appropriately, by the moment, by the next election, the voices of constituents, concerns of the public. Wars are not fought that way. Decisions in wars are not poll-driven—I hope. Decisions of politicians appropriately incorporate political consequences to the Member. Let's not make military policy based on the political consequence to the Member of Congress. That is what you would be opening a can of worms to.

If we take on this responsibility of managing troops from a congressional point of view, setting their rotation schedules, how many can go and how long they can go, then their presence in whatever battlefield or theater we are talking about in the future is very much tied to the political moment back home. Think about that. If we begin to adopt this way of managing a war where the Congress takes this bold, unknown step of saying: You can only go in theater this long and you can't do A and you can't do B, but you can do C, what happens in the next war? Is it wise for political people who worry about their own reelection—which is an appropriate, rightful thing to be worried about if you are in politics—to have this much power? Is it good for the military for the Congress—535 people—to have this much power over military deployments? Our Constitution gives them a political Commander in Chief—a single person—who has to answer to the public at the ballot box.

The Congress can, as part of our constitutional responsibilities, terminate any war because our constitutional role allows us to fund wars. So to my colleagues on the other side and those on this side who want to support this amendment, you would be doing the country a service and eventually, I think, the troops a service by trying to stop this war by cutting off funding, if that is your goal. If you think the war is lost and you believe it is the biggest foreign policy mistake in a generation and that it is a hopeless endeavor and that Iraq will never get any better, then just come to the floor and offer an amendment on the appropriations bill to say we will not continue to fund this war and create an orderly withdrawal. If you do that, I will disagree with you, but you will have followed a constitutional path that is well charted, and if you believe all the things I have just said, you will be doing the troops a great service because you will not create a precedent in the future where some other politician may take up your model and use it in a way you never envisioned.

Once we legitimize politicians being able to make rotation deployment schedule decisions, once we go down that road, we have opened up Pandora's box where the politics of the next war could dramatically affect the ability to operate on the battlefield. If we limit our actions to cutting off funding, that will be a sustainable way for Congress to engage in terms of wars they believe have been lost.

Now, the majority leader, HARRY REID, said the war was lost in April and the surge has failed. If you really believe that, let's have a debate not about micromanaging troop schedules and deployment schedules; let's have a debate that would be worthy of this Congress and this Nation. Let's come back onto the floor and put an amendment on the desk to be considered that would end the war by stopping funding for the war. That is not going to happen. The reason that is not going to happen is because the surge has been somewhat successful and the politics of ending this war—everybody is trying to hedge their bet a little bit now. The politics of the next election are affecting the politics of this body when it comes to war policy in a very unhealthy way.

We have a side-by-side alternative to Senator WEBB that puts congressional

voice behind the idea that we would like the policy of Secretary Gates to be implemented of ensuring the dwell time at home is consistent with the amount of time one is in theater. It is a sense-of-the-Senate that gives voice to Secretary Gates's goal and policy of dwell time without retreating into the Commander in Chief's functions, without getting out of our constitutional lane. Senator MCCAIN has introduced this side-by-side. It will be called up at an appropriate time, and I can talk about it later on. It is a sense-of-the-Congress where we all agree that it would be a great policy to have if the conditions on the ground would warrant it, to give our troops a little bit of rest.

But what our troops need more than anything else is a commander who knows what he is doing and who can carry out his mission unimpeded by a bunch of politicians who are scrambling to get an advantage over each other. This whole debate is unseemly. It is destructive to our constitutional system. It brings out the worst in American politics. You have an ad being run against the very general in charge of our troops that is sickening and disgusting, and we are just absolutely going to a new low as a nation over this war.

So if you think all the things I said before—the war is lost, hopeless, stupid; the worst decision ever made in terms of U.S. foreign policy—end the thing. End it. Cut off funding. Don't play this game of having 535 people become generals who have no clue of what they are talking about. I respect everybody in this body, and those who have served, I respect you, but there is not one person here who I think has anywhere close to the knowledge of General Petraeus in how to fight a war. You could dig up Audie Murphy, and he could come back and tell me to vote for this amendment, and I would respectfully disagree. To those who have been in battle: God bless you. You deserve all the credit and honor that comes your way.

This is about winning a war we can't afford to lose. This is about who should run this war—a group of politicians who are scared to death of the electorate and who will embrace almost anything to get an advantage over the other, who is at 14 percent approval rating in the eyes of their fellow citizens? You want to scare the military? You want to give them something to be afraid of? Let them read in the paper Congress takes over operational control of Iraq. We would have some retention problems then. Anybody in their right mind would get out.

There are a lot of choices to be made in our constitutional democracy about war and peace. The one choice we have never made before is to allow the Congress to set rotation schedules, deployment schedules, and if we do it now, not only will we hurt this war effort, we will make it impossible for future commanders and future Presidents to protect us.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. MCCAIN. It is my understanding that Senator GRAHAM, the senior Senator from South Carolina, is a member of the Air Force Reserve and the JAG Corps; is that correct?

Mr. GRAHAM. Yes, sir.

Mr. MCCAIN. I understand you just spent a couple of weeks in Iraq serving in active duty and in your capacity as an Air Force colonel?

Mr. GRAHAM. Yes, sir.

Mr. MCCAIN. And despite the mistake that was made in the promotion system, you did form impressions over there from the day-to-day interface with the men and women who are serving there?

Mr. GRAHAM. Yes.

Mr. MCCAIN. I think it might be appropriate, given the Senator's recent probably longer stay than any Member of Congress has ever had in Iraq, maybe he can talk to us a bit on the record not only about where the troops' morale is, what they believe in, and about the issue that was the reason he went there, and that is this enormous challenge of the rule of law, and whether we are making progress in that area, and what he expects, particularly in the area of the prisoner situation.

Mr. GRAHAM. Mr. President, I will try my best. No. 1, my time in the service has been as a military lawyer. I am not a combat operational guy. If you want to talk about my experiences in the military, I am glad to talk about them, but they are limited, and I know how far they should go—not very. As a JAG colonel, I cannot tell you how to deploy troops. I don't know. That is out of my line. I have to make a decision as a Senator when the general comes, as Senator MCCAIN says, as to whether it makes sense to me. I would not advise any Member of this body to follow a four star general's recommendation just because of the number of stars.

Here is what I would advise the Members of this body to do. Listen to what the general says. Use your own common sense. Go in theater and see if it makes sense. For 3½ years, we went to Iraq and we were told by the generals in the old strategy that things were fine. On about the third trip with Senator MCCAIN, I would say we were in a tank. I am a lawyer, so I don't understand military deployments and how to deploy combat troops. But I can tell you this from a lawyer's perspective and from good old South Carolina common sense: After the third visit to Iraq, if you thought things were getting better, you were crazy. We blamed it on the Republican side. The media doesn't tell the story right. It wasn't the media's fault. We were losing operational control of Iraq because we didn't have enough troops. You could see it if you wanted to look. If you were blinded by the partisanship that exists in this building, you will find some other group to blame it on. But it was there to be seen.

I have been seven times—twice in uniform—working on issues where I think I have a little bit to offer. My contribution is insignificant, inconsequential, but I am honored to have been able to be allowed to go, because I am cheering on people over there and I am still in uniform and I am the only one left, and I wish I could stay over there longer because I feel an obligation to do so.

Here is the morale as I see it this time around. A year ago, I was in Iraq—maybe a little bit longer—sitting at lunch across the table with a sergeant. I asked him: Sergeant, how is it going? He said: Senator, I feel like I am driving around waiting to get shot. Not going very well.

This last tour, when I was there for 11 days, I got to have three meals a day with them in Baghdad and meet folks with different missions and responsibilities, including combat guys coming in from the field. I sat down with them every night and I asked: How is it going? I was told: Colonel, we are kicking their ass.

Morale is high because of the new strategy. They are fighting and living with the Iraqi troops out in the field. Their army is getting better. When you talk to the marines in Anbar, they will tell you with pride: Look at what we did here.

For us politicians to deny what they did is an insult to their hard work. They liberated Anbar Province because there were enough of them this time around to join up with the Sunnis in Anbar to make a difference and drive out al-Qaida. This new strategy—and everybody has been asking for something new for a long time—is working. It is working. There are areas in Iraq, as Senator MCCAIN described, that are liberated from a vicious enemy.

On the rule-of-law front, judges have a new level of security because of the surge that they have never known before. The first thing General Petraeus did when he went in theater was create a rule-of-law green zone for judges. We have taken an old Iraqi base and built housing for judges and created a perimeter of security. We have a jail inside the complex, judge housing, a police station, and a brandnew courtroom, so that the judges can implement the law without fear of assassination. I have never seen such growth in an area as I have in the rule of law since the surge began. The judges now are able to do their job without their families being assassinated, and we have seen dramatic improvements.

I will give you two examples. There was a Shia police captain accused of torturing Sunnis at the police station he was in charge of. He is now facing a long-term prison sentence because the Iraqi legal system didn't listen to the fact that he was a Shia and the people he abused were Sunni. They gave a verdict based on what he did, not who he did it to. It is sweeping the whole legal system.

Judges are going into areas that al-Qaida operated from just months ago

and they are rendering justice, but not based on what sect you come from; it is based on what the person was accused of. I witnessed a trial downtown Baghdad where two people of the three were Shia police officers in the Iraqi police force. There was a raid on the house they were living in by the American forces. Coalition troops were the only witnesses and these two defendants who were in a house full of IED material, rocket-propelled grenades, explosive devices that were meant to kill Americans. The defense said: Who are you going to believe, us or the invader? The lawyers in the trial looked the judge in the eye and started citing one verse of the Koran after another to tell the judge he had a duty to stand beside his Muslim brothers and reject the testimony of the infidels. I was there; I saw it.

The three judges conducted a trial that everybody who witnessed that trial would have been proud of. They asked hard questions. They separated the defendants, and rather than listening to dictates from the Koran coming out of the mouth of their lawyer, they asked questions such as how were they in the house, and how could they not have known the weapons were there? They did a great job proving these guys were lying through their teeth. When they reconvened, they got convicted, getting 6 years in jail.

There is progress going on in Iraq. There are people in Iraq who are bigger than sectarian differences. There are judges, lawyers, and average, everyday people who are risking their lives to make their country better. One of the biggest problems they have had is that we screwed up early on and let security get out of hand. With better security, people are beginning to engage in a way I have never seen before.

This idea of pulling back now, reducing our military footprint, at a time when we have made a real difference, is too disheartening to the troops. They are watching what we are doing. I was stopped every 30 feet with questions such as: What are we going to do? Is the war going to go on? Are they going to cut it short? The people fighting want one thing, and that is the ability to finish the job. Do they want to come home? Yes, God knows they want to be home. Are they tired of going over? Yes. But above all others, they want to win.

Senator MCCAIN said he met people for the third and fourth time. Well, nobody stays in this military unless they volunteer, to begin with, and when their enlistment is up, there are stop-loss problems, but there is an end to this war for them; it is an end of their choosing. This force, unlike others, chooses when to end the war for them when their enlistment comes. What they are choosing to do we need to understand. They are choosing to reenlist at numbers greater than any other area of the military. Why can't this body sit down and think for a moment; what do they see about this war that I don't see? Why do they keep leaving their families and going to a dangerous place time and time again, in numbers larger than any other group in the military? Do you know why they do it? I think they do it because they interact with the judges I have just described to you. They see hope. They understand the enemy. They know an enemy that will take a 5-year-old child and put that child in front of their parents, douse him with gasoline and set him on fire, is an enemy to their family. They understand that Iran is trying to drive us out of Iraq because they want to be stronger. And they understand that will mean they are likely to have to fight a bigger war.

From the troops' perspective, from my view, they want to come home, and they want a lot of things; but they want, above all others, the chance to win a war they believe they can win and one we cannot afford to lose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the author of the amendment, Senator WEBB, be recognized, and that following his comments, Senator WARNER from Virginia be recognized, Senator VITTER be recognized, and that I follow Senator VITTER.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, at this point, I have to object, unless the Senator from Georgia will agree that if there is a person on the other side who wants to speak in opposition, we can go back and forth. If we can modify the request that a speaker in support of the amendment may be interjected into that lineup, if there is a speaker in support of the amendment, I will not object. Is that agreeable to the Senator from Virginia?

Mr. WEBB. That is agreeable.

Mr. CHAMBLISS. I say to my friends, I already discussed that with Senator WEBB. I agree to that.

The PRESIDING OFFICER. Without objection, the request, as modified, is agreed to.

Mr. MCCAIN. Mr. President, can I hear the unanimous consent request again, please?

Mr. CHAMBLISS. Yes. I ask unanimous consent that the Senator from Virginia, Senator WEBB, be recognized; that following him, Senator WARNER be recognized; that following him, Senator VITTER and myself be recognized; that if there is a member of the other side of the aisle who comes in after Senator WARNER or after Senator VITTER, they be given the opportunity to be interjected into the rotation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE EXPLANATION

Mr. CHAMBLISS. Mr. President, I neglected to vote on rollcall vote No. 340. Had I voted, I would have voted negatively.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I want to take a few minutes and clarify, from my perspective, the intention of this amendment in the context of a number of the things the Senator from South Carolina spoke about. That was quite a lengthy speech. There was a lot of material in it.

This amendment is a very narrow amendment. It is talking about a minimal adjustment in terms of troop rotation ratios. That is all this amendment is doing.

When the Senator from South Carolina mentioned we should not have the politics of the next election being the driving force in these sorts of situations, I hasten to clarify that my election occurred last year. It is going to be a while before that decision is faced again. The principal cosponsor on the Republican side, Senator HAGEL, has indicated he is retiring from the Senate. These issues we are attempting to put before the Senate have nothing to do with the politics of being reelected.

Another point that I think needs to be made is that no one I know of is trying to push a precipitous withdrawal from Iraq. The Senator from South Carolina made a lot of comments about if you want to end the war, if you believe it is the worst strategic error we have ever made, we should call for cutting off the funding. There are a lot of us, including myself, who believe this was a huge strategic blunder and said so before we went in. As I said to General Petraeus when he was testifying: That was then, this is now.

We have to find a way out of Iraq, for those of us who want to remove our residual forces eventually. That doesn't include everybody in this body. For those of us who want to remove all residual forces eventually, we have to do so in a way that will not further increase the instability in the region and will allow us to focus on international terrorism and our other strategic interests around the world. There is no debate on that. That is not what this amendment is about. We must do that through a proper, regionally based diplomatic solution. That will only take place with the right sort of leadership out of the administration. But that is not on the table. That is not what we are trying to address in this amendment.

There have been questions on the constitutional issues. Again, I go to article I, section 8. The Congress has the power "To make Rules for the Government and Regulation of the land and naval Forces. . . ."

There has been some discussion about how this should not apply to movement of forces during a time of war. I don't see this as a movement of forces in a time of war, and I do see precedent, again, from the Korean war. This is a very similar situation; it is on the other end of it.

In the Korean war, an administration was sending our troops into combat before they had been properly trained.

The administration would say that is proper. The Secretary of Defense would come in and say that is proper, we need these troops in Korea. But the Congress decided it was not proper, that once our people step forward and take the oath of enlistment or oath of office, there is some protection that should come if there is a belief from the Congress that the executive branch has not used them properly.

This is an intrinsically limited power. It is limited by the nature of this process. All one has to do is take a look at the votes we need today to move it forward. But it is a power that belongs in the Congress when the right vote is taken.

Senator MCCAIN and Senator GRAHAM had a lengthy colloquy about service. Believe me, I am indebted to both of them and to the others who have served our country for the service they have given. Thirty years ago this year, I started as a committee counsel in the Congress. I was the first Vietnam veteran to work as a full committee counsel. At that time, two-thirds of the Members in the Congress had served in the military. That number is a very small percentage today. So it affects, in some cases, the ability of people to understand the movements on the ground, but it also increases the importance of people such as Senator MCCAIN and Senator GRAHAM, both of whom I respectfully disagree with on this particular amendment, but it increases the importance of what they are saying and the insight they are bringing. I greatly respect both of them for their service.

I know there is going to be a sense of the Senate submitted after our vote is taken—I assume after our vote is taken. I wish to say again this is basically a figleaf. This is not a time for the Congress to be giving advice. It is a time for the Congress to step in and put a floor under those people who are serving us.

This is a very minimal adjustment, but it is, in my view and in the view of others, an essential adjustment in terms of how we are handling the welfare and well-being of people who are going again and again.

On that point, I again remind the Senate that for the first time in all the years we have been involved in Iraq, we are seeing people from the administration and from the other party openly saying they expect we might be in Iraq for the next 50 years. I was warning 5 years ago this month, in an editorial in the Washington Post, that there was no exit strategy from the people who wanted us to go into Iraq because they didn't intend to leave. Now we are seeing graphic evidence of that. That is a debate we are going to have. That is a debate we are going to have separate from this amendment. The only purpose of this amendment is to provide some stability in the rotational cycles, particularly of our traditional ground forces in the Army and Marine Corps, so we can have that debate in a way that calms down the instability in the forces.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Arizona.

Mr. MCCAIN. Mr. President, while my friend from Virginia is on the floor—my other friend from Virginia—I apologize to him for misspeaking this morning about his sponsorship of any amendment. I know he has a number of proposals he may bring before the Senate in the course of this debate, and I apologize to him for assuming he hadn't had any of those ready at that particular time.

Again, I thank him for the enormous input he has made in this debate and his wisdom and knowledge, and his leaving will create a void around here. Voids are always filled, but I think it may exist for a long time because of the many years of leadership on national security issues he has provided to this body, the State of Virginia, and the Nation. I say to the Senator, please accept my apologies.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague. The factual basis that this follows—I wish to thank him and I wish to indicate to my colleague from Virginia the exact background. I first saw the amendment, prepared by, I believe, Senator MCCAIN and Senator GRAHAM, yesterday when it was circulated to the members of the Armed Services Committee. At that time, I promptly suggested a change in the amendment or, more specifically, an addition that a waiver be put in. I suggested the President. The draft now has the Secretary of Defense.

I say to my good friend—and, indeed, Senator WEBB and I share a very strong bond of friendship. It actually goes back over 30 years, when I was in the Navy Secretariat. Senator WEBB, at that time, a young—still young but anyway a bit younger—Marine captain who, fortunately for me and others in the Secretariat, was assigned to our staff. He had just finished his tour in Vietnam, where he displayed a measure of courage few in uniform in the history of our country can equal. For that he received our Nation's second highest decoration.

I stand in awe of his military career. My modest career pales in comparison to his. Nevertheless, we did form at that time a friendship and resumed it once he came here.

I would like to also say, Senator WEBB and I were both privileged to serve as Secretaries of the U.S. Navy. As I look back on the good fortune I have had in life, that was a chapter—5 years, 4 months, 3 days as Secretary of the Navy—that I cherish as the very foundation for whatever I have achieved thereafter in life. It was the association, the learning I had from men and women of the Armed Forces, that gave me a certain sense of confidence and inner strength that has enabled me to go on and do other things, most humbly, I say, to serve Virginia for now my 29th year in this chamber.

I have come to know Senator WEBB, of course, in the perspective of being a Senator. I said to others that he possesses the intellectual ability, the sincerity, the feeling about people to make him a great Senator. His career is before him; my career is behind me. When I leave some 14 months from now, having finished 30 years in the Senate, I leave with a sense of confidence that this fine young Senator will represent Virginia well, and they can take righteous pride in his leadership.

But the amendment by Senator GRAHAM is one I somewhat disagree with my colleague on. It embraces the principles he put forth in his amendment, principles which led me to join him when he first laid down his amendment and vote for that amendment. So the question arises: Why, at this point in time, would I go into a very intense deliberative process of reconsidering that process? I will enumerate those reasons.

But I wish to go back again to the service we both had as Secretary of the Navy. It was the management of a force of men and women in uniform. During my period, it was somewhat larger in number than when Senator WEBB was Secretary of the Navy. But nevertheless, we both learned the difficulty, the challenges of managing under the all-volunteer force the men and women of our Armed Forces.

One of the reasons I joined my good friend was the all-volunteer force. I was in the Department of Defense, as I stated, from 1969 through 1974, serving under three Secretaries of Defense, Melvin Laird being the first. He had the concept of going to the all-volunteer force. That concept was not by any means readily accepted. There was considerable and, I think, justified doubt among the uniform ranks at that time, in the White House, and elsewhere, that this daring concept, this unique concept would be able to adequately serve America, given the troubled world, not only at the time of Vietnam but subsequently and particularly at that time in the midst of the Cold War when the Soviet Union, in many respects, had challenged us potentially in terms of their military prowess. Nevertheless, in the wisdom of the executive branch, we went forward, and the Congress subsequently endorsed it.

Senator WEBB's amendment, I say without any equivocation, is designed to help protect the concept of the all-volunteer force. It was for that reason that I joined him because I felt, having been in the Department of Defense at the period of time when the formative stages of that concept were developed, I had a stake in it.

I have said many times on this floor it is a national treasure that the members of today's Armed Forces, every one of them, are men and women who have raised their hands and volunteered. They were not subjected, as

previous generations had been, to a draft and compelled to go into uniform. They were there, every one of them, because they wanted to be there, they wanted to be a part of the Armed Forces that would protect our country.

If we add up all the men and women in the Armed Forces today and include the very valuable Reserve and Guard—because the Reserve and Guard are as much a part of our defense structure, more so than they have ever been—and how magnificently the Reserve and Guard have proven throughout the conflicts in Iraq and Afghanistan, their ability to take on in every way responsibilities, dangers, and personal risk equal to the regular force.

I come back to that little chapter when both of us served as Secretary, and then he subsequently served in the Department in other capacities where Senator WEBB gained a basic knowledge of personnel management, management of not only the Navy Secretariat but prior thereto, when he was looking at all the force structures of the Department of Defense. I readily acknowledge he is an expert and, in some ways, more current than I am, in terms of the management of our forces in uniform.

We have a difference, Senator WEBB and I, and I will spell it out, with regard to the amendment. I endorsed it. I intend now to cast a vote against it. The reasons are as follows:

I went forward some months ago and informed the Senate and, indeed, informed the country, having returned from my 10th trip to Iraq, that I was gravely concerned about the situation over there and gravely concerned about the turbulence here at home, gravely concerned that the U.S. Army and the U.S. Marine Corps were being pushed to the limits, greatly concerned that our Guard and Reserves were being pushed to the limit. Furthermore, I felt that the surge—although I did not fully support the surge, and the record of this body, the Senate, clearly reflects my concerns—at that time, I felt that far more of the responsibility should be borne by the Iraqi forces. In January of this year, 2007, when the President announced his policy regarding the surge, I believed that Iraqi forces should take on a far greater role, particularly as it related to the sectarian violence—the criminal elements that are striking against our forces, and for nothing more than a few bucks undertaking, to put at risk the lives of our great soldiers, airmen, marines, and sailors. I thought that the Iraqi force should take on that and we should concentrate more on the security of that nation, to maintain the sovereignty and integrity of its borders and tighten the borders.

I won't go into the details, but the record is clear that I questioned the surge. Once the decision was made, I think I felt, like most Senators, that I should support the President, and I have tried to do so.

But back again to the force structure problem. At that time, I felt that we should send a signal to the Iraqi Government by putting some teeth in what the President had repeatedly said; namely, we are not going to be there forever. Our Ambassador in Iraq at that point in time had said something to that same effect. At the time that I announced the recommendation to reduce the forces and have that reduction take place so they could be home by Christmas, Ambassador Crocker had said: We are not giving you a blank check. They were just verbal statements directed at the Maliki government and all levels of the Iraqi Government to say that we are not going to be there forever, but you had to put teeth in it.

I felt if we first announced that we were going to take the first group home—and I carefully said that the President should consult with the ground commanders before he accepted any recommendation from me or anybody else to reduce force levels and begin to send people back such that they would be back home with their families before Christmas, and the President obviously did that. In his message of a week or so ago, he indicated—not necessarily agreeing with me—that he agreed with the concept; that after consultation with General Petraeus and other on-scene commanders, that they could now, based on certain successes of the operation of the surge and visible successes that the intelligence community verified. Indeed, Senator LEVIN and I, on our trip a few weeks ago, saw with our own eyes, where there had been measurable success of the surge—but consequently the President agreed with the thought that troops could begin to depart Iraq ahead of schedule and come home. There are further details of that well-known to Members of this body.

So first and foremost, I asked for that, the administration and the uniformed side agreed with it, and it was done. That put me in a different posture because I felt my thought that it was time to bring some people home was accepted, and therefore I could then turn to the Webb amendment and the need to go back and get a clear understanding from the U.S. military, the uniformed side, of the consequences of the well-intentioned principles of the Webb amendment.

I would like to also digress momentarily to talk about politics. The Senator felt challenged. I wasn't here for the earlier debate. I was holding a briefing with senior members of the military from the Department of Defense on this very subject—the Webb amendment. And I can tell you without any equivocation whatsoever, knowing Senator WEBB as I do, that politics is not a factor in his judgment. He honestly believes—he honestly believes—based on his long experience and his current knowledge of the readiness of the situation of our Armed Forces today that we need a policy, and we need it now, of a 1-month home for every month served abroad in a combat zone.

As I said, I agreed with him. But in that subsequent period of time, I have had consultations with a lot of senior military officers and just concluded a briefing with Lieutenant General Ham, the Director of Operations of the Joint Staff and Lieutenant General Lovelace, the Deputy Chief of Staff for Operations for the U.S. Army. Two respected three-star generals, whom I invited to come over here and further brief me and several other Senators who were present. They are not politically motivated. They are motivated by what they have to do to be fair to those serving in Iraq today.

It is their professional judgment that if this amendment were to be adopted and become law—and I will put aside all the other issues of a possible veto, and I just don't want to see another veto scenario here right in the middle of the war, and that is another reason—but they are absolutely convinced, and have now convinced me, that they cannot effectively put into force that amendment at this time, without causing severe problems within the existing forces and those who are serving there.

One of the consequences that could change in some fashion could be the very thing I advocated—namely, let us bring some of the troops home by Christmas. That might not be feasible if this amendment were adopted. The announced schedule of withdrawals—bringing the force structure down by July 2008 to what we call the pre-surge level, announced by the President and General Petraeus that might not be achievable, the reason being that on any day, if you look at the totality of the U.S. Army, about one-third of it is globally deployed beyond our shores—some 250,000 men and women in uniform. There is a rotation in and out of Korea of roughly 20,000 a year and rotation in other areas of concentration. You just cannot simply look at Iraq or Afghanistan; you have to look at the totality of the Army.

A soldier coming out of, say, Korea, having spent a year over there and expecting to have a year back at home, joins a unit for further training, and that unit is suddenly called to go to Iraq. Well, the only recourse is to begin to pull that soldier and some others out because of their need to have 12 months back here. In fairness, that soldier should have 12 months back here, but that unit has to deploy.

These generals, again putting all politics aside, they have not been ordered to do this; they are simply trying to manage the U.S. Army today in a way that is equitable to every single soldier, and they have convinced me they cannot manage it in this time period. If this amendment were changed to be effective at, say, the beginning of fiscal year 2009—starting in October of 2008—they feel they could manage it, certainly with regard to the combat units that are going over. But they still have a problem with—for example, in Iraq today there are some 50,000 soldiers who are in what we call combat support roles, not just cooks and bakers,

although they are essential, but the people who are performing the removal of the IEDs over which the combat trucks roll to go forward to the front. If there is any single front in Iraq, and I don't think there is, the concept being they are deployed there to different parts of Iraq. Iraq is a 360-degree battle zone, in my judgment. And how well we know that the IED is causing the most severe damage to our soldiers in terms of loss of life and limb in Iraq today. They explained to me that the persons, the explosives experts who know how to go in and detect and remove these lethal weapons, are in short supply. The Army is doing everything it can, the Marine Corps everything it can, to train sufficient numbers of these individuals to come in and do these jobs, but they, too, have to be treated with a sense of fairness. They cannot be subjected to having to stay there maybe 15 months, maybe even longer, because we have no replacement for them.

So at another time, because I don't want to go into greater detail here—there was point after point these generals made in our briefing and that I have studied that clearly documents the difficulty, the unfairness, to others now serving in Iraq if this amendment were to become law.

Now, to the credit of Senator WEBB and in my conversations with him—although I don't know that I was the one who persuaded him—he went ahead and added an extension to his amendment, so that it goes into effect 120 days after the authorization bill is signed into law. Well, that still does not carry it anywhere near the October 2008 date, which is the earliest date that the Army feels it can now follow the Webb amendment and its goals. These generals told me there is no one who wants to move to the 1-to-1 ratio with any greater fervor or desire than the senior military staff of the U.S. Army and, indeed, others in the Department of Defense. They want it. They would do everything within their realm of professional responsibility to make it happen. But they simply cannot make it happen in the time frame as it is now couched in the provisions of the Webb amendment.

Mr. President, for those reasons and others—and I know I am taking generously of the time of others here—I feel I will have to cast a vote against my good friend's amendment. It is a change of vote for me, I recognize that, but I change that vote only after a lot of very careful and analytical work with the uniformed side of the Department of Defense.

The Secretary of Defense has written me on this subject, in a very detailed letter. I have a great deal of respect for him. I traveled with him this week and talked to him, and I tried to explain that possibly there are changes which could be made to the Webb amendment which would enable us to go forward and enact it into law, as opposed to a sense of the Senate, which I do hope we vote on later, but that was not achievable. I did my very best, but it was not achievable.

So I say to my good friend from Virginia, I agree with the principles you have laid down in your amendment, but I regret to say that I have been convinced by those professionals in uniform that they cannot do it and do it in a way that wouldn't invoke further unfairness to other soldiers now serving in Iraq.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to thank the Senator from Virginia for his knowledge, his wisdom, and his in-depth analysis of the situation. All of us who know him are appreciative of the very difficult process he has gone through as he has attempted to balance the needs of the military, America's national security, and the frustration and sorrow and anger that is felt by many Americans over our failures in this war. I thank him for the consultation process he has gone through. I have never known the Senator from Virginia to arrive at a decision without a thorough and complete analysis of it. He has used the wisdom he has acquired since World War II, when he served as a brave marine.

Mr. WARNER. Sailor, you rascal. How could you forget that?

Mr. MCCAIN. Excuse me—sailor, and later in the Marine Corps. He went wrong—I mean he did very well by serving both in the U.S. Navy and the U.S. Marine Corps, and then, of course, as Assistant Secretary of the Navy and as an outstanding chairman of the Armed Services Committee. So I thank him for his in-depth analysis, I thank him for his leadership and guidance to all of us and to all of our citizens, and for a very thoughtful and persuasive discussion.

As we move forward on this issue, no matter what happens with the Webb amendment, we will be faced with the situation in Iraq. I hope the situation improves and these debates can be eliminated over time. I am not sure they can. I hope and pray they can, but in the meantime we will rely on the judgment and guidance of our friend from Virginia.

Mr. WARNER. Mr. President, if I might ask the Senator a question because, indeed, the Senator has a career of active-duty service to the country that cannot be paralleled, certainly by this humble Senator or many others. But don't you believe in your heart of hearts the Webb concept of 1 to 1 is a good one, and if it were possible for the military to achieve it they would do so, and we would all vote for this amendment?

Mr. MCCAIN. I say to my friend, he is exactly right. He is exactly right. Among the many failures, as my friend from Virginia knows very well, is that at the onset of this conflict it was believed by the then Secretary of Defense and others in the administration, including the President of the United States, this was going to be quick, it was going to be easy, it was going to be over.

There were people such as the Senator from Virginia—and, I might add, and me—who said you have to have a bigger Army. You have to have a bigger Marine Corps. The Army and Marine Corps is one-third smaller than it was at the time of the first gulf war. We should have paid attention to our friend and comrade, General Powell, and the Powell doctrine, and we obviously should have understood the requirements in the postinitial combat phase, which I think would have relieved this terrific burden we have laid on the men and women in both the Active Duty and the Guard and Reserve. God bless them for being able to sustain it. It is a remarkable performance on their part.

Mr. WARNER. Mr. President, on that point, I grilled these officers today very intensely. You may recall that in January, subsequent to the President's announcement of the surge, the Secretary of Defense stepped up and said: Hold everything. I am going to put in place a callup policy for the Reserve and the Guard which will enable them to have a clearer understanding of how much active service they will be called upon to do and, more important, once that active service is completed, how much time they can remain home.

Now, a reservist has to maintain two jobs, in a way: his Reserve job and his job with which he puts, basically, the bread on the table for his family, in the private sector. So they are different than the regulars.

I was told today that, if the Webb amendment became law, they would have to go back and revisit and change that policy that the Secretary of Defense enunciated for the Guard and Reserve in January, this year.

Is that your understanding?

Mr. MCCAIN. That is my understanding, I would say to the Senator from Virginia, and I also say that is why I think we need to have a Sense-of-the-Senate resolution, to reflect the overall opinion of the Senate that we need to fix this situation. Obviously, the unintended consequences of putting it into law at this time are myriad. The Senator from Virginia has, in the most articulate fashion, described those. I agree with the Senator from Virginia.

Mr. WARNER. Mr. President, I conclude my remarks by saying—others are waiting to speak—the reason I brought up Senator WEBB's distinguished career as former Secretary of the Navy, and indeed in the Department of Defense in an earlier assignment, is he understands these arguments. He has looked at them. I respect his views. We have a personal difference of opinion on the professional viewpoints, that it can or cannot be done.

He believes honestly it can be done. I believe, based on what I related this

morning and that my ranking member has stated—we feel it can't be done. Therein is the problem.

I, in no way, in any way denigrate what Senator WEBB is trying to do. It is just that we have an honest difference of opinion, mine based on basically the same facts that have been given to him. He has a different analysis than do I.

Mr. MCCAIN. Mr. President, I wish to add one additional point, though, that I think is important. I also believe that it is unconstitutional for this body to dictate the tours of duty and the service of the men and women in the military and how that is conducted. I am absolutely convinced, from my reading of history and of the Constitution, that to enact such an amendment would be an encroachment on the authority and responsibility of the Commander in Chief which could have significant consequences in future conflicts, particularly if those conflicts at some point may be unpopular with the American people. So I have additional reasons, besides our desire to—the impracticability, as the Senator has so adequately pointed out.

I see my friend from Illinois is waiting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, let me begin by expressing my utmost support for Senator WARNER. I am absolutely convinced of his commitment to our troops. I do not think there are many people in this Senate Chamber who understand our military better or care more deeply about our military. So I have the highest regard for him.

I have to say I respectfully disagree on this issue and must rise in strong support of the amendment offered by Senator WEBB to require minimum periods between deployments for members of our armed services who are serving in Iraq and Afghanistan. This amendment protects our brave men and women in uniform and ensures that our Armed Forces retain their ability to meet any challenge around the world. That is something that ultimately all of us have to be concerned about. I am proud to be a cosponsor of this amendment.

I opposed the war in Iraq from the beginning and have called repeatedly for a responsible end to the foreign policy disaster that this administration has created. Over 3,700 American service men and women have died in this war. Over 27,000 have been seriously wounded. Each month, this misguided war costs us a staggering $10 billion. When all is said and done, it will have cost us at least $1 trillion.

There are different views of the war in this Chamber, but there is no disagreement about the tremendous sacrifice of the men and women who are serving in Iraq and Afghanistan. They have performed valiantly under exceedingly difficult circumstances. They have done everything we have asked of them. But they have also been stretched to the limit. The truth is, we are not keeping our sacred trust with our men and women in uniform. We are asking too much of them, and we are asking too much of their families. We owe it to our troops and their families to adopt a fair policy that ensures predictable rotations, adequate time to be with their families before redeployment, and adequate time for realistic training for the difficult assignments we are giving them.

Our service men and women will always answer the call of duty, but the reality is extended deployments and insufficient rest periods are taking their toll. The effects of the strain are clear: Increasing attrition rates, falling retention rates among West Point graduates, increasing rates of post-traumatic stress disorder and unprecedented strain on military families.

This amendment is a responsible way to keep our sacred trust while restoring our military to an appropriate state of readiness. It ensures that members of our Armed Forces who are deployed to Iraq or Afghanistan have at least the same amount of time at home, before they are redeployed. It would also ensure that members of a Reserve component, including the National Guard, cannot be redeployed to Iraq or Afghanistan within 3 years of their previous deployment.

After 4½ years of fighting in Iraq and almost 6 years of fighting in Afghanistan, we owe it to our troops and their families to provide them with a more predictable schedule with sufficient time home between deployments. As the Military Officers Association of America, which represents 368,000 members, has stated:

> If we are not better stewards of our troops and their families in the future than we have been in the recent past, the Military Officers Association of America believes strongly that we will be putting the all-volunteer force at unacceptable risk.

There are scores of anecdotes that bear out the strain on our families. One woman from Illinois recently wrote my office telling me how her husband was facing his fourth deployment in 4½ years. She described how her husband had spent so much time in Iraq that, in her words: "He feels like he is stationed in Iraq and only deploys home." That is not an acceptable way to treat our troops. That is not an acceptable way to treat their families.

This amendment is not only important for military families, it is also important for our national security. Our military simply cannot sustain its current deployments without crippling our ability to respond to contingencies around the world.

This is all the more important since the administration has squandered our resources on the war in Iraq and neglected to address serious threats to our safety. According to the National Intelligence Estimate in July, al-Qaida has "protected or regenerated key elements of its homeland attack capability," including a safe haven in Pakistan's tribal areas, operational lieutenants, and its top leadership.

Ensuring the readiness and capabilities of our troops will be crucial to confronting the threat of al-Qaida in Afghanistan and other parts of the world and deterring other threats to America's national security.

Over the coming months, I will continue to push for a new course in Iraq that immediately begins a safe and orderly withdrawal of our combat troops, that changes our military mission to focus on training and counterterrorism, that puts real pressure on the Iraqis to resolve their grievances, and that focuses our military efforts on the real threats facing our country.

I believe this amendment is an important part of that new course. I strongly urge my colleagues to support this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I was on the floor when the Senator from Virginia, Senator WARNER, made his comments a little bit earlier. I hope a lot of the American people were listening to what Senator WARNER had to say because there is nobody in this Senate who has more respect, not just on military issues but principally on military issues, than does Senator WARNER. He not only has a lot of expertise, and great experience, but he is known to be very thoughtful in his deliberations. He doesn't arrive at decisions of major importance very easily or very quickly. For him to come to the floor and to make the statement he made earlier this afternoon, having thought through this issue and having now decided to change his vote on this particular amendment, is of monumental importance. It is the type of decision that makes all of us proud to serve in this great institution.

I rise in opposition to the Webb amendment. This amendment is about restricting the President and his military leaders' ability to prosecute a war we have asked them to execute and which we unanimously confirmed General Petraeus to carry out. It is an unwise and harmful effort to limit the ability of the President and his military leadership and to handicap their use of personnel and resources available to them.

Senator WEBB's amendment would preclude deployment of certain Active and Reserve Forces based on the number of days they have spent at home. Keep in mind, these restrictions would apply to the Nation's most experienced and capable troops during a time of war, when we face an unpredictable and highly adaptive enemy.

That statement is very similar to what Senator WARNER said a little bit earlier.

There is no one in this body who would not like to see every single one of our troops come home tomorrow. There is nothing pretty about a military conflict. There have been times in

the history of our country when we have had to bow our backs and when we have had to stand up to an enemy that sought to destroy what America stands for. That is exactly what we are doing in Iraq today.

What Senator WARNER said is that if we make a decision in this body to micromanage the war, let's make no mistake about it, if this amendment passes, what we are really going to be doing is subjecting our men and women to greater harm and to the possibility of even greater inflicting of injuries and greater numbers, possibly, of making the ultimate sacrifice. This amendment says there are 435 Members of the House of Representatives and 100 Members of the Senate who have determined that this is the rotation that should be carried out by our military leadership relative to the conflict in Iraq, and that is a micromanagement of the war from the Halls of Congress versus the management of this conflict on the ground in theater by our military leadership in Iraq.

If we do micromanage this war, exactly what Senator WARNER said is what is going to happen, and that is, today in Iraq, the most dangerous weapon that is being fired at our brave men and women who wear our uniform and are protecting the freedom is what we call the IED and the EFPs. These particular weapons are inflicting injuries on our men and women, and are inflicting death on our men and women, requiring them to make the ultimate sacrifice for our sake. We have a very limited number of trained military personnel who are experts in the area of detecting and defusing IEDs and EFPs. If we put those men and women on a mandatory rotation, then we are setting our men and women in uniform up for failure.

I have had a policy since I have been elected to Congress of not trying to make decisions on military issues relative to my personal feelings and my personal beliefs. My decisions have been based upon information I have received from our military leadership, both inside and outside the Pentagon, some civilian folks as well as men and women in uniform, who are more expert in these areas than I am.

In this case, I listened very closely last week as General Petraeus and Ambassador Crocker came to Congress and spent the whole day Monday with the House of Representatives, the whole day Tuesday in the Senate, testifying, answering every question that was propounded to them about what is going on relative to the new vision and the new strategy on the ground in Iraq. What I heard from those men who are the leaders from a diplomatic standpoint as well as from the military standpoint is we are seeing great progress made on the ground by our military that is unlike any progress we have seen during the last 4½ years. That is significant.

If you are not impressed by that, then you simply did not hear what they had to say. So I think now to say to them: Well, we appreciate the great job you have done leading our troops, but we are going to take the decision-making process out of your hands, and we are now going to decide how the war is going to be prosecuted, that, I think would be a huge mistake.

The Pentagon and the civilian side have responded to the Webb amendment and said this, that if the Webb amendment passes:

> Operations and plans would need to be significantly altered. Units or individuals without sufficient dwell time would need a waiver to deploy based on threat. This waiver process adds time, cost, and uncertainty to deployment planning.

Secondly:

> In emergency situations, the waiver process could affect the war fight itself by delaying forces needed in theater.

Thirdly:

> Units would need to be selected for deployment based on dwell criteria that may in fact cause significant disruption to needed reset, planned transformation or unit training schedules.

Fourthly:

> The Department routinely deploys units at less than a one-to-one deployment-to-dwell ratio if the individuals within a unit meet minimum dwell requirements.

The proposed language stipulates minimum periods between deployments for both units and individuals. The requirement to meet both criteria for unit and individuals before deployment could severely limit the options for sourcing rotations.

And more specifically and directly to the point, in a letter dated September 18, 2007, from the Secretary of Defense, Robert Gates, to Senator LINDSEY GRAHAM, I quote a comment made by the Secretary. He says:

> The cumulative effect of the above steps [and he had outlined the Webb amendment] necessary to comply with Senator WEBB's amendment, in our judgment, would significantly increase the risk to our servicemembers.

Now, this is one of the military experts in the United States of America, the chief civilian military officer, saying: If this amendment passes, it could significantly—it would significantly increase the risk to our servicemembers. And yet some folks are going to vote in favor of this amendment in spite of the fact that the chief civilian military leader of the United States says it has the potential to significantly increase the risk to our men and women in uniform.

The power of Congress under article I of the Constitution to make rules for the Government and the regulation of the land and naval forces is well understood, as is the President's authority under article II, to command our military forces as commander-in-chief. This amendment, however, is an unprecedented wartime attempt to limit the authority of the President and the military leaders by declaring a substantial number of troops and units unavailable.

Now, again, let me close by saying I wish we could bring everybody home tomorrow and that this conflict would be over. We know we are going to be in this conflict for a long time. The President could not have been clearer on that issue when, on September 17, 2001, in a statement to a joint session of both the House and the Senate, he said:

> This is going to be a long and enduring war.

He was right then, and he is right now. This is a long and enduring war. It is not dictated by the brave and professional job our men and women are doing, but it is dictated by a vicious enemy that seeks to destroy everything that is good about America.

We have men and women who are serving today in an all-volunteer Army, Navy, Air Force, Marine Corps. They are very dedicated men and women. They know the mission they have to carry out in Iraq. I know because I have been there five times. I have talked with them with their boots on the ground, including about 3 months ago when I had an opportunity to visit with a number of soldiers in an area that had just been cleaned out, an area in Al Anbar Province called Ramadi.

Ramadi, a year ago this month, was the self-declared capital of al-Qaida in Iraq by al-Qaida itself. Today, because of the great job and the professional job our men and women, fighting side by side with members of the Iraqi Army and other coalition forces, is clear of al-Qaida. But if we seek to limit the ability of our leadership, if we seek to micromanage the war from the Halls of Congress versus on the ground by our leadership in Iraq, then the potential is certainly there for an immediate return of al-Qaida in Iraq to places such as Ramadi.

There is no more important time in the history of our country than the present. That has been the case in so many situations. Certainly this is a very critical time in the history of our country from the standpoint of the ability of future generations to live in the same safe and secure America every previous generation has enjoyed. There is no better way to ensure that, than to make sure we prevail and we win in Iraq.

It is my opinion and the opinion of military leadership, the passage of this amendment leads this nation down a trail of exposure to those who seek to do us harm, when what we need to be doing is listening those men and women who are serving proudly to secure our future generations from the enemy.

I yield the floor.

The ACTING PRESIDENT pro tempore (Mr. CARDIN). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as a supporter of the Webb amendment. I want to compliment the Senator from Virginia for offering that amendment. Although he is a freshman Senator, he certainly is no stranger to war a combat veteran, a warrior's warrior, and he

is fully aware of the stresses the men and our military are facing along with their families.

I support the Webb amendment, and I support it for several reasons. One, I want to talk about the surge. I called it an escalation. The escalation was to send more troops to give the Iraqis more time to come up with a political solution.

Well, I wish to salute our troops. For those who are on the ground, the basic number, for those who were part of the escalation, we want to support them for doing their duty, and doing their duty so well. I think by every account, regardless of how one feels about the war, one is very proud of the men and women who are part of our military, who have been on the ground, and have been on the job. They have done their part. And that is what the two reports we got last week are, that if you send in more people, the violence will temporarily come down. But what happens when you do not keep that level? Well, that is a point of discussion.

Let's go back to why they went. They went this summer, in blazing heat, with blazing guns, to give the Iraqis more time. And what did the Iraqis do while our guys and gals were out there in 100-pound armor, trying to avoid IEDs? The Iraqis took a vacation. More time. More time. More time. What is wrong with this picture? So what did more time get us? It got us nowhere. With their 2-month break, they still did not go anywhere near a political solution. Now we are told we have got to keep this up, and we could be there indefinitely because of what? The Iraqis need more time.

Well, I think we are out of time. I think we are genuinely out of time. This is why I support the Webb amendment, because I think we need a different direction. I think we need a different direction in Iraq to do what we can to contain the violence and also to move ahead with a political solution. I am going to support the Webb amendment because I am never going to vote to cut off money. I will vote to protect our troops, and the best way is at least to give them more time while we are giving the Iraqis more time.

How about giving our troops more time to be at home? I am really hot about this. One hundred six degrees in July, they took a break; 110 degrees in Baghdad, our troops are there, they took a break—they, the Iraqis, took a break.

I am also going to be supporting the Biden amendment, because if the Iraqis will not come up with a political solution, now with the so-called soft position, it is time to go to the international community and see if there needs to a hard solution.

I am beginning to explore and believe that perhaps Iraq needs to be partitioned. Part of our solution, though, is while the Iraqis want more time, I want more time for our troops. I want more time for our troops to be at home. That is why I am supporting this brilliant amendment by Senator JIM WEBB, for our men and our women in the military.

We know what his amendment says is that they have to be at home for at least as long as the length of their last deployment. So if they were there for 15 months, they should be home for 15 months. Then, for the National Guard and for the Reserves, no one would be redeployed within 3 years of their previous deployment.

Why is that important? It is not only important for the Guard and the Reservists, but as the Presiding Officer knows, when a National Guards person goes to meet their duty, their employer in many instances is required to keep that job open, or they at least have that as a commitment of honor.

That used to be 6 months. Now it is 15 months, and home again, back again, while the Iraqis want more time. Our employers are wondering how they can keep those jobs open because they don't want to turn their backs on the military.

We have to get real here. A $20,000 bonus for a quick fix, quickly trained military doesn't cut it. JIM WEBB is really onto something. Our military is overstretched. Our troops are exhausted. Their families are living with tremendous stress. Every day they wonder what is happening. Every day a family that hears a news report about another attack wonders if their loved one was in it. Every time they are at home and they hear: CNN, breaking, 4 U.S. military killed, 10 killed, 4 killed, they first listen; is it in the zone where my husband or my wife or my son or daughter is? Then when they hear that, they think: Is it the Army or the Marines? They want to know because what they are doing is wondering how close to home it is.

Then they hear that news. For some, it is unbearable news. But all of the news is unbearable for the families at home. We are crushing the very spirit these families have to keep them going. It is not that they went once; it is that they go again. And no sooner do they come back and say: Hello, honey, I think your name is Mary Beth, than they have to go back out again. What are we doing to our families?

I want more time for the troops. I want to give them more time the way the Iraqi politicians want more time. When we think about our troops, we know what they are laboring under. You have heard me say it before. I check the temperature every day in Baghdad. Yesterday, it was 102 degrees. For us, it was 73, a beautiful day. What a day to be out on the bay. I know a lot of our National Guard already deployed would love to be there. I think about our troops, carrying 100 pounds of armor in brutal heat, being shot at, being attacked by IEDs, while we have a policy that is going to give the Iraqis more time, while they are there doing their duty. Let's talk about these families.

In World War II, the military would say: If the Army wanted you to have a wife, we would have issued you one. It was primarily a single military. That is not true today. For our families, the stress of maintaining a family during all of this while a spouse is at war is an enormous stress. Not only are they facing traumatic stress, but so is the spouse at home. They are trying to protect their children. They are trying to shield their children. The children wonder: How is daddy doing; how is mommy doing? The children learn e-mail. They e-mail mom. They e-mail dad. I know how they communicate. Mom and dad will communicate by e-mail. The little guys and gals will often read the first paragraph, but the last two paragraphs are spouse-to-spouse talking about what is going on. The tension, the fear, the anxiety and, I might add, the financial stress as well is amazing. We are talking about 19-year-olds, 21-year-olds. We are talking about people with two and three children. But we have to give the Iraqis more time.

Well, we are out of time. I know my time is up on the floor, but I will tell you, I am going to vote for this Webb amendment because I am going to give our troops more time. I am going to vote to give our troops more time at home.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that the next speaker on our side be Senator KYL. He has asked to be in line on this side.

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

Mr. BOND. Mr. President, I last came to the floor to speak on the subject of the way ahead in Iraq. Since that time, significant events, both good and bad, have occurred. First and foremost, General Petraeus has presented to the Congress a candid and encouraging assessment that the new strategy in Iraq has shifted the momentum in our favor. The testimony by the general and by Ambassador Crocker reinforced what I and my congressional delegation in May saw in Iraq and what I have heard directly from troops on the ground. The Petraeus counterinsurgency strategy, which is clear an area, move in with local forces, hold it, and then help them build their community, enlisting the locals in fighting the terrorist and showing them security is working—this is the strategy which, last year, I and many of our colleagues were asking for. The old strategy without enough people, without a permanent presence in the community, was not working. Well, it is starting to work now. But General Petraeus has proposed minor immediate withdrawals, withdrawals that are based on the commander's recommendations and security conditions, not Washington politics or micromanaging from this wonderful air-conditioned building.

The President used the term ''return on success.'' That is the term I hope we

will embrace. These brave men and women went over there as volunteers to accomplish a mission. We need to allow them to work with the commanders to accomplish that mission. Even General Petraeus testified that the new strategy had reversed the trajectory of the war. He said: ''Al Qaeda is on the run. Security incidents'' since the surge began have fallen in 8 of the last 12 weeks. Civilian deaths have decreased by 45 percent. Ethno-sectarian deaths are down 55 percent, and attacks in Al Anbar are down 85 percent.

For all the attempts by the antiwar movement to discredit General Petraeus—and I will address that—he demonstrated enough military progress from his new counterinsurgency strategy to conclude that ''we have a realistic chance of achieving our objectives in Iraq.''

Secretary Gates on Monday gave a speech in which he said:

> For America to leave Iraq and the Middle East in chaos would betray and demoralize our allies there and in the region, while emboldening our most dangerous adversaries. To abandon an Iraq where just two years ago 12 million people quite literally risked their lives to vote for a constitutional democracy would be an offense to our interests as well as our values, a setback for the cause of freedom as well as the goal of stability.
>
> We must realize and recognize that the institutions that underpin an enduring free society can only take root over time.

Secretary Gates was absolutely right. One only needs to look at our own history to understand this. After a long, bloody revolution, a civil war, a struggle for women's suffrage, and a civil rights movement, some 150 years later, democracy is still a work in progress.

Just as Ambassador Crocker testified:

> Iraq is experiencing a revolution, not a regime change.

Difficult challenges remain. Political progress in Iraq has been too slow. They have done some things. Actually, they have passed a few bills. In this body, we haven't passed an appropriations bill or a Defense authorization bill yet. We took August off ourselves. It is kind of tough for us to claim that the Iraqi Parliament is not doing its job when we can't seem to get our job done.

On the political front in Iraq, the Government is already sharing oil revenues among provinces. They are reaching out to former Baathists, allowing them to participate in the army and the Government. As I said, millions turned out to vote. It will take time for them, just as America's revolution did, but the benefits of a stable Iraq as an ally to the United States in the most volatile region of the world would be a major blow to terrorism, al-Qaida, and Iran's religious extremists.

Let me be clear: Our national security interest for the near and intermediate term is preventing chaos, genocide, and a regionwide war. That is our interest there, that is why our troops are there, because if they left, we could be facing far greater challenges, likely attacks on the United States and potentially a regionwide war. Our Intelligence Committee has long warned that precipitous withdrawal would create chaos and those impacts. If we were to be driven out of Iraq on the terms of terrorists and political timelines, terrorists from the Middle East to Southeast Asia to Europe to Africa would be emboldened to spread their fear, oppression of women, death and destruction, just as they were emboldened when we failed to respond appropriately to bombings of the USS *Cole*, Khobar Towers, embassies in Iraq, and the 1993 attack on the World Trade Center—all instances in which civilians and servicemembers were murdered.

Despite General Petraeus's testimony, despite our intelligence community warnings, and despite Secretary Gates's recent remarks, some war opponents continue to want to cede defeat. They refuse to listen to the advice of commanders. They ignore the consequences of a political withdrawal and the problems about which the Intelligence Committee warned.

I am very concerned about the amendment before us. I urge my colleagues to think about it and then vote against it. This is an amendment which would micromanage the war. Even a few of its supporters have been forthright enough to admit that it is a backdoor way of achieving what they want, which is defeat in Iraq by a premature withdrawal, because they know the chaos this would spread. They know what would happen if we tried to implement this into law. As Secretary Gates said on FOX News, such congressional meddling would mean force management, make problems that would be extremely difficult, and affect combat effectiveness and perhaps pose greater risk to our troops. He said when lawmakers intrude into this process, they could produce gaps during which one unit pulling out would not be immediately replaced by another, and as a result, they would have an area of combat operations with no U.S. forces, and the troops coming in would be at greater risk.

Contrary to the notion of its supporters that the measure would give the Armed Forces relief, it actually might force greater use of the National Guard and reservists. I am concerned about the National Guard and Reserve; they have been overstressed. I am concerned about our military; they have been overstressed. You know what happened? After the first gulf war in the 1990s, we slashed the size of our military. We slashed it far too much. The President recommended; the Congress went along with it. We slashed it too far. We are starting to rebuild. We have a very dangerous world. We need to have a military ready to respond.

Let me talk about the troops. I hear from a lot of them. I hear from my son, who is on his second tour in Iraq. He is a sniper platoon commander. He says he can only speak for 30 or 40 marines, but the one thing they understand is they want to complete their mission. They want to come home. Sure, they would like to be home. But they signed up for a mission. They don't want to withdraw, see all their contributions and sacrifices go for naught. They know that meddling in the war strategy, cut and withdrawal, cut and jog, or tying up the management of the war would be a disaster. They know that al-Qaida and the enemy is hoping that will happen.

This amendment is not as straightforward as cutting funding or withdrawing the troops, but it is perhaps more dangerous. That is why I urge my colleagues to stand up for the men and women who might be put at greater risk, and our national security interests, by refusing the amendment.

I want to talk about another part of this debate that is very shameful. MoveOn.org's attack depicting General Petraeus as ''Betray Us'' should be condemned, period.

It was an attack on the integrity of an intellectual, distinguished, and patriotic officer serving his Nation during a time of war, with the confidence of his troops behind him.

Make no mistake about it, discussing and condemning MoveOn.org's ad is not a sideshow or a distraction. In fact, it is paramount in a time of war we condemn the trashing of decorated military officers highly respected by their troops, and this one unanimously approved by this body, in order to achieve a political objective.

Marty Conaster, commander of the American Legion said:

> As Americans, we all have a duty to speak up when our uniformed heroes are slandered.

He went on to say:

> The libelous attack on a general is not the American Legion's primary concern about the anti-war movement. Our concern is for the private, the sergeant, the lieutenant and the major. If a distinguished general could be attacked in such a manner, what can the rank-and-file soldier expect when he or she returns home?

Sadly, the MoveOn.org ad is emblematic of a broader struggle by opponents of the war to muzzle other experts and discredit their views.

It is this tactic of desperation and, ironically, one that attempts to distract the American people from the realities of the threat our Nation and our allies face from terrorism.

Sadly, Mr. Presiident, this effort is being used to attack another distinguished military man approved by this body. It has to do with the field of intelligence, and this is another area we learned is critically important on our Intelligence Committee delegation to Iraq in May.

When we were in Iraq, one of our key generals expressed his great frustration that old provisions of the FISA law were blocking him from keeping our troops in the field safe. Well, I have some good news on that front, and I

thank the Members of this body on both sides of the aisle who, on a bipartisan basis, approved the Protect America Act on August 3 and August 4. That has opened up the lines of communications, the lines of intelligence for our troops in the field, for our safety here at home and homeland security. It has been very important and it eliminated a blockage that was critical.

Now, after we passed it, I have heard some critics, most recently, notably, in the House who have been trying to rewrite history and say the law did things it did not do. They have tried to discredit ADM Mike McConnell, the Director of National Intelligence. I am compelled to set the record straight.

As vice chairman of the Senate Intelligence Committee and sponsor of the Protect America Act, I was the lead negotiator during the final hours as Congress acted to pass a critical short-term update to our Nation's law governing terrorist surveillance. As one who was there, I dispute the misinformation being spread by some, and largely those who were not there, and I will outline the events as they occurred. For my colleagues and members of the press who are interested in the other side of the story, here is what happened.

First, the timeline of events:

In January, the President announced his Terrorist Surveillance Program was being put under the FISA Court, the Foreign Intelligence Surveillance Act Court. Our Director of National Intelligence, the DNI, subsequently stated that after that time the intelligence community lost a significant amount of its collection capability because of the fact that the law, as interpreted, did not square with the technology now in place and it was imposing unwarranted limitations we had not had when we were collecting radio communications, and he asked the Congress to modernize FISA sooner rather than later.

As I said, when we toured Iraq in May, our Joint Special Operations Commander, LTG Stan McChrystal, told us the blockage in electronic surveillance by FISA was substantially hurting his ability to gain the intelligence he needed to protect our troops in the field and gain an offensive advantage.

On April 12, the DNI sent his full FISA modernization proposal to Congress. On May 1, DNI McConnell presented it in open session to the Senate Intelligence Committee. Immediately following the admiral's testimony, I urged that our committee mark up FISA legislation. The reply was until the President turned over certain legal opinions from the surveillance program, Congress would not modernize FISA.

That Congress would hold American security hostage to receiving documents from a program that no longer existed was disheartening. We have received an inordinate amount of documents from the Department of Justice and the DNI. Yet I do not dispute the desire or the right of Members to seek a few important documents from the executive branch. In fact, I have joined in requesting those. But I did disagree with holding up FISA modernization when those documents are not necessary to do that. Now, despite the urging from the DNI and knowing this outdated law was harming our terrorist surveillance capabilities, for more than 3 months Congress chose to do nothing.

In late June, Admiral McConnell briefed Members of the Senate again urging us to modernize FISA. Finally, his pleadings began to gain traction.

In mid-July, Members of Congress agreed to discuss a short-term, scaled-down version of FISA to protect the country for the next few months before we could address comprehensive reform this fall. Admiral McConnell immediately sent Congress his scaled-down proposal.

Over the next week, Admiral McConnell was given nearly a half dozen versions of unvetted proposals from various congressional staffs across Congress and then pressed for instant support of these proposals. The admiral returned a compromise proposal, including some of the provisions requested.

Finally, we in this body on August 3 and in the House on August 4 passed, on a bipartisan basis, the Protect America Act.

I am pleased that the admiral and I could include in the measure we passed several important changes suggested by members of the majority party. We recognized this legislation still needs to be clarified, but it allowed the intelligence community to collect very important foreign intelligence targeted at foreign sources to keep our troops and Americans here at home safe.

After the passage of the act, I spoke with a number of members of the Senate Intelligence Committee, and I am confident now that we will be able to craft an improved, permanent version of FISA. So there is good news on that front. But now that I have laid out the timeline of sorts, I do need to address some recent attempts, primarily in the other body, to discredit our Director of National Intelligence, Admiral McConnell.

As I said with General Petraeus, unfortunately, the M.O. for some is attacking military leaders. Here, as others attacked Petraeus, they are attacking personally another honorable man. I am disappointed with those who are charging Admiral McConnell with partisanship and duplicity for their own political gains.

Despite accusations to the contrary, Admiral McConnell never agreed to any proposal he had not seen in writing by congressional staff. There were indeed several dialogs where concepts were discussed, but I noted that Admiral McConnell at the end of every discussion said he needed to see and review with these leaders the congressional language in writing before he could support it. It is a good thing he objected because I was present when several elements of FISA were agreed to that the DNI and I wanted but subsequently and notably were absent from congressional proposals later sent to the admiral.

Unfortunately, this bait-and-switch during negotiations was not the only disappointment. There were efforts by some to circumvent the committee process and craft legislation behind closed doors without input from the relevant committee or from the minority side of the aisle. Even as the vice chairman of the Intelligence Committee, I was excluded from most of the key meetings. Not only was I excluded, but most members of the Intelligence Committee, Republicans and Democrats, were left out of the process. Despite attempts to leave out key Members of Congress during the last negotiations, I think we are on the right track. I am confident the Senate Intelligence Committee can pass comprehensive FISA reform, and we have engaged in very positive and encouraging talks, not just—obviously, I have talked with the chairman, Chairman ROCKEFELLER. The Democrats and Republicans in the Senate are making great progress. We are working on the issue, and I have confidence that colleagues on both sides of the aisle can come together on this issue.

Unfortunately, again, today, another Member of the House is trying to demonize to the American public the Protect America Act that we passed in August, saying the bill went too far and was a power grab of executive power. They wrongly claim the law allows warrantless searches of Americans' homes, offices, and computers and reduces the FISA Court to a rubberstamp. That is absolutely flat dead wrong.

While I agree, as I said earlier, the law can be improved, clarified, nothing could be further from the truth. Quite the opposite, the law gave the FISA Court a greater role than it was ever meant to have when FISA was passed in 1978. This Protect America Act in no way allows for warrantless physical searches of Americans' homes, offices, and computers. This sort of inaccurate fear-mongering should have no place in this debate.

I am counting on cooler heads to prevail in the Senate Intelligence Committee, and in the committee we are making real progress. I think with the members we have on our committee, we have a great chance to get an even better bill forging bipartisan solutions that will deal with some questions probably not contemplated when the initial proposal came up to us. We have a lot of different opinions, but all our members want to do what is best for national security and best ensures privacy protections. The key is working out just the right balance, and I am optimistic we will do so.

As we saw in the strong bipartisan support for the Protect America Act,

we can act in a bipartisan manner to protect terrorist surveillance—a critical early warning system—while protecting the civil liberties of ordinary Americans.

Mr. President, I ask unanimous consent to have a brief editorial from Investor's Business Daily called ''Mettle Vs. Meddle,'' referring essentially to the amendment before us, printed in the RECORD.

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

METTLE VS. MEDDLE

After last year's elections gave them a slim majority, Senate Democrats enthusiastically endorsed President Bush's choice of Robert Gates to replace Donald Rumsfeld as secretary of defense—with not a single one of them voting against his nomination.

As Senate Armed Services Chairman Carl Levin, the Democrat from Michigan, wished Gates well at that time, he said he hoped the new Pentagon chief would ''speak truth to power.'' Gates certainly did that on Fox News Sunday—telling the powers that be in Congress the truth about their impending attempts at micromanaging the war in Iraq. Gates called the Democrats' plan to require that troops spend as much time at home as in the field ''pretty much a back-door effort to get the president to accelerate the drawdown so that it's an automatic kind of thing, rather than based on the conditions in Iraq.'' While on Fox News, Gates also said:

''The president would never approve such a bill,'' and the secretary would personally recommend a veto.

Such congressional meddling would ''force management problems that would be extremely difficult and . . . affect combat effectiveness and perhaps pose greater risk to our troops.''

Intrusions by lawmakers would produce gaps during which ''a unit pulling out would not be immediately replaced by another, so you'd have an area of combat operations where no U.S. forces would be present for a period, and the troops coming in would then face a much more difficult situation.''

Contrary to the Democrats' notion that the measure would give the armed forces relief, it actually might force greater use of the National Guard and reservists.

Gates stressed that ''the consequences of getting this wrong—for Iraq, for the region, for us—are enormous.''

He added: ''The extremist Islamists were so empowered by the defeat of the Soviet Union in Afghanistan, if they were to be seen or could claim a victory over us in Iraq, it would be far, far more empowering in the region than the defeat of the Soviet Union.''

Compare that sober warning with House Defense Appropriations Subcommittee Chairman John Murtha's appearance at the National Press Club on Monday, in which the Pennsylvania Democrat blustered that Iraq would cost as many as 50 House Republican seats in the 2008 elections.

Gates and his boss are obviously interested in America and the rest of the free world winning the global war on terror. The war Murtha and so many of his fellow top Democrats seem interested in winning is the political one being waged in Washington.

Mr. BOND. Mr. President, I thank the Chair and yield the floor.

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

Mr. WEBB. Mr. President, I would like to emphasize yet again the very minimal adjustment this amendment is asking for in terms of policy and to also emphasize again it is well within the Constitution and within precedent—article I, section 8.

The precedent is a similar phenomenon as to the issues that are facing us today, just on the other side of the deployment schedule, from the Korean war. When our troops were being sent into harm's way without proper training, the Congress stepped in. It overruled an administration that was doing that. It set a minimum standard of deployment. We are attempting to do the same thing on the other end.

There seems to be a great deal of question in our national debate as to what exactly ''dwell time'' means. I was in a discussion with Lieutenant Colonel Martinez, who is an Army fellow in the Senate who has extensive command experience at all levels up to the battalion level, as I recall, in many different theaters, just trying to put together notionally what goes on when military units are home after deployment.

So I have an outline, Mr. President, which I ask unanimous consent to have printed in the RECORD.

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

MAJOR TASKS THAT OCCUR DURING A ONE YEAR DWELL TIME

Month 1: One week-two weeks to redeploy the BCT from theater; ''Re-integration'' training; normally 2–3 weeks long; Single Soldier Barracks reassignments.

Month 2: 21 days to 30 days ''Block Leave''; Activation of Headquarters; Rear-Detachment Headquarters disbanded; Begin recovery of equipment that was shipped from OIF or OEF.

Months 3–5: Recovery operations of equipment; Personnel receive orders (if they haven't already) for reassignment—needs of the Army (Recruiting, Drill Instructor, Instructors at Training Centers); for individual requirements; and to fulfill reenlistment options; Newly assigned personnel arrive—intent is to create a one-for-one equation for losses.

Month 6: Individual training, crew training, team training, squad-level training; very limited platoon level training; Major reset and refit of major pacing items of equipment—major weapon systems are enrolled into maintenance; Leadership and key personnel receive plans and operational guidance for pending deployment (D–180); Small core of personnel deploy to Iraq or Afghanistan for a 10-day reconnaissance; logisticians deploy to Kuwait to inspect pending stocks; Deployment orders lock in personnel.

Month 7: Platoon and company level training—limited resources to conduct quality training; 2–3 weeks deployed in the field; Deployment training continues—key leaders deploy to a National Training Center (Fort Polk, Fort Irwin, Hoensfel, GE); 2–3 weeks deployed to these centers; Maintenance of critical weapon systems and equipment continues.

Month 8: Leadership and Key Leaders tied into Command and Control exercises and begin interfacing directly with units in Iraq or Afghanistan—reverse training cycle (evenings) to stay in touch with Baghdad and Kabul times-zones; Units begin reporting combat readiness and deployment issues to DA; Battalion (minus) collective training—2–3 weeks deployed to the field; Maintenance of critical weapon systems and equipment continues.

Month 9: Ship equipment to a National Training Center for Mission Rehearsal Exercise; Ship equipment to theater; Short block leave period (2 weeks).

Month 10: Brigade and Battalion level Mission Rehearsal Exercise—3–4 weeks deployed (units at 75% strength, at best).

Month 11: Advanced Party Personnel pack equipment and depart; Final Non-deployment personnel are identified—unit request for fills is submitted; other divisional units and the Army begin to provide replacements; Main Body Personnel pack equipment; Limited individual to squad level training continues; Major equipment systems return to unit; inspected, packed, shipped to theater as required or will be taken with Main Body.

Month 12: Active Rear Detachment; Replacements continue to arrive; Begin final packing; Deployment Training (Administrative Tasks); Begin Deployment.

Mr. WEBB. But I would like to mention some points out of this outline. It is a very good survey of the types of things our soldiers have to do.

So put yourself in the mind of a soldier who has just finished a 15-month deployment in Iraq. When they come home for a year, which is all they get now after a 15-month deployment, they do not sit around and get to know their family and have rest time. There is a little bit of that, but month by month during these 12 months of dwell time before they have to redeploy, these are the types of things they do:

In the first month, they have 1 to 2 weeks of redeployment from the theater back home. That is a part of that first month. They have what is called reintegration training for a couple weeks.

In the second month, there is ''block leave,'' but then they activate the headquarters. They begin recovery of equipment that was shipped.

In the third through the fifth months, they have recovery operations of their equipment. They have the requirement of bringing in newly assigned people, the typical adjustment at the top and at the bottom which requires a great deal of command supervision in terms of bringing these people and assimilating them into the units.

In the sixth month, they have individual training, crew training, team training, squad-level training, and begin platoon training. A small core of their personnel at the top actually have to deploy back to Iraq or Afghanistan for 10-day reconnaissance.

In the seventh month, they have more platoon and company-level training, and 2 to 3 weeks out of that 1 month are out in the field.

In the eighth month, they have command and control exercises. They have units beginning to report their readiness status to the Department of the Army. They do collective training, just below the battalion level. And 2 to 3 weeks, again, out of that month are in the field.

In the ninth month, they start shipping equipment, which is a 24/7 process, shipping equipment to a national training center, shipping equipment back to

theater. The 10th month, they have rehearsal exercises, brigade and battalion level. These are 3 to 4 weeks out of that one month where they—and at this point these units are approximately 75 percent full strength. So what happens then? You have a unit which is 75 percent full strength which is going to deploy, and they start bringing people in. They call it backfill. It is also predominant in the Marine Corps. They start bringing people in who have been home, in many cases, less than even the people in this unit.

The 11th month, you have the advanced party personnel leaving, packing their gear and going. You have your final personnel being selected. You go back to individual training, major equipment systems returning to the unit, inspected, packed, and shipped to theater.

The 12th month, you activate rear detachments, you assimilate your final replacements, and you deploy.

So that is the year, which is called dwell time after a 15-month deployment. Obviously, what occurs after that 12-month cycle of dwell time is another combat deployment.

So that is the situation we are addressing. That is the situation that, in my view, we need to bring the Congress in as a referee. Why? I will give you one example. When the Chief of Staff of the Army called me to tell me they were going to 15-month deployment cycles several months ago, moving from 12- to 15-month deployment cycles, I was stunned. I said: How can you do this? How can you not stand up and resist the notion that your troops are going to be deployed for 15 months with only 12 months at home? He said: Senator, I only feed the strategy; I don't make the strategy. Yet when we had General Petraeus before the Armed Services Committee and Senator NELSON of Florida asked him about this dwell-time problem, he basically said: Talk to the Chief of Staff of the Army. He is the person who gives us our people.

So when you have that kind of a situation, and this sort of activity that goes on when people are arguably out of theater, we need a result. We need a resolution. We need people who are going to stand up and say, basically, however long you have been gone, you get that much back.

I yield the floor.

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

Mr. MCCAIN. Mr. President, I will take a minute to say to my colleagues we have several speakers lined up, and if Senators would come over and speak and also call as to whether you wish to speak and how much time, because we, I think, are close to entering into an agreement on speakers and also a time agreement so we can set a time for the vote on the Webb amendment.

Mr. President, I ask unanimous consent that following the disposition of the Webb amendment, that a side-by-side alternative to the Webb amendment be considered, which is in keeping with the agreement—well, I withdraw my request because I will wait until Senator LEVIN comes so there is no misunderstanding, except to say we do intend, after the disposition of the Webb amendment, to propose a side-by-side amendment which then we, I hope, could act on quickly because it is basically the debate we have been having. There is also the habeas amendment pending, as I understand it, and negotiations I think are still going on with regard to that issue. I hope we could get that resolved, and then we will try to nail down the number of amendments so we can address the issue of Iraq and associated amendments so we can then move forward with the rest of the DOD authorization bill.

I will very soon have conversations with Senator LEVIN, but in the meantime, if there are those on either side who wish to speak on this amendment, please make their wishes known, and the length of their statement, so we can begin to put together a unanimous consent agreement, which would then allow for a vote on the Webb amendment. I say this after having had discussions with Senator WEBB on the issue.

I wish to make one additional comment. Dr. Kissinger had a piece in the Washington Post on Sunday which I had printed in yesterday's RECORD. I also commend to my colleague an article by Frederick W. Kagan entitled ''A Web of Problems.''

Mr. MCCAIN. I yield the floor.

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

Mr. KYL. Mr. President, I will be brief. I know there are others who wish to speak. I would like to reiterate what Senator MCCAIN and Senator WARNER have said with regard to the pending amendment. All of us have the utmost regard for the junior Senator from Virginia and his intentions with respect to this amendment, but it is also true that despite those best intentions, there would be very unfortunate consequences should his amendment be adopted. It has been well presented by a number of my colleagues as to what those consequences are. Secretary Gates himself has personally responded to the possibility of such an amendment being adopted by noting the adverse consequences for his ability and those of the military commanders to deal with the constraints that such an amendment would place on their ability to deal with individuals and units being deployed.

Part of the problem, as I understand it, is the amendment applies not just to the units of military combat but the individuals within those units because it relates to the specific amount of time those individuals spend back home either in training or at rest while they are not deployed. Part of the problem, as Secretary Gates personally related to me, is the fact that when you get ready to send a unit abroad into theater, especially for a combat mission, you want them to be not only trained together but prepared to do everything our military does in the middle of combat with a unit-cohesive approach to protecting their friends and carrying out their mission. They do this by training together and fighting together.

The concern expressed was that if you get into a situation where Congress imposes a law on the Executive, which is then binding on the military commanders about the exact amount of time that is permitted for troop rotation, that the individuals responsible for putting these units together are going to have to review each and every member within that battalion, for example, to determine whether the appropriate amount of time back home has been spent as opposed to in theater and, therefore, to the extent they do not meet the criteria, pull them out of the units so others then can be plugged in. This may be on the eve of deployment. It could be at any point. The result is you do not have the kind of unit cohesiveness you would otherwise. You have people who have been plugged into military units who should have been training with them all along, so when they go into combat, they fight as one. That could put forces at risk.

In addition to that, because you will have to draw people from other places, the concern is it could put greater strain on the Guard and on the Reserve, filling in for slots that are vacant from Active-Duty personnel. The Secretary has spoken to this, as I said. It has been well presented by Members on the floor as to what his concerns are.

The last point I would mention, and it is not a small point, is the attempt by Congress to dictate very specific terms of operational flow of individual members of our military, which is clearly not within the purview of Congress's jurisdiction. I know there has been an attempt to make an argument that the Constitution does not prohibit this. You have to stretch pretty far as a lawyer to make that argument. It is clear under the Constitution the Founders thought it would be best if the President, the Executive, be the Commander in Chief of the military forces. If anything should fall within his purview as Commander in Chief, and then within the chain of command to his military commanders, it should be the individual soldiers, sailors, airmen, and marines fighting in theater, it should be the individual—the decision of those commanders with respect to the deployment of those individuals. That is about as specific and personal as you can get with respect to a Commander in Chief's jurisdiction over these fine men and women who serve for us.

To suggest that Congress actually has the authority to override or to bind any future Commander in Chief in this

regard I think is to stretch the Constitution way beyond what the Founders thought and way beyond what makes sense. Somebody has to be in charge. You can't have all of us, as smart as we are, as ''armchair generals'' deciding all of these details of deployments with respect to the members of our military. It does not make sense. As Secretary Gates said, it could put our folks at risk. Why would we want to do anything that might put them at risk? I know this isn't the intent of the author of the amendment, but it is very clear that one of the unfortunate consequences of this is the indirect—the backdoor—influence on the amount of time we can spend in this surge.

It is probably true that as a result, were this amendment to be adopted, the way the surge is carried out, the time within which troops could be redeployed home will be adversely affected. That is an unfortunate consequence of the amendment.

So for all these reasons, I hope my colleagues will be very careful about binding future Presidents, about getting very close to the line in terms of constitutional policy—I think going over the line—and intruding into an area that could put our forces at risk. Take the concerns of the Secretary of Defense—whom I think all of us have a great deal of confidence in—take those concerns into account. Don't dismiss them. They are very real. I think he has expressed them in a most serious way.

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

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from Washington be recognized for 14 minutes and then followed by the Senator from Kentucky for 12 minutes; and then I see the Senator from Montana on the floor, so the Senator from Montana for 5 minutes, followed by the Senator from Connecticut—this is going back and forth on both sides—for 14 minutes. I hope by then we will have been able to have the speakers and their times together so we could set a limit on this debate when everybody is heard.

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

Mr. McCAIN. I yield the floor.

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

Mrs. MURRAY. Mr. President, I thank the Senator from Arizona for helping us work through that.

More than 4½ years into this war in Iraq, our troops are stretched thin, we all know the equipment is deteriorating, and the patience of the Nation is wearing out. We have now seen 3,700 of our servicemembers die and thousands and thousands more have been injured. Month after month, our fighting men and women are pushing harder and harder and our troops are leaving their loved ones behind for months and years and putting their lives on the line without complaint. We owe them the best treatment and the best training possible. Unfortunately, the Bush administration has continually fallen short in doing that.

Our country is home to some of the finest fighting forces in the world, and we can all be very proud of that. We need our military to remain the best trained, the best equipped, and most prepared force in the world. Tragically, however, the war in Iraq and the President's use of extended deployments are now undermining our military's readiness. The current deployment schedule hampers our ability to respond to threats around the world. We know it causes servicemembers to leave the military service early. It weakens our ability to respond to disasters at home. It unfairly burdens family members and intensifies the combat stress our servicemembers experience.

We do need to rebuild our military, and the first step is giving our fighting men and women the time they need at home to prepare and train for their next mission. So that is why I am on the floor today, to speak to the readiness challenges that threaten our military strength and ultimately our Nation's security.

Two months ago, I came to the floor and spoke those very same words in my effort to support the Webb amendment—virtually the same measure we are now, this afternoon, considering. Member after Member did the same, pleading with our colleagues to join us in this most basic effort to truly support our troops. Unfortunately, even though 56 Senators voted in favor, it was blocked by the Republican Senators. Now since that time, 2 months later, more of our troops have died, more have been wounded, and more have been subjected to 15-month deployments, without hope for the same amount of time at home. Meanwhile, the administration has told us 15-month deployments will continue, and they have maintained their plan to keep 130,000 troops in Iraq.

Today we have another chance—another chance to support our troops, to support their families, and to return some common sense to our troop rotations. We need a few more courageous Senators to join us. Today I hope they will.

Sadly, our forces are being burned out. Many of our troops are on their third and even fourth tours in Iraq and Afghanistan. Months ago, the Department of Defense announced that tours would be extended from 12 months to 15 months. On top of all that, they are not receiving the necessary time at home before they are sent back to battle.

This is not the normal schedule. It is not what our troops signed up for. And we in Congress—those of us who represent these people—should not simply stand by and allow our troops to be pushed beyond their limits like this.

Traditionally, active-duty troops are deployed for 1 year and then they rest at home for 2 years. National Guard and Reserve troops are deployed for 1 year and they rest at home for 5 years. But that, as we know, is certainly not the case today. Currently, our active-duty troops are spending less time at home than they are in battle, and Guard and Reserve forces are receiving less than 3 years rest for every year in combat.

With the increasing number and length of deployments, this rest time is even more critical for our troops. Unfortunately, though, our forces are not receiving the break they need, and that increases the chances that they become burned out. But this administration has decided to go in the other direction, pushing our troops harder, extending their time abroad, and sending troops back time and again to the battlefield.

The current rotation policy not only burns out servicemembers, but it hurts our military's ability to respond to other potential threats.

For the first time in decades, the Army's ''ready brigade,'' that is intended to enter troubled spots within 72 hours, cannot do so; all of its troops are in Iraq and Afghanistan.

The limited time period between deployments also lessens the time to train for other threats. Numerous military leaders have spoken to us about this problem.

GEN James Conway said:

> . . . I think my largest concern, probably, has to do with training. When we're home for that seven, eight, or nine months, our focus is going back to Iraq. And as I mentioned in the opening statement, therefore, we're not doing amphibious training, we're not doing mountain-warfare training, we're not doing combined-armed fire maneuvers, such as would need to be the case, potentially, any other type of contingency.

Those were not my words; those were the words of GEN James Conway, who spoke before the Senate Armed Services Committee in February of this year.

GEN Barry McCaffrey said that because all ''fully combat ready'' active-duty and Reserve combat units are now deployed in Iraq and Afghanistan, ''no fully-trained national strategic Reserve brigades are now prepared to deploy to new combat operations.''

This current deployment schedule is making us less ready for other contingencies we need to be ready for. It is also making us less secure at home. The current rotation policy has left our Guard units short of manpower and supplies, and it has severely hindered their ability to respond to any kind of disaster they might face here at home.

For years, those kinds of problems were the exception, not the rule. But I fear that the balance has shifted. Recently, USA Today reported that National Guard units in 31 States say 4 years of war in Iraq and Afghanistan have left them with 60 percent or less of their authorized equipment. Last month, LTG Steven Blum said the National Guard units have 53 percent of the equipment they need to handle

State emergencies, and that number falls to 49 percent once Guard equipment needed for war, such as weapons, is factored in. In fact, Blum said:

Our problem right now is that our equipment is at an all-time low.

That is deeply concerning to a lot of us who worry about national disasters in our States. Out in the West, where I live, we face forest fires; along the gulf coast, we have seen the destruction of hurricanes this season; and in the Midwest, entire towns can be decimated by tornadoes in minutes. So we are deeply concerned about our Guard and Reserve being ready for a disaster here at home.

This problem is about more than equipment. It is about retention rates. It is about real people and real families. We all know military life can be very tough on our troops and their families. They go for months, and sometimes years, without seeing each other. Our troops—these men and women—need adequate time at home to see their newborns, to be a part of their children's lives, to spend time with their husbands or wives, and to see their parents. This current rotation policy decreases the time families are together, and that places a tremendous strain on everyone. Our troops, who are facing these early deployments and extended tours today, have spoken out. When the tour extensions and early deployments were announced, our troops themselves expressed their displeasure.

In Georgia, according to the Atlanta Journal-Constitution:

Soldiers of a Georgia Army National Guard unit were hoping to return home in April, but instead they may be spending another grueling summer in the Iraqi desert. At least 4,000 National Guard soldiers may spend up to 4 extra months in Iraq as part of President Bush's troop increase announced last month.

SGT Gary Heffner, a spokesman for the 214th, said news of the extension came as a ''little bit of a shock'' to the Georgians.

In the 1st Cavalry Division, according to the Dallas Morning News:

Eighteen months after their first Iraqi rotation, the 2nd Battalion, 5th Cavalry regiment, and the last of the Fort Hood, Texas-based 1st Cavalry Division, returned to Iraq in mid-November.

These are the words of Brandon Jones, a veteran from my State of Washington. He testified before a field hearing on mental health care that I held in Tacoma last month. He said:

In November 2003, I was called to full-time duty with the 81st Brigade. I was given very short notice that my unit was being mobilized. In that time, I had to give up my civilian job—an income loss of about $1,200 a month—and my wife had to drop out of classes at Olympic College to care for our children.

I went from living at home and seeing my children on a daily basis to living on base—just a mile from home—and visiting my children periodically. To my kids, I went from being their dad to the guy who drops by the house for a visit once in a while.

The 3 months of mobilization before my deployment were very stressful. We struggled financially. Although we reached out for help, we were told that the only financial resources available were strictly for active duty soldiers at Fort Lewis. It wasn't until we were threatened with eviction and repossession of our car that my wife was able to obtain a small amount of assistance generally reserved for active duty soldiers. Our families helped us make up the rest—about 60 percent of what we were in need of.

The stress made it difficult for my wife to keep a positive attitude, for our children to feel comfortable, and for me to concentrate on the mission ahead of me. When my wife and I reached out for marriage counseling prior to my deployment, we were made to feel that the few sessions we were given were a favor to us and that we were taking up a resource meant for active duty soldiers from the base.

Let me remind you that all of this happened before I was even deployed.

As Brandon said, that was before he was even deployed. Just imagine the sacrifice these families have made when they go through these 15-month deployments. To me, it is very clear that we need to pass the Webb amendment. We hear a lot of rhetoric on the floor about supporting our troops, but I believe this amendment is the opportunity we need to end the rhetoric and start with action.

Troops should be at home for the same amount of time as they are deployed. That seems to me like a basic commonsense requirement. I applaud our colleague from Virginia for being a champion for our troops and for crafting this bipartisan measure that he and the entire Senate can be proud of.

Our troops have sacrificed a lot. They have already gone above and beyond the call of duty. We need to institute a fair policy for the health of our troops, for the health and well-being of their families, and for our Nation's security and our ability to respond to disasters here at home. This amendment does all of those things. I urge our Senators to support this amendment.

I yield the floor.

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

Mr. MCCAIN. Mr. President, the Senator from Michigan, the chairman, will be recognized to point out that we will have a side-by-side amendment, which I will be prepared to introduce soon. We also wish to move forward with speakers so we can set a time for a vote on the Webb amendment, in keeping with the wishes of the respective leaders.

I yield the floor.

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

Mr. LEVIN. Mr. President, I discussed this with the Senator from Arizona. I ask unanimous consent that after the current lineup of speakers, Senator BROWN be recognized for up to 10 minutes, Senator STABENOW be recognized for up to 10 minutes, and then, as the Senator from Arizona mentioned, we will try to see if in the next few minutes we are able to come up with an agreement to schedule a vote—probably, I guess, around 5 o'clock, for the convenience of Senators.

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

Mr. BUNNING. Mr. President, I rise today to voice my strong objection to the Webb amendment. I voted against this amendment when it was offered 2 months ago, and I will vote against it again today.

I will not support this slow-bleed strategy from Iraq. It ties the hands of our commanders. I cannot remember a time in history when the Congress of the United States has dictated to our commanders on the ground how to conduct their mission to this extent.

This is an extremely dangerous amendment. The junior Senator from Virginia would like for you to believe it helps our troops and that a vote in support of his amendment is a vote to support our troops. Wrong. Nothing can be further from the truth.

This amendment would be a nightmare to execute. It says a soldier must spend 1 day at home for every day the soldier is deployed. That may sound reasonable on its face, but anyone who knows how the military plans its missions knows it will be a logistical roadblock for our military planners.

The problem is when a unit returns from a deployment, its personnel are often reassigned to other units and other assignments. Divisions, brigades, battalions, and units don't stay together forever. In a military of millions of people, there are a lot of people reassigned each day.

This amendment would essentially require the Army and Marine Corps staff to keep track of how long each service man or woman has spent in Iraq or Afghanistan, how long they have been at home, how long their unit was deployed, and how long it was home. This is absurd. This would mean pulling soldiers out of units scheduled to deploy if the servicemembers did not have enough dwell time.

This breaks up leadership and soldier teams, the formations of which are the purpose of the Army and Marine training system. Requiring the President to issue a certification to Congress to waive this requirement for every individual servicemember who might be affected by this is even more absurd.

This amendment takes tools and flexibility away from our commanders on the ground, such as General Petraeus. That is why it is being offered today.

Commanders make estimates about the forces they need based on assumptions about current and future threats. If a commander in Iraq or Afghanistan concludes that some event might require the deployment of additional forces to his theater, this amendment would restrict the units and personnel that could be sent.

The junior Senator from Virginia claims to be concerned for the welfare of our troops. Not one Member of this body is opposed to troops getting rest after a long deployment. But we need to be equally concerned about the dangers our soldiers face when they do not

have the necessary resources and reinforcements available to do their mission. This is the true purpose of this amendment. It cripples the ability of Secretary Gates, General Petraeus, and our other commanders on the ground to accomplish their mission and forces a drawdown of our troops in Iraq and Afghanistan.

I will not support this strategy out of Iraq. It puts troops in harm's way, restricting the resources and reserves they need to successfully accomplish their mission.

This is not supporting our troops. It is wrong to cloak a troop pullout amendment in language that relates to troop rest, but that is exactly what this amendment does.

This week I had the pleasure of visiting with two brave Kentuckians who recently served in Iraq. They came to me directly to ask me to vote against the Webb amendment. These Kentuckians know the sacrifices their fellow soldiers and families make. They know and understand the importance of rest back home. They know the strains of war. They have experienced the heat of Iraq and the tragedy of knowing that some of their fellow soldiers never made it home.

But these two Kentuckians also know the intent of this amendment. They know why it was offered, and they do not want to tie the hands of the military so we are forced to leave Iraq and Afghanistan before the mission is completed. That is why they came from Lawrenceburg, KY, and Hebron, KY, to ask me to oppose the Webb amendment.

It is not Congress's role to mandate individual soldiers and unit deployments. I know the Democrats like to try to micromanage the war, but I am not the Commander in Chief and neither are any of my colleagues across the aisle. I want to remind everyone in this body of this fact.

If you want to truly support our troops, then vote against the Webb amendment. It was defeated 2 months ago on the Senate floor, and I can only hope it will be defeated again today.

I yield the floor.

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

Mr. TESTER. Mr. President, I rise in support of the Webb amendment. I am pleased to be a cosponsor of this amendment. Much has been made about this amendment and the well-being of our troops and their families. Make no mistake, this amendment is about ensuring that we do not do permanent damage to the military's most valuable asset—its people.

Congress must make the health and well-being of our men and women overseas a priority. We know multiple deployments with short periods of rest back home raise the incidence of PTSD. Studies have shown that the likelihood of a soldier being diagnosed with PTSD rises by 50 percent when he or she is on a second or third deployment.

We know multiple deployments are causing a massive strain on our junior officer corps. Earlier this year, the Army's Deputy Chief of Staff told Congress these officers are getting out of the Army at nearly double the rate that the Army says is acceptable. That is why until this war, we have always given our active-duty soldiers a ratio of 2 days at home for every day in combat, and we have always given the National Guard and Reserve 5 days at home for every day in combat. That has been the standard until this war.

That is why the National Military Families Association supports this amendment. That is why the Military Officers Association of America supports this amendment. The Military Officers Association says:

> If we are not better stewards of our troops and their families . . . we will be putting the all-volunteer force at unacceptable risk.

I urge my colleagues to listen to what our officers and their families are saying through their support of the Webb amendment.

As my colleagues know, I am a farmer; I am not a military expert. But I believe and the people of my State believe in no uncertain measure that we need to continue to have the strongest military in the world, not only today, not only 6 months from now, but 6 years from now as well.

The good news is we have a strong military. I represent 3,500 Air Force personnel, more than 300 of whom are serving in Iraq and other places around the world today. I represent another 3,600 Guardsmen, many of whom have spent a tour or two in Iraq. I can tell my colleagues that these people are the best in the world at what they do, and I am proud to represent them.

But the bad news is what I am hearing is we are in danger of losing too many young leaders in our military today who are leading a platoon but whom we will be relying on to lead brigades and entire divisions in the future.

I know some people on both sides of the aisle have raised the question of how this measure will impact the schedule for the surge General Petraeus has outlined. The fact is, even if this amendment becomes law, the Pentagon would still have another 4 months to prepare for the change in policy, and if there is a national emergency, there is an opportunity for even more time. The fact is, this amendment will have a much greater impact on tomorrow's military than it will impact on the military surge.

I believe we need the Webb amendment to ensure that we maintain a strong military today, tomorrow, and for years to come.

I congratulate Senator WEBB for this amendment. This has been a good debate. For the most part, it has been thoughtful and respectful. There have been differences of opinion, but it is time to allow this measure to have an honest vote before the Senate. Let's not simply debate whether to debate this amendment. Let's have an up-or-down vote on the measure. Our troops, their families, and the American people deserve nothing less.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Connecticut has 14 minutes.

Mr. LIEBERMAN. Mr. President, I rise to respectfully speak against the amendment offered by my colleague from Virginia.

Let me put this in context, as I see it. One week ago, the commander of our military forces in Iraq and our top diplomat in Baghdad returned to Washington to address the Members of this Congress. What General Petraeus and Ambassador Crocker offered us last week was not hype or hyperbole but the facts. They offered us the facts. What we heard from them was reality—hard evidence of the progress we have at last begun to achieve over the past 8 months—progress against al-Qaida, progress against sectarian violence, progress in standing up the Iraqi Army, progress that all but the most stubborn of ideological or partisan opponents now acknowledge is happening.

What we also heard from General Petraeus last week was a plan for the transition of our mission in Iraq which he has developed, together with our military commanders on the ground, that builds on facts on the ground, not on opinions over here, that builds on the successes our troops have achieved on the ground which will allow tens of thousands of American troops to begin to return home from Iraq starting this month.

So the question now before the Senate is not whether to start bringing some of our troops home. Everyone agrees with that point. Beginning this month, some of our troops will be coming home. The question before the Senate now is whether we are going to listen to the recommendations of our commanders and diplomats in Iraq, or instead whether we will reject them and try to derail the plan they have carefully developed and implemented and that is working. The question is whether we build on the success of the surge and the strategy of success led by General Petraeus, or instead whether we impose a congressional formula for retreat and failure.

I believe the choice is clear because we have too much at stake for our national security, our national values, and most particularly, of course, freedom is on the line and the outcome in Iraq. Are the victors going to be the Iraqis with our support and the hope of freedom and a better future for them or are the victors going to be al-Qaida and Iran and Iranian-backed terrorists? That is the choice. It is in that context that I believe the Webb amendment is a step in precisely the wrong direction. That is its effect.

The sponsors of the amendment say they are trying to relieve the burden on our men and women in uniform. I, of course, take them at their word. They

have an honorable goal that all of us in this Chamber share. It is not, however, what the real-world consequences of this amendment will be.

On the contrary, Secretary of Defense Bob Gates has warned us in the most explicit terms that this amendment, if enacted, would have precisely the opposite effect that its sponsors say they desire. It would create less security, more pressure on more soldiers and their families than exists now.

As many of my colleagues know, Secretary Gates is a man who chooses his words carefully. He is a former member of the Iraq Study Group. He is a strong believer in the need for bipartisan consensus and cooperation when it comes to America's national security, particularly in Iraq and Afghanistan. He does not practice the politics of polarization or partisan spin. So when he tells us this amendment would do more harm than good, so much harm, in fact, that he, as Secretary of Defense, would feel obliged to recommend to the President that if this amendment is adopted, the President veto the entire underlying Department of Defense authorization bill, well, then, when Bob Gates, Secretary of Defense, says that, I think we have a responsibility to listen and to listen to his words very carefully.

The reason for Secretary Gates' opposition to this amendment is not political, it is practical. As he explained in a letter to Senator GRAHAM of South Carolina earlier this week, the Webb amendment ''would significantly increase the risk to our servicemembers''—significantly increase, not decrease, the risk to our servicemembers—and ''lead to a return to unpredictable tour lengths and home state periods and home station periods.'' Exactly the opposite of the intention of the amendment.

By injecting rigid inflexibility into the military planning process, this amendment would force the Pentagon to elevate one policy—the amount of time individual members of the military spend at home—above all other considerations, above the safety and security of those same soldiers and their colleagues when they are deployed abroad, above the impact of implementing that policy would have on our prospects for success in Iraq and all that means to our country and, I add, to our soldiers. Secretary Gates also described a range of grim consequences that would result if this amendment is adopted.

To begin with, it would likely force the Pentagon to extend the deployments of units that are already in Iraq and Afghanistan beyond their scheduled rotations. So some of those units which are now scheduled to be there for 15 months might have to be extended beyond that because of the provision in this amendment that says you have to have an equal amount of time at home as deployed. Why? Because there aren't enough capable units to replace them that meet the inflexible requirements imposed by this amendment.

Far from relieving the burden on our brave troops in battle deployed overseas, this amendment would actually add to their burdens and keep our soldiers away from their families, certainly a goodly number of them, for even longer. It would also mean more frequent and broader callups of our National Guard and Reserve units, pulling forces into the fight that would otherwise be able to remain at home.

In other cases, this amendment will require the Pentagon to deploy units trained for one mission to go fight another mission, not because it makes military sense to do so but because they are the only ones left that meet this amendment's inflexible dwell-time rule. In plain English, we are going to be forced by this amendment to send less-capable units into combat.

In addition to imposing greater dangers thereby on our individual service men and women, this amendment would also have other baneful effects on our national security. At a time when our military is stretched and performing brilliantly, it would further shrink the pool of units and personnel available to respond to events, crises, not just in Iraq and Afghanistan but around the world. In doing so, this amendment—and again I quote Secretary Gates—''would dramatically limit the Nation's ability to respond to other national security needs while we remain engaged in Iraq or Afghanistan.'' Is that what any one of us desire? Is that what the men and women who serve us in uniform desire? No.

All of us recognize the extraordinary services our troops are giving our country and the burden that places on their family in this time of war. All of us want to do something to help relieve the burden they bear. But the answer is not to impose a legislative straitjacket on our men and women in uniform. The answer is not to impose an inflexible one-size-fits-all rule that will endanger their safety and hobble our military's ability to respond to worldwide threats. The answer is not, in our frustration, to throw an enormous wrench into the existing, well-functioning personnel system of the U.S. military. The answer is most definitely not to make it harder for us to succeed in Iraq.

I know there has been some disagreement among the supporters of this amendment about whether it is intended to be a backdoor way to accelerate the drawdown of our troops from Iraq, for which there is not adequate support in this Senate Chamber, fortunately, and thus discard the recommendations of General Petraeus and, if I may say so, put us on a course for failure instead of the course of success we are on now. My friend, the Senate majority leader, said he does not see this as a backdoor way to accelerate the drawdown. On the other hand, Congressman MURTHA said that is exactly what it is supposed to do and he hopes it will do.

The fact is many in this Chamber have argued honestly and openly for months that General Petraeus and his troops were failing to make meaningful progress in Iraq and that Congress should, therefore, order them to begin to withdraw. That could be done by cutting off funding or mandating a congressional deadline for withdrawal.

I have argued against those recommendations, as my colleagues know. But I must say I respect the fact that those arguments by opponents of the war accept the consequences of their beliefs, and they are real and direct. Those in the Chamber who want to reject the Petraeus recommendations and his report of progress and impose on him their own schemes for the withdrawal of our troops from Iraq, I think ought to do it in the most direct way, rather than any attempt to derail this now successful war plan by indirection.

The fact is, regardless of the intention of its sponsors, the Webb amendment, if enacted, will not result in a faster drawdown of U.S. troops from Iraq. The fact is the Commander in Chief and the military commander in Iraq are committed to the success of this mission. On the contrary, therefore, it would only make it harder for those troops, along with their brothers and sisters in uniform in Afghanistan, to complete their mission successfully, safely, and return home but to return home with honor to their families and their neighbors.

Yesterday, a couple of Connecticut veterans from the Iraq war were in town and came to see me. At the end of a good discussion, in which they did urge me to vote against the Webb amendment, one of them said to me: Senator, we want to win in Iraq, and we know we can win. I said to them: Thanks to your bravery and skill—and now a good plan—and with the help of God, you are going to win, so long as the American people and their representatives in Congress don't lose their will. That victory will not only secure a better future for the people of Iraq and more stability and an opportunity for a course in the Middle East that is not determined by the fanatics, the haters, the suicide bombers of al-Qaida and Iranian-backed terrorism but is determined by the people themselves who pray every day and yearn every day for a better future.

I will say something else. There are different ways to burden men and women in uniform. One is the stress of combat, another is to force them into a position where they fail. I have had many conversations with soldiers from Connecticut and elsewhere who have served in Iraq, and I have had the conversations in Iraq and here. I don't want to mislead my colleagues in what I am about to report. I don't get this in 100 percent of those conversations, but in an overwhelming number of those conversations, they are proud of what they are doing, they believe in their mission, they believe they are part of a battle that can help make the future of

their families and our country more secure. They are proud. They are reenlisting at remarkable numbers. That is the best indicator of this attitude.

If you want to burden them and their families in a way we can never quite make up for, then take us from the road of success, leading to the road of victory, and force us directly, force them directly or indirectly, to a retreat and defeat. That can break the will of an army. We don't have to do it, we must not do it, and I believe this Senate will not allow this to happen. I, therefore, urge my colleagues to vote against the Webb amendment.

I thank the Chair, and I yield the floor.

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

Mr. BROWN. I thank the Chair, and I thank Senator WEBB for his leadership on this important issue as I rise in support of the Webb amendment.

This amendment, first and foremost, is about supporting our troops. It is about supporting the military families. Every Member of this body, some even more than others, talk about their support for our troops. Many put the yellow ribbon magnets on their cars, many wear other kinds of clothing to show their support for the troops. They talk about it at home, they talk about it here. This vote will put that support for our troops into action.

This amendment ensures that our military gets the rest at home they deserve; that our military readiness gets the support it needs. This amendment will ensure that our National Guardsmen will stay at home for at least 3 years after returning from deployment, the men and women of the Guard who leave businesses, jobs, and families on hold while bravely serving our Nation.

The current Iraq policy is overextending our troops and placing unacceptable burdens on families back home, with spouses often acting as single parents, doing their very best, in sometimes worse economic times, to keep their families together.

I have met with these families for 4 years, going back as early as 2003, soon after tens of thousands of American troops were deployed in Iraq. They would talk frequently about the shortage of body armor. They talked frequently about the shortage of bottled water, about hygiene products, and all kinds of things our troops needed as our Government rushed into war in 2003 without adequately supplying them. Families would raise money at events to provide the body armor and to send bottled water and hygiene products or whatever their loved ones needed in Iraq.

Our Government didn't do what it should have done back then because of the poor civilian leadership and its lack of preparation for this war in Iraq. I heard comments over and over about the difficulty of adjusting, as those troops came back home, due to the lack of foresight and the lack of planning on the part of the civilian leadership of our military.

Our Armed Forces have served bravely and honorably again and again, deployment after deployment, often without, as I said, the proper body armor, proper vehicle protection, proper training, and dwell time between deployments. We fought in this body and in the House for more body armor, we fought for more MRAPS, the triangular-bottomed vehicles. We shouldn't have to fight to allow our soldiers the proper amount of time between deployments.

The requirement in this amendment for dwell time is something the military has voluntarily done for decades because they know that serves the troops well, they know it serves the families well, and they know principally it serves the military well to have that dwell time between deployments. The 1-to-1 standard in the Webb amendment is actually below the historic standard of the Department of Defense for dwell time. We could do even better than this.

We can debate about our role in Iraq's civil war, we can debate timelines for ending our involvement, we can debate how much money we should spend in Iraq, but we shouldn't need to debate how much rest, preparation, and training our troops get before they go back off to war. Everyone in this Chamber talks about supporting our troops, even as our President failed to provide body armor and MRAPs, failed to provide support and supplies, and even as our President has failed to provide enough money for medical care for the Veterans' Administration for when our troops return home. Everyone in this Chamber talks about supporting our troops, but this amendment puts the soldiers and their families first.

They have done their job. It is time we do ours.

I yield the floor.

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

Ms. STABENOW. Mr. President, I wish to thank my colleague from Michigan, whom we are so proud of, for all his efforts in supporting our troops and leading our efforts as it relates to the defense of our country and for once again leading this very important bill on the Defense reauthorization.

It is time to put aside for a brief moment the overall debate of the war and focus on the troops. Regardless of whether you supported going into Iraq or, as I did, voted no on going into that war, we come together and we hear frequently from colleagues on both sides of the aisle that, of course, we support our troops. We want what is best for the brave men and women who are fighting in harm's way, who didn't take that vote and didn't decide the policy but who are, in fact, stepping up to defend that policy and defend our country.

The question is, What is best for the troops on the ground right now, in the middle of these conflicts that have gone on now for over 4½ years? We are here today to talk about what is best for our military, our troops, and for their families.

We are not here to debate the merits of the mission. I certainly am willing to do that and do that with other amendments. But this particular amendment, the amendment of Senator WEBB, is an effort to determine what makes sense when it comes to deploying our armed services, what is best for those who have been willing to put their lives on the line for our country, who follow the leadership of the Department of Defense and operate under the policies that have been set by this Congress and this President.

What is very clear is that the current system is broken for our troops. We are forcing our troops into longer and longer combat deployments and giving them shorter and shorter rest periods. We are demanding multiple combat deployments over very short periods, with many units on their second, their third, or even their fourth redeployment in the war in Iraq. We are denying the men and women who put their lives on the line for America the time they need off from the front lines to recuperate, to retrain, to prepare themselves physically and mentally to return to combat and, just as important, to spend time with their families, to be able to reconnect with the loved ones they have left behind when they have gone into this war.

We are placing an unfair and unreasonable burden on those military families, families who are willing to sacrifice, who have sacrificed; families who count on us to be there for them, representing their interests and the interests of their loved ones who are on the front lines. They are doing all of it in the name of a policy that the military itself has indicated is not only unreasonable but unsafe. The Department of Defense itself has said that the conditions under which they are operating have been unreasonable and unsafe.

Historically, the Department of Defense, as has been said, has mandated a combat-to-rest ratio of 1 to 2—1 month on, 2 months off as an example; 1 year in combat, 2 years at home—to rest, retrain, and prepare for the next deployment. In fact, the historic 1-to-2 ratio is currently the stated policy of the DOD. We are hearing from colleagues on the other side of the aisle as if this is some outrageous idea, that we put some parameters around the deployment and redeployment of our troops. Yet it is the stated policy of the Department of Defense: 1 month or 1 year on, 2 months or 2 years here at home.

The Webb amendment merely sets a 1-to-1 ratio, a floor that only gets us halfway to the standard the Department of Defense itself has called for. The policies pursued by this administration have stretched our men and women in uniform to the breaking point. Our Armed Forces are getting the job done under the most extreme

and trying conditions imaginable. Most of us have had an opportunity, firsthand, to see them in action, to see what they are doing and the conditions under which they are operating. They are getting the job done. No one is surprised because we have the best and the brightest, but they are under extreme and trying conditions. They face an enemy who often cannot be identified. They face an environment that is harsh and hot and unbearable. They do their jobs with pride, with honor, with dignity, and most certainly with excellence.

The current deployment schedule places an unfair burden not only on our soldiers and sailors and airmen and marines but on the families they leave behind. Military families have, in their own way, been called to serve this country, been called to sacrifice. They demand our respect and support for the sacrifices they are making. What we are currently asking of them is simply unreasonable. When our troops go into combat, the people they leave behind shoulder the burden of keeping the family together while mom or dad—mother, father, sister, brother—is fighting in service to their country. They are left to face not only the practical problems that come with having a family member gone for long stretches of time but also the constant uncertainty and stress of simply not knowing what is happening to their loved one. Are they safe? Will they come home safely? Our troops and their families have done everything we have asked of them. They have been there for America. And now the answer to the question must be that we will be there for them.

The young Americans who volunteer to put on the uniform and fight for our country are truly our best. They are the best-trained, the best-equipped, the bravest fighting forces in the world, and they are one of the Nation's most valuable assets and greatest resources. Current administration policy is abusing their willingness and desire to serve. This has to stop. By straining and stretching our military, we are undercutting our own national security. We are compromising everything we have done to build up a force that can defend America and properly respond to the dangers we face in today's uncertain world.

Senator WEBB has crafted an amendment that addresses the concerns of our military leaders. It includes reasonable waivers in the face of unexpected threats to America. It includes a transition window that will allow a shift in the deployment schedule without a disruption of our fighting forces. We have worked with the military to develop a policy that makes sense. I commend Senator WEBB for his foresight and his willingness to work with the Secretary of Defense and others to make the changes, to make this even more workable. We compromised where it makes sense to strengthen the legislation, but we will not compromise on the safety of our troops or on the support for their families.

This amendment is not about where we stand on the war. It is not about partisan politics. It is about doing the right thing for our troops and for their families. I urge my colleagues to stand up and vote for the Webb amendment. Stand with the people we have sent to war and their families waiting at home, and stand with all Americans who want us to have the right kind of policy to support our troops and to keep us safe for the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Mr. President, I take this time first to thank Senator WEBB for bringing forward his amendment that I strongly support. I believe it is in the best interests of our troops, their families, our military readiness, and the proper deployment of our troops.

I also thank Senator LEVIN and Senator REID for their efforts in allowing us the opportunity to try to change our mission in Iraq. I believe it is not only in the best interest of the United States to do that but also the Iraqi people.

I also compliment Senator BIDEN for his efforts to bring forward an amendment that would give us a more realistic and achievable political game plan in Iraq. As has been recently reported, the Iraqi Government is dysfunctional, and the only way we are going to be successful in Iraq is if we can have a political solution to their problems.

On September 3, 2007, President Bush told troops at Al-Asad Air Base that the troop buildup has strengthened security—and that the military successes are ''paving the way for the political reconciliation and economic progress'' in Iraq. ''When Iraqis feel safe in their own homes and neighborhoods,'' said President Bush, ''they can focus their efforts on building a stable, civil society.''

I believe that the last part of that statement, when an Iraqi can walk into the street without fear of being attacked, blown up, or bribed, of having family harmed, his house or his business taken, when he is confident that his children will have enough food and water and be able to attend school in peace, he will be able to focus on building a more stable civil society.

But what I don't see is any independent evidence that the increased U.S. troop presence has, as promised, led to greater civilian security, let alone paved the way for political and economic success.

The 2007 emergency supplemental appropriations bill required President Bush to report to Congress and the American people in July and September on the progress Iraqis are making toward achieving certain critical benchmarks put forward by the Iraqi Government and affirmed by President Bush in his January ''New Way Forward'' speech. These were not benchmarks established by Congress. These were benchmarks established by the Iraqis, in this legislation. That same legislation asked the independent Government Accountability Office to undertake the same investigation and chartered the Independent Commission on the Security Forces of Iraq to investigate the progress those institutions are making toward independence. We now have each of those reports.

Not even President Bush claims that substantial progress toward political or economic benchmarks has occurred. As reported by his administration in July and September there has been little progress on debaathification reform, oil revenue sharing, provincial elections, or amnesty laws.

The GAO reports that the Iraqi Government has met only ⅛ of the legislative benchmarks. The rights of minority party political parties in the Iraqi legislature are protected, though the same is not true for the Iraqi population whose ''rights are often violated.''

Any prospects for further progress toward these goals have been dashed by the withdrawal of 15 of the 37 members of the Iraqi cabinet. The Congressional Research Service reported that the boycott has left ''the Iraqi Government in essential collapse.''

That is another reason why we need The Biden amendment, and more important, for us to move forward implementing a new strategy in Iraq.

Just as important, there is no independent evidence that increased troop presence has created the security necessary to foster future political and economic progress in Iraq.

The GAO reports that it is not clear whether sectarian violence has been reduced and that the average number of daily attacks aqainst civilians has remained about the same.

The August National Intelligence Estimate reports that the level of overall violence in Iraq, including attacks on and casualties among civilians, remains high and will remain high over the next 6 to 12 months.

According to figures compiled by the Associated Press, Iraqis are suffering double the number of war-related deaths throughout the country compared to this time last year.

In an August op-ed, seven non-commissioned officers wrote:

> [T]he most important front in the counterinsurgency, improving basic social and economic conditions, is the one on which we have failed most miserably. . . . Cities lack regular electricity, telephone services and sanitation. . . .
>
> In a lawless environment where men with guns rule the streets, engaging in the banalities of life has become a death-defying act. . . . When the primary preoccupation of average Iraqis is when and how they are likely

to be killed, we can hardly feel smug as we hand out care packages. As an Iraqi man told us a few days ago with deep resignation, ''We need security, not free food.''

Even if we assume a decline in violence, in certain regions in Iraq it is far from clear that increased U.S. troops are responsible. There are over 2 million refugees that have fled Iraq.

Internally displace persons are estimated at 2 million and are increasing by 80,000 to 100,000 each month. At that rate, Washington, DC would be empty by March.

The United Nations High Commissioner for Refugees found that 63 percent of those displaced moved because of threats to their security. Sixty-nine percent left homes in Baghdad. Baghdad is undergoing sectarian cleansing. If the death toll in a Sunni district falls because its residents have fled, the resulting reduction in violence is not attributable to increased troops, and that kind of development is not ''progress.''

The bottom line: the GAO report found the Iraqi Government has not eliminated militia control over local security or political intervention in military operations. It has not ensured evenhanded enforcement of the law or increased the number of army units capable of independent operations.

Are Iraqis more secure? For me, the 100,000 people fleeing their homes each month in fear for their safety answer the question. The truth, as everyone acknowledges, is that the security that Iraqi man wanted instead of free food will only come with political reconciliation.

Those same seven NOC's explained that:

> political reconciliation in Iraq will occur, but not at our insistence or in ways that meet our benchmarks. It will happen on Iraqi terms. . . .
>
> [I]t would be prudent for us to increasingly let Iraqis take center stage in all matters, to come up with a nuanced policy in which we assist them from the margins but let them resolve their differences as they see fit.

President Bush predicted that increased U.S. troop levels taking a more visible—rather than marginal—role would stabilize the country so that its national leaders could reach political agreement. They would enable us to accelerate training initiatives so that Iraqi army and police force could assume control of all security in the country by November 2007. President Bush sent over 28,000 more soldiers into Iraq to fulfill these goals.

The reports before us in September, like the reports before us in July, show us that President Bush's troop escalation is ineffective. It has failed to make Iraq more secure, failed to stem the civil war going on in Iraq, and failed to lead to political reconciliation. That failure was clear when I last came to the floor to discuss this issue in July, and it is clear today.

Since July, 150 more American soldiers have died; nearly 5,000 more have been wounded. My home State of Maryland has lost three more of its bravest citizens. One of those seven NOC's, whose wisdom and insight I have quoted at length, was shot through the head and, just last week, two others were killed. Every month in 2007 has seen more U.S. military casualties over the same month in 2006.

Six years after 9/11, our policy in Iraq has distracted us from confronting the weaknesses those attacks revealed. Terrorist attacks around the world continue to rise. No progress has been made on the Arab-Israeli conflict. Our military might has been stretched thin.

The most recent intelligence analysis reports that al Qaeda in Afghanistan and Pakistan is stronger now than at any other time since September 11, 2001. Iran is as dangerous as ever.

Thomas H. Kean and Lee H. Hamilton, cochairs of the 9/11 Commission, wrote that ''we face a rising tide of radicalization and rage in the Muslim world—a trend in which our own actions have contributed.'' Last week, Senator Warner asked General Petreaus whether continuing the strategy the general laid before Congress would make our country safer. General Petreaus responded, ''Sir, I don't know actually.''

He didn't know because he has been ''focused on . . . how to accomplish the mission of the Multi-national Force in Iraq.'' That is what he should be focused on. That is his job. But the people focused on our Nation's safety and our overall strategy in the Middle East agree with Kean and Hamilton.

Admiral Fallon, chief of the U.S. Central Command, which oversees Middle East operations, has argued for accepting more risks in Iraq in order to have the necessary forces available to confront other potential threats. The Joint Chiefs have been sympathetic to Admiral Fallon's view.

In order to bolster our military and refocus attention on the global terrorist threat, this Congress has attempted to change the mission of our operation in Iraq. But President Bush and a minority in Congress have rebuffed the effort.

We cannot wait any longer to change the mission in Iraq. The cost of further delay in lives, matériel, treasure, and our standing in the world is too great. President Bush's strategy has put this Nation at greater risk—a risk that metastasizes each day that we sit by and wait.

A new policy starts by removing our troops from the middle of a civil war and giving them a more realistic mission: counterterrorism, training, and force and border protection.

The Independent Commission on the Security Forces of Iraq, chaired by retired GEN James L. Jones, and composed of prominent senior retired military officers and chiefs of police, suggests that:

> Coalition forces begin to be adjusted, realigned, and re-tasked . . . to better ensure territorial defense . . . concentrating on the eastern and western borders and the active defense of the critical infrastructures essential to Iraq.

The Commission also emphasized the importance of transferring responsibility to Iraqis, noting the ''fine line between assistance and dependence.'' Iraqi citizens turn to our military for protection and the basic services the government has failed to provide. We want Iraqis to become loyal to their government, not to the local U.S. military commander.

We must begin to extricate ourselves and hand responsibility to the Iraqis themselves.

As the bipartisan Iraq Study Group noted, ''There is no action the American military can take that, by itself, can bring about success in Iraq.'' But any effort must include stepped-up diplomacy—a ''diplomatic surge,'' if you will. Iraq's neighbors have a stake in Iraq's stability. The war in Iraq means the spread of fundamentalist insurrection and sectarian violence, and an increase in basic crime and lawlessness, and not just in Iraq.

We must begin to have a broader diplomatic and economic vision in the Middle East. Currently, all of Iraq's neighbors are involved in the conflict, but they operate under the table. Iran supports the Shiite militias. Saudi Arabia supports the Sunni militias. Turkey plays a role in the North, Syria exerts control over Iraq's western border.

The United States engaged all of Afghanistan's neighbors at the highest levels and secured their cooperation at the beginning of that conflict. We must engage in that same high level effort with Iraq's neighbors no matter how much we wish circumstances or the current balance of power in the region were different.

We need our Nation's most senior officials engaged in bringing other nations and international entities such as the United Nations and the Organization for Security and Cooperation in Europe to the table.

The various agencies of the United Nations are well-suited to tackle matters of economic and community development and providing electricity, water, and sanitation service. OSCE could assist Iraq with collective border security, police training, and immigration and religious tolerance efforts.

A change of mission, an increased diplomatic effort, and a movement to engage international entities presents the best chance of helping the Iraqis build a government that has their confidence and would strengthen our own national security and military readiness.

The world has an interest in a safe and secure Iraq. We can no longer ignore the overwhelming evidence or recoil from the cold reality the facts on the ground reveal. It is time to change the mission, step up our diplomatic efforts with a realistic and workable game plan, recognize the limits of deployment of our troops and internationalize the effort to bring stability to the country and to the Middle East.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I wish to take the opportunity, since it looks as if there are no other Senators who wish to speak at this moment, to clarify a few items in this amendment with respect to some of the criticisms that have been leveled against it.

Again, let me emphasize, this is a minimum amendment. It wants to make a small adjustment to our operational policy that is needed because of these continuous rotations that have been going on for the last 4½ years.

With respect to the constitutionality issue which has been mentioned a number of times, my staff has put together a fact sheet, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. WEBB. I have mentioned many times the situation in Korea during the Korean War, where the Congress passed legislation to provide that every person inducted into the military would receive full and adequate training for a period of not less than 4 months, and that no personnel during that 4-month period would be assigned duty overseas. This was the Congress stepping in to correct a situation that had been created by the executive branch in sending people to Korea before they were trained.

In 1940, the Selective Training and Service Act stipulated that people inducted into the land forces of the United States would not be sent beyond the limits of the Western Hemisphere, except in U.S. territories.

The Congress acted in similar ways multiple times prior to World War II. In 1915, the Army Appropriations Act restricted Army tours of duty in the Philippines to 2 years, and tours in the Canal Zone to 3 years. There are a number of other examples here. This is a matter that is clearly within the constitutional prerogative of the Congress should it choose to act.

There was a comment earlier by the junior Senator from Arizona regarding Secretary Gates's concern about the strain on the Guard and Reserve if this amendment were to pass. Again, let me reiterate that this amendment addresses the Guard and Reserve. It specifically states that National Guard and Reserve units that have been deployed will not be redeployed for a period of 3 years. This is not going to result in a greater strain on the Guard and Reserve if this amendment passes.

There was also some comment about individuals being difficult to manage if the amendment were passed, because we do single out in this amendment that not only units being deployed should be protected, but also individuals. The reason that language was inserted into this amendment is because there is a common practice now to backfill individuals who may have returned from a tour of duty much more recently than the unit they have been assigned to.

At the same time, we do have this goal, a laudable goal, of having units train together and then deploy together. But even under today's circumstances—for instance, in the data sheet that Lieutenant Colonel Martinez has put together for us—and I have heard this from many people, that even by month 10, on a 12-month dwell time back here, the units are still putting people together.

So you want them to train together, but it is a fallacy to say they have been training for this entire period before they are deployed. Most importantly, this is not difficult to manage. Everyone in the U.S. military has a service record book of some sort, and in that record book, there are indications of when they have served overseas. In today's computer age, it is not very difficult to figure out who has come back and what period of time. Units are tagged to deploy at least 6 months before they deploy. So you know who in your unit has recently been returned and who has not. It is not a difficult problem to fix.

I wanted to make these clarifications.

EXHIBIT 1

FACT SHEET: CONSTITUTIONALITY OF SENATOR WEBB'S BIPARTISAN DWELL-TIME AMENDMENT

(1) There is clear constitutional authority and extensive legislative precedent for Congress to impose minimum periods between operational deployments. As then-Acting Secretary of the Army Geren stated during his confirmation hearing before the Senate Committee on Armed Forces earlier this year, "Article I of the Constitution makes Congress and the Army full partners."

(2) Among the many congressional authorities the Constitution delineates with regard to the armed forces and the nation's common defense, Article I, Section 8 empowers Congress "to make rules for the government and regulation of the land and naval forces." The Congress has exercised this authority to regulate land and naval forces many times with regard to military training and operational assignments. The most noteworthy example occurred during the height of the Korean War, when Congress passed legislation to require all service members to receive no less than 120 days of training before being assigned overseas.

(a) Despite pressing wartime exigencies in Korea, Congress amended the Selective Service Act in 1951 to provide that every person inducted into the Armed Forces would receive "full and adequate training" for a period not less than 4 months and no personnel, during this 4-month period, would be assigned for duty at a land installation located outside the United States, its territories, or possessions.

(b) This Korean-War legislation had as its precedent similar congressional action before and after World War II. In 1940, for example, the Selective Training and Service Act stipulated that persons inducted into the land forces of the United States under the Act would not be employed beyond the limits of the Western Hemisphere, except in U.S. territories and possessions. In 1948, the Selective Service Act provided that 18- and 19-year-old enlistees for 1-year tours could not be assigned to land bases outside the continental United States.

(c) Congress acted in similar ways multiple times prior to World War II. In 1915, for example, the Army Appropriations Act restricted Army tours of duty in the Philippines to 2 years and tours in the Canal Zone to 3 years—unless the service member requested otherwise or in cases of insurrection or actual or threatened hostilities.

(d) Congress has continued to exercise its constitutional authority to pass laws to govern and regulate the armed forces. In 1956, a public law prohibited the assignment of female service members to duty on combat aircraft and all vessels of the Navy. Congress subsequently saw the wisdom of repealing this legislation.

(e) Later, during the 1980s and 1990s, Congress invoked the War Powers Resolution in the "Multinational Force in Lebanon Resolution" to authorize Marines to remain in Lebanon for 18 months. In 1993, the House used a section of the War Powers Resolution to stipulate that U.S. forces should be withdrawn from Somalia by March 1994. Congress also prohibited the expenditure of funds to support personnel end-strength levels above specific limits in NATO countries and other nations outside the United States during the post-Cold War era of the 1990s. Other examples also exist.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we hope to be able in the next few moments, perhaps after Senator MARTINEZ has gone, to enter into a unanimous consent agreement which would hopefully schedule votes on both the Webb amendment and on the McCain amendment. We expect those votes would begin at approximately 5:15. We do not have a unanimous consent locked in yet, but we do expect, perhaps after Senator MARTINEZ has completed, to be able to offer a unanimous consent agreement.

Mr. MCCAIN. Mr. President, I mention to my friend, I think by 4:40 we would know for sure. That is when the meeting the principals are in now is over. But we fully anticipate that at 5:15 a vote would be agreed to.

If there are other Senators who want to speak between now and about 5:00, please come down and do so. But my understanding is that this agreement is, following the Webb amendment vote, there would be 10 minutes equally divided and a vote after that.

Mr. LEVIN. That is the expectation. So two votes and 10 minutes interviewing between the two, and then move on to other amendments.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise today to speak in opposition of the current amendment, the Webb amendment, to the fiscal year 2008 National Defense authorization bill.

The fact is that this amendment, in its good intentions to think about the care and condition of our men and women in uniform who have so bravely served us, in fact is very much misguided in that it attempts to dictate to the military leaders exactly what type and how troop rotations should take place.

I think it is a dangerous amendment because it could also interfere with the ability of our country to respond in times of a national emergency, even

though it has a waiver provision in the amendment for the President's ability to respond to the dangerous situations that can occur in the very dangerous world in which we live.

The fact is—I know it has been mentioned, but I reiterate—the Secretary of Defense, the person charged with the constitutional responsibility of deployment of the Armed Forces, has foursquare clearly stated that this amendment, while well intended, is certainly not a good amendment. It would dramatically limit the Nation's ability to respond to other national security needs while we remain engaged in Iran and Afghanistan. Secretary Gates, in a letter of September 18 to Senator GRAHAM, indicated clearly his concern. He goes on to mention some other concerns.

General Petraeus announced—and the President affirmed—that there would be troop drawdowns in Iraq in the upcoming weeks. In fact, this amendment could have the effect of extending the tours of duty of troops in Iraq beyond their currently scheduled rotation.

There is another thing that bothers me. I think we also need to think about our constitutional scheme, how our Government is organized and ordered. Constitutionally to enact an amendment such as this would clearly be an encroachment on the constitutional duties of the Commander in Chief. This is not an area where the Congress is welcomed to dictate. We have one Commander in Chief, not 535. We only elect one at a time. This Commander in Chief has a Secretary of Defense. It is their responsibility under our form of Government to determine what our troop rotations should be.

There are other very practical considerations of why this should not happen, why this is a bad idea. The Secretary of Defense goes into several items in his letter. But it does make sense, when you look at it, that units do not always stay together. Following an individual rather than a unit and following the deployment of an individual rather than that of a unit is something that would be cumbersome, difficult, and, in fact, not a way in which we would be, in this very dangerous time, having to run our military. The fact is, there is something here which is maybe the most underlying and important reason of all why this amendment is not a good idea, which is the clear desire and design of the amendment to limit the options of our military forces to maintain the current policy in Iraq. We ought to not use the good intentions and the good ideas about our soldiers, about our troops and their rotations, to have an underlying mission of simply saying, they can't keep this up so they will have to pull troops out. We will change policy by dictating how troops are rotated in and out of the battlefield. The fact is, that could have serious consequences for our Nation as other nations would view this as a vulnerability. It would be viewed as a weakness, as a fact that the United States is overextended and incapable of responding to crisis. It is these kinds of misperceptions and misunderstandings that can lead irresponsible states to take irresponsible actions that could lead to frightening scenarios in the very dangerous world in which we live.

It is important to also note that many of the members of our Armed Forces consider it a privilege and an honor to serve this Nation at this difficult time. My recent trip to Iraq was in Tikrit. While there, I visited with a number of troops, some of them Floridians, all proud of their service. Over 90 percent of those troops had already reenlisted, knowing full well of our involvement in Iraq, knowing what the expectations of their service would be during their time of reenlistment, and they had voluntarily reenlisted. Reenlistment rates of those serving in the theater are larger than those of any other. It is a testament to their courage, valor, and sense of duty to their country. We would demean their service if we were to say to them that there had to be parity between the time in service out of the country and the time at home.

The goal ought to be for us not to have 15-month deployments. The hope would be that these would never be necessary. But a mandate from Congress that this is how we must operate our Armed Forces is ill-conceived. It is dangerous and does not serve either the national interest of the Nation or the interest of the soldiers on the field whom it is intended to serve. We should not have a subterfuge of policy to change direction in Iraq heaped on the backs of our brave men and women in uniform. If, in fact, there is the thought that this policy is wrong and it should be changed—and I know many Members feel that way; there has been plenty of debate about this issue—there ought to be the courage to say: We will not fund the troops. If you can't do that, you shouldn't do it this way. This is unnecessary. It is cumbersome, and it will be detrimental to the national security of the country.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Michigan.

DWELL TIME

Mr. SMITH. Mr. President, I rise today in support of the Webb-Hagel dwell time amendment. Our service men and women are under constant strain, spending more time in theater than they have with their families. These men and women are risking their lives to protect this country, some on their fourth tour in Iraq. Their bodies are aching and their minds are stressed, but by the time they become acclimated to home life, they are sent back into combat. Something must be done to prevent the breakdown of our military and the men and women who serve. This amendment would provide our troops ample rest and recuperation, time to visit with family, and an opportunity to extract our troops from the stress of war.

The Oregon National Guard has served admirably since we began combat operations in 2001. I could not be more proud of their contributions to the war on terror while still serving as the foundation of their families and communities.

Many citizen-soldiers have been on multiple deployments for over a year at a time, placing a significant strain on their families, employers, and communities. The amendment will give our soldiers predictability by preventing surprise deployments. Providing a consistent schedule allows them to plan for this disruption. Often, these men and women are the core of the community, the major breadwinner of their family or a needed caregiver and require advanced notice to plan for such a major disruption in their lives.

If current enlistment levels do not allow us to provide our troops with the rest and recuperation needed to protect our Nation, then we must examine increasing the number of volunteer troops, both Active Duty and Reserve.

For the past 10 years, we have shrunk the National Guard and ignored their call for needed resources. As a country, we are finally realizing the importance of our citizen-soldiers. They serve admirably in combat operations overseas, they provide help at home in the face of a natural disaster or emergency, and they are the bedrock of our community. Giving them some stability in their lives is the least we can do.

I urge my fellow Senators to join me in supporting the Webb-Hagel dwell time amendment.

Mr. DODD. Mr. President, for 4 long years, our Nation has been engaged in a war without a clear objective, exit strategy, or international mandate, and the consequences of such policies have been devastating. Our moral standing in the world has plummeted. Iraq is now mired in civil war, and terrorists have found a recruiting and training ground for attacking American troops. But few effects of this war are more troubling than the destructive impact this war has had on our Armed Forces.

Approximately 3,800 brave American servicemembers have been killed in Iraq, and tens of thousands have been severely wounded. Military families have been forced to endure long and repeated stretches of time without their loved ones. And most significant, our forces have been stretched thin to a near-breaking point. This can be seen in the ever increasing number of suicides among our returning servicemembers, alltime low reenlistment rates, and the destruction of our military families. The adage is true—we recruit a soldier, but we retain a family. And if that family is broken, so, too, will be the soldier.

While long deployments are testing our troops in the field, they are also

taxing critical stocks of combat gear and training time. According to some reports, over two-thirds of our Army and 88 percent of our National Guard are unable to report for duty due to equipment shortfalls and insufficient military instruction stateside.

The bipartisan Webb amendment is an important step toward restoring our military's readiness and providing the important support that our servicemembers and families need and deserve.

It would implement two simple principles—if a unit or member of a Regular component of the Armed Forces deploys to Iraq or Afghanistan, they will have the same time at home before they are redeployed. No unit or member of a Reserve component, including the National Guard, could be redeployed to Iraq or Afghanistan within 3 years of their previous deployment.

These are the very principles incoming Secretary of Defense Robert Gates committed to months ago. And now, the distinguished junior Senator from Virginia has modified his proposal to address objections raised concerning both the time the Pentagon needs to implement it and the flexibility needed for our special operations forces, SOF.

Senator WEBB's amendment now allows 120 days for the Department to implement its provisions and provides exceptions for SOF. But as is clear, the administration still objects to any interference by this body in how we expect our troops to be treated. Of course, this body has a unique role in the governance of our Armed Forces. Specifically, article 1, section 8 of the Constitution states that the Congress shall have the power to, '' make rules for the Government and Regulation of the land and naval Forces.'' Obviously, the Founding Fathers of this great Nation had a very specific idea of how the Congress should behave with respect to the troops—that Congress, and Congress alone, should have the power and authority to govern and regulate our forces. We can see first hand the tragedy that occurs when the administration is given a free hand to engage our troops in conflict without any oversight from this body—and we should reassert our constitutional prerogative.

Since the war's beginning I have tried to advance initiatives that would reverse the administration's irresponsible defense policies, so that our troops would be prepared and protected in combat and our country made safer. In 2003, I offered an amendment to the emergency supplemental appropriations bill to add $322 million for critical protective gear identified by the Army that the Bush administration had failed to include in their budget. But it was blocked by the administration and their allies. In 2004 and 2005, I authored legislation, signed into law, to reimburse troops for equipment that they had to purchase on their own because the Rumsfeld Pentagon failed to provide them with the body armor and other gear they needed to stay safe. And last year, working with Senators Inouye, Reed, and Stevens, I offered an amendment to help address a $17 billion budget shortfall to replace and repair thousands of war-battered tanks, aircraft, and vehicles. Without these additional resources, the Army Chief of Staff claimed that U.S. Army readiness would deteriorate even further. This provision was approved unanimously and enacted in law. But much more remains to be done.

Senator WEBB's amendment is an important first step, but it is only the first step. Ultimately, we need to withdraw our combat forces as quickly as possible. This can only be accomplished by changing our mission in Iraq, and it will only be accomplished when this body finally stands up to the administration and their failed policies and enacts legislation that will bring our troops home. I strongly support this amendment and hope all of our colleagues do as well.

Mr. KENNEDY. Mr. President, the war in Iraq has severely overstretched and strained our military personnel and their families. According to many of our foremost experts, we're actually in danger of breaking our military.

Frequent and extended deployments are over-taxing our brave military men and women and their families and our support structures at home. It's reducing our ability to adequately train our soldiers, sailors, airmen and Marines.

The men and women of our military forces signed up in the belief that they were going to defend America, and preserve our way of life. Instead, they find themselves entangled in an Iraqi civil war that is not theirs to win or lose.

Their repeated and extended deployments breach the trust they have in their government. We as a Congress must do everything we can to ease the strain.

The Department of Defense itself has set a goal of 2 years at home for every year deployed, and that makes sense. It gives servicemembers time to be with their families, and re-establish the bonds that we all take for granted.

It also gives our servicemembers time to train—not just for a return to Iraq, but for other missions we may ask them to undertake.

Because of the President's misguided war and his so-called surge, the Department of Defense can no longer meet this goal.

As General Casey, Chief of Staff for the Army said last month, ''Today's Army is out of balance. We're consumed with meeting the current demands and we're unable to provide ready forces as rapidly as we would like for other contingencies; nor are we able to provide an acceptable tempo of deployments to sustain our soldiers and families for the long haul.''

What does the General mean when he says the army is ''consumed with meeting current demands?''

Over 1.4 million American troops have served in Iraq or Afghanistan; More than 420,000 troops have deployed more than once.

The Army has a total of 44 combat brigades, and all of them except one—the First Brigade of the Second Infantry Division, which is permanently based in South Korea—have served at least one tour of duty in Iraq or Afghanistan, and the majority of these 43 brigades have done multiple tours: 17 brigades have had two tours in Iraq or Afghanistan; 13 brigades have had three tours in Iraq or Afghanistan; and 5 brigades have had four tours in Iraq or Afghanistan.

Army recruiting is struggling to maintain the current force structure, let alone meet its goal of increasing its overall end strength over the next 5 years.

The Army missed its recruiting goals for both May and June by a combined total of more than 1,750, and it's borrowing heavily on future commitments to meet its goals for this year.

Spending on enlistment and recruitment bonuses tripled from $328 million before the war in Iraq to over $1 billion last year.

The Commandant of the Marine Corps, James Conway, says his marines can't focus on conventional operations because training time is too scarce.

It's an impossible situation. Our military is strained—some would say already broken—and we face a crisis in recruiting.

We can't continue to sacrifice our Nation's security and the readiness of our forces while Iraq fights this civil war. This amendment will give General Conway and General Casey the time they need to make sure that our forces are ready and able to defend our country against any threat. It will also show our appreciation for the men and women who serve our country so well. I urge my colleagues to support this amendment.

Mr. LEVIN. Madam President, over 4 years of war have stressed our Armed Forces to the breaking point. Our Army and Marine Corps are stretched dangerously thin. They are performing magnificently, as they always do. Chronic personnel and equipment shortages plague our nondeployed forces resulting in dangerously low readiness. As a nation, we simply do not have the ground forces necessary, nor are the few uncommitted forces trained and ready, to protect our interests against other threats around the world. As Army Chief of Staff GEN George Casey put it:

> The demand for our forces exceeds the sustainable supply.

Nearly 1.6 million servicemembers have been deployed to Iraq or Afghanistan. Of the Army's 43 active brigades available for rotation, 10 brigades have been deployed three or more times. All others have been deployed once or twice, with the exception of one new brigade just forming. Of course, the single brigade stationed in Korea does not deploy as part of the Iraq or Afghanistan rotation. All of our National Guard combat brigades have at least one rotation to Iraq, Afghanistan, or

Kosovo. Two National Guard combat brigades have two rotations. Guard brigades from Indiana, Arkansas, Ohio, Oklahoma, Minnesota, and New York have been notified that they should be prepared to deploy at the end of this year.

Through the first part of this year, units pushed to Iraq as part of the surge strategy barely had enough time to make up their personnel and equipment shortages or complete their training. Inadequate time to prepare for war puts a unit at risk when sent into harm's way.

We have the responsibility to make sure that our forces have adequate time available to prepare and then use that time to best advantage. We have accepted too much risk for too long.

Senator WEBB's amendment goes to the heart of this obligation, ensuring that our forces have the time they need to recover and prepare. Multiple rotations and insufficient dwell time inherently raise readiness risks. Units must have the time necessary to fully man, equip, and train prior to their next deployment. Readiness reports we receive here in Congress consistently show that most of our nondeployed units are not ready to deploy, and those getting ready to deploy to Iraq and Afghanistan do not have personnel and equipment necessary for comprehensive training until very late in their preparation. In order to provide some relief for the personnel shortages in next-to-deploy units, the Army is cutting training at its important officer and NCO schools. The Army has gone so far as to institute a 6-day training week at many of these schools to accelerate getting troops back to their units. For soldiers, especially young leaders and instructors just back from deployment, working a 6-day week starts to make dwell time feel a lot like deployment. Insufficient dwell time contributes to retention challenges, especially among young officers.

There is ample evidence that multiple long deployments are impacting our troops' mental health and family stability. Servicemembers and their families, particularly among our young officers and NCOs, are voting with their feet, leaving the military rather than endure the uncertainty and turmoil in their families' lives. There is no greater threat to the quality and viability of our all-volunteer force than the loss of these combat-experienced young leaders.

The Webb amendment exempts our special operations forces. Their deployment cycles are always irregular, their readiness sustained at much higher levels, and their ability to respond to emergencies is critically important. The exemption in this amendment preserves that flexibility.

Servicemembers and their families are weary of the deployment cycle and uncertainty about timing and length of deployments. They are eager for greater predictability about when and for how long troops will be at home or deployed. The Webb amendment will require the DOD to make earlier strategic and operational decisions which will result in greater predictability and stability for troops and their families.

The Webb amendment will incentivize the Department of Defense to greater certainty in the implementation of unit and individual rotation policies. Controlling deployment cycles is the only way to rapidly stop the dramatic loss of readiness in our nondeployed and next-to-deploy units. Controlling deployment cycles is the only way to provide the fastest possible relief to our troops and their families. Controlling deployment cycles is a critical step in preserving our all-volunteer military system. The Webb amendment deserves the support of this Senate.

I yield the floor and 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. SPECTER. 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. SPECTER. Madam President, the issues relating to Iraq have been very complex, have aroused an enormous national reaction, and have been consuming for those of us in the Congress trying to decide what is the best course of action.

Had we known Saddam Hussein did not have weapons of mass destruction, I do not think we would have gone into Iraq. But once there, we do not want to leave precipitously, and we do not want to leave Iraq in an unstable condition with all of the potential forces that might bode ill for the United States in the future with respect to terrorism, with respect to Iran moving into a vacuum, and many complex problems which might arise.

The President, in his recent speech, and General Petraeus and Ambassador Crocker, in their testimony before Congress, have gone to considerable distance in trying to move toward some of the areas of concern. There have been commitments of troop withdrawal before Christmas. There are projections for additional troop withdrawal next year. There has been a modification to some extent of the mission. But still there is an unease with the current policy.

I voted against the Levin-Reed amendment when it came before the Senate because I think it is unwise to fix a firm date of withdrawal. It just gives the insurgents a target date to shoot at to declare victory.

I think the provisions of the Warner-Lugar amendment had much to recommend them and joined as a cosponsor. I have already expressed on the floor my concern that the Warner-Lugar amendment was not called before the Senate. I think its thrust to have required a report by the President by October 15 and the possibility of a withdrawal date later but leaving the ultimate discretion to the President would have been a step forward. It would have imposed an obligation on the part of the President, the administration, to come forward with a plan.

I have also cosponsored the Salazar-Alexander amendment, which incorporates the findings of the independent study group. I believe that is a general outline which is desirable to follow. Again, I expressed my concern when the majority leader took down this bill before calling up the Salazar-Alexander amendment. I have cosponsored that as an outline. Again, it does not place the administration in a straitjacket but outlines certain goals and certain objectives.

I believe the idea advanced by Senator BIDEN for some time now, to divide Iraq into three parts—the Shiites, the Sunnis, and the Kurds—where those factions have been engaging in violent warfare, is an idea which is worth pursuing. Again, that is a matter which has to be decided by the Iraqi Government, not by the Congress of the United States, but Senator BIDEN has couched it in the form of a resolution, really, on what amounts to a recommendation.

I have been considering the amendment offered by the junior Senator from Virginia, Mr. WEBB. I discussed the issue with him last week and since that time have undertaken to try to find out what the impact of the Webb amendment would be on force projection.

I met with LTG Carter Ham last week. General Ham is in charge of operations at the Joint Chiefs of Staff.

During the course of that meeting, General Ham outlined the projection by the Department of Defense that they could meet that 1-to-1 ratio—12 months in Iraq and 12 months at home, which is the thrust of the Webb amendment—that they could meet that objective by October 1, 2008, the beginning of the next fiscal year. General Ham was not supportive of the Webb amendment because he raised a number of concerns that on its face, if you enact the Webb amendment, there are troops in Iraq now who will have to stay longer. There would have to be additional calls to the Reserves and National Guard. There might be a need to take people out of units which would impact on morale, but that if there were an October 1 date, 2008, that the 1-to-1 ratio could be achieved, according to the Department of Defense projections.

Earlier today, at the invitation of Senator WARNER, I met to talk again to LTG Carter Ham and to LTG Lovelace who works with General Ham. During the course of that meeting, the target date of October 1, 2008, to be the 1-to-1 ratio was reaffirmed. There was an additional factor injected into the discussion, and that is the factor of some 5,500 additional troops in a variety of categories, special forces and others, where this 1-to-1 ratio could not be met by October 1.

Following that meeting, I have had telephone conversations with Secretary of Defense Gates and National Security Adviser Hadley to get some sense of the position of the Department of Defense and the administration. Secretary Gates confirmed the ability of the Department of Defense to meet in general terms the 1-to-1 ratio by October 1, 2008. He talked about some other difficulties and, obviously, is not endorsing any plan. The administration would prefer not to have any congressional action on this subject. Similarly, after an extended telephone conversation with National Security Adviser Hadley, I heard the reasons there is opposition—the difficulty of knowing whether the factors on the ground will be as they are projected now, and they are resisting congressional action which would tie the hands of the administration.

In considering these issues, I have been very concerned about the problems of micromanaging the Department of Defense by the Congress. There is no question we are not equipped to do that. I have studied the constitutional law aspects, and I studied the case of Fleming v. Page [50 U.S. 603 (1850)], a decision by Chief Justice Taney, and the case of the United States v. Lovett [328 U.S. 303 (1946)], decided by the Supreme Court in 1946. I am well aware of the authority, the broad authority the Constitution vests in the President under Article II as Commander in Chief, but I am also cognizant of the authority of the Congress under Article I, Section 8: ''To raise and support Armies;'' ''To provide and maintain a Navy;'' ''To make rules for the government and Regulation of the land and naval Forces;'' ''To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States.''

We have seen the Supreme Court recently strike down executive action on military commissions, saying it is the function of the Congress of the United States, and the Congress has acted there. So there is authority for the Congress on that premise, in addition to our power of the purse, our power of appropriation.

I have discussed the matter with Senator WEBB and have indicated—have stated an interest on my part in supporting the Webb amendment, if the concerns which have been expressed to me by the Department of Defense could be accommodated, and that is a change of date to October 1, and an accommodation of the 5,500 specialty forces that cannot be enumerated. Of course, there is the waiver provision which is already present in the Webb amendment. I asked about the possibility of deferring the vote. I think that if there was an understanding by other Senators about the ability of the Department of Defense to meet a 2008 October 1 date, and the flexibility needed on some 5,500 additional troops, there might be some additional interest in the amendment. I am told, at least as of this moment of 4:36, the vote is going to go ahead 5:15. But I have discussed the matter, as I say, with the sponsor of the amendment, Senator WEBB.

There is also the obvious factor that what we do here is unlikely, in any event, to have the full effect of law. If the Webb amendment gets 60 votes and is embodied in congressional enactment, it is virtually certain to be vetoed by the President of the United States, and there are not 67 votes to override a Presidential veto. But our function in the Congress is to exercise our best judgment and pass what we think is appropriate. Then, under our constitutional system, it is the prerogative of the President to either sign or veto. So we take all of these matters a step at a time. There is a lot of concern in the Congress of the United States about what is happening now, and an interest in, if it can be structured, congressional action which would be helpful. All of this is obviously very involved and requires a lot of analysis and consideration.

I think it would be a very helpful thing for the U.S. effort, generally, if the Congress and the President could come to an agreement on a policy and a plan without leaving it solely to the discretion of the executive branch. The Congress is going to continue funding, and I have voted for that. We are not going to put the troops at risk. We are not going to set times for withdrawal. It is possible we could use the Vietnam model, where funding existed up to a certain date on the condition that the troops be reduced to a certain number and then by another date. That hasn't been tried, but I think it unlikely the Congress is going to go that route. We are too concerned about the troops and we want to support them, but we are also gripped with a sense of unease as to what is happening.

There is agreement between the Department of Defense, for the purpose of Senator WEBB's amendment, that the stays in Iraq are too long. We have noted the increase in the suicide rate, the increase in the divorce rate, the increase in psychiatric problems and stress disorders. The policy of the Department of Defense is to have 2 months at home for every 1 month in Iraq for the Army; 5 months at home for every 1 month in Iraq for the Reserves. We are far from that. So we are struggling and groping to try to find an answer. In the course of the remaining time before the roll is called, I am going to see if it is possible to find some constructive way forward and some rational basis for the vote I will cast.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Madam President, I have watched and listened to the debate today on the floor of the Senate. It is a debate in many ways that is similar to debates we have had on previous occasions, and I know there are people on all sides who feel passionately about these issues. I respect differences of opinion. I respect those who come to the floor and say: Here is how I see it, here is what I believe, and here is what I think we should do.

This is a very important issue. There is so much at stake for our country with respect to this issue of the war in Iraq. It casts a shadow on virtually everything else we consider and do in public policy and our relationships around the world. It is a situation I think that requires us to do the best we can to develop public policy that finds a way to extract ourselves from what has largely become a civil war with sectarian violence in the country of Iraq, and take the fight to the terrorists.

I wish to raise a few points about fighting terrorism, even as I come to the floor to support the amendment offered by Senator WEBB. I think it is an amendment that has great merit and an amendment that will be supportive of the best interests of this country in pursuing the war against terror.

Let me say there have been a series of reports—an almost dizzying number of reports and speeches and testimony over the last several weeks—about the status of the war in Iraq and the performance of the Iraqi Government. There are claims and counterclaims; I expect there is spinning on all sides of these issues. Much of it has been about whether the U.S. military surge of 30,000 troops since January 2007 has worked and about the benchmarks—about whether the Iraqi Government has been willing to or has made progress in meeting benchmarks it has promised to meet to do its job, to justify U.S. troops fighting and dying in their country. Through all of that, it seems to me there are three facts that are clear. First, only political reconciliation among the Shiites, the Sunnis, and the Kurds will stop the civil war that rages in Iraq. Only political reconciliation will ultimately solve this problem.

Second, the Iraqi Government has made very little progress—perhaps some in several areas but in the main very little progress toward the needed reconciliation.

Third, terrorism remains the No. 1 threat to the United States. The July National Intelligence Estimate makes the case. This is not coming from me; this comes from a July 2007 National Intelligence Estimate. The unclassified portion says:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland. We assess that the group has protected or regenerated key elements of its homeland attack capability, including: A safe haven in the

Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Let me say again that it says that ''al-Qaida is and will remain the most serious terrorist threat to the homeland.'' We know that as of last week, Osama bin Laden, the leader of al-Qaida, al-Zawahiri, and others who lead al-Qaida are still speaking to us through videos and through voice tapes, giving us their version of the world. These are people who have boasted about murdering innocent Americans on 9/11, and six years later, they remain in what the National Intelligence Estimate says is somewhere on this planet that is secure or safe. It is almost unbelievable to me that there is a ''safe haven'' anyplace on this planet for the people who have boasted of initiating the 9/11 attacks against this country, but that is what our National Intelligence Estimate says—they are in a safe haven.

There ought not be 1 square inch on planet Earth that is safe for the leadership of al-Qaida. How did we come to this point of having a safe haven for those very terrorists who initiated the attacks against this country and who, as our most recent National Intelligence Estimate says, remain the most serious terrorist threat to our country? How have we reached that point? What has been happening while we have surged troops in Iraq? Well, as I indicated, Osama bin Laden released two videos, one on September 7 and one on September 11. He boasted about the 19 hijackers who did the killings on September 11 and rambled on about the coming downfall of America, as is his custom.

Regardless of what Osama bin Laden has said, our National Intelligence Estimate says that al-Qaida is back stronger than ever and terrorism remains the No. 1 threat to the U.S. homeland. I think we need a set of policies that focuses on fighting terrorists first. Frankly, what is happening in Iraq is not the central fight on terrorism. It seems to me the central fight on terrorism is to eliminate the leadership that represents the greatest threat to our country, and they are not in Iraq. That leadership, we are told by the National Intelligence Estimate, is in a safe haven in the Pakistan federally administered tribal areas.

I don't mean to say that dealing with that would be easy or without difficulty. I do mean to say that if this represents the judgment of our National Intelligence Estimate, and if we know—and we all do—that those who boasted about initiating the 9/11 attacks are there and are pledging additional attacks against our homeland, it seems to me that should be where we focus our country's priority of action.

We are told, by the way, that the leadership of that terrorist organization that is, again, the most serious threat to this country—we are told they have regenerated.

Here is a September 11 story quoting our intelligence officials. The headline is ''Al-Qaida's Return: The Terrorists Have a Sanctuary Once Again.'' In the last week or so, we have seen terrorist arrests in Denmark and in Germany, and we see that these arrests, particularly in Germany, are for terrorists plotting attacks against large U.S. military bases. Those attacks against our military base in Europe are being plotted by terrorists who have trained in Pakistan, which is the very area where the Intelligence Community says Osama bin Laden has regenerated his terrorist training camps in the tribal area.

Madam President, this issue of a sanctuary for terrorists to begin planning additional attacks against our country, as they are apparently now doing, it seems to me ought to claim our attention and ought to claim the policy debate about what is the approach this country might best use.

My colleague from Virginia comes to the floor with respect to this issue of the war in Iraq. What are we doing in the war in Iraq? What about the surge and the road ahead? What about the Petraeus report? My colleague has made an important argument on the Senate floor about the strength of the U.S. military if you don't provide ample opportunity for the U.S. military to have sufficient time home from the battlefield to rest and regenerate and also sufficient time for additional training.

Madam President, the point of the amendment offered by Senator WEBB is to provide a sufficient opportunity for troops who are on station, on duty in a war zone 24 hours a day, to give them time to retrain, rest, and refresh. You cannot have a fighting force that doesn't have that opportunity. That is what my colleague from Virginia is suggesting in his amendment.

My point about this is that as we discuss how to deal with these issues in Iraq, we are, on a course at the moment that says our mission in Iraq is to go door to door in Baghdad in the middle of sectarian violence or a civil war. My point is, while that is going on, while we are in the middle of a civil war in Baghdad with our soldiers—and, yes, there is some al-Qaida presence there, but that is not the majority of what is happening there; it is largely a civil war. While we are doing that, here is what we are understanding and knowing. This is not a claim, this is what we know: ''Europeans Get Terror Training Inside Pakistan.'' We picked them up in Denmark and Germany. We find out that the terrorists are being trained in Pakistan. We are told that is where the al-Qaida leadership is, reconstituting its base, its strength, building new training camps. We picked up the people who are threatening to attack the largest military installation owned by the United States in Europe.

Should that surprise us? Not if we have been reading the newspaper. We don't have to read the intelligence; we can just read the newspaper.

This is a New York Times newspaper story from February 19 of this year. This is from our intelligence officials talking about what they know:

> Senior leaders of al-Qaida, operating from Pakistan over the past year, have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials. American officials said there was mounting evidence that Osama bin Laden and his deputy, al-Zawahiri, have been steadily building an operations hub in the mountainous Pakistan tribal area of north Waziristan.

Now we have picked up terrorists who were trained there. We are told by the National Intelligence Estimate that the greatest threat to our country is from the al-Qaida organization and the leadership of al-Qaida, who are now planning terrorist attacks against our homeland. That is the greatest threat to our country. So what are we doing? We are going door to door in Baghdad in the middle of a civil war while there is a ''safe haven'' on this Earth, apparently, for the leadership of al-Qaida. Is there common sense missing here? Would one not think those who boasted of murdering 3,000-plus Americans on 9/11, 2001, that they would have long ago been apprehended? President Bush was asked about this, and he said, ''I don't think about Osama bin Laden and the leadership of al-Qaida.'' I really think we ought to take the fight to what the National Intelligence Estimate insists is the greatest threat to our country, and I don't believe that is happening.

I support the effort of my colleague from Virginia. I think that amendment is one which will give our military the opportunity to retrain, rest, and be refreshed and represent the kind of fighting force we want and need. All of us are proud of our American soldiers who walk in harm's way.

There is a verse about those soldiers and patriots:

> When the night is full of knives and the drums are heard and the lightning is seen, it's the patriots that are always there ready to step forward and fight and die, if necessary, for their country.

We have a lot of patriots who got up this morning and put on body armor and are walking in harm's way on behalf of this country. What we owe them, it seems to me, as policymakers is our unyielding support for whatever they need to finish their job. In addition, we owe them good policy that focuses on attacking and destroying and eliminating the greatest terrorist threat to this country. And nobody should take it from me; take it from the National Intelligence Estimate of July of this year. The greatest terrorist threat to our country is Al-Qaida.—I will put the chart back up:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland.

The NIE says that they have a safe haven in Pakistan. So that is the fight—to eliminate the greatest terrorist threat to our homeland. There ought not to be a square inch of safe haven anywhere on this planet for that group.

I yield the floor.

Mr. LEVIN. Madam President, I ask unanimous consent that the time between now and 5:20 p.m. be for debate with respect to the Webb amendment 2909, with the time divided as follows: Senator DURBIN be recognized for 5 minutes; at 5:05, the majority leader be recognized for 10 minutes; and at 5:15, for 5 minutes, which would be immediately prior to the vote, it be equally divided and controlled between Senators MCCAIN and WEBB or their designees; and that at 5:20, without intervening action or debate, the Senate proceed to vote on the amendment; further, that upon disposition of the Webb amendment, there be 10 minutes of debate with respect to the McCain-Graham amendment No. 2918, with the time equally divided and controlled between Senators MCCAIN and WEBB; that upon the use or yielding back of time, the Senate proceed to vote on the amendment; that no amendment be in order to either amendment in this agreement; that each amendment must achieve 60 votes to be agreed to, and if neither vote achieves 60 votes, it be withdrawn; that if either amendment receives 60 votes, then it be agreed to and the motion to reconsider be laid upon the table.

Mr. CARPER. Reserving the right to object, earlier I asked for some time. I asked for 10 minutes, but I would like to have at least 5 minutes before the vote. If we can do that, I would appreciate it.

Mr. MCCAIN. That would make the vote at 5:25. I have no objection.

Mr. LEVIN. So Senator CARPER would be after Senator DURBIN for 5 minutes, and everything else will be delayed for 5 minutes.

Mr. MCCAIN. Parliamentary inquiry: Is it necessary to call up amendment No. 2918 or is it in order according to the unanimous consent agreement?

The PRESIDING OFFICER. It will need to be called up.

AMENDMENT NO. 2918 TO AMENDMENT NO. 2011

Mr. MCCAIN. At this time, I call up amendment No. 2918 to be in order according to the unanimous consent agreement propounded by the Senator from Michigan.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2918.

The amendment is as follows:

(Purpose: To express the sense of Congress on Department of Defense policy regarding dwell time)

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

SEC. 1031. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE POLICY REGARDING DWELL TIME RATIO GOALS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

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

(1) the wartime demands in support of Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) placed on the men and women of the Armed Forces, both in the regular and reserve components, and on their families and loved ones, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments in Iraq and Afghanistan should be afforded as much ''dwell time'' as possible at their home stations prior to re-deployment; and

(3) consistent with wartime requirements, the Department of Defense should establish a force management policy for deployments of units and members of the Armed Forces in support of Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) as soon as practicable that achieves the goal of—

(A) for units and members of the regular components of the Armed Forces, providing for a period between the deployment of the unit or member that is equal to or longer than the period of the previous deployment of the unit or member;

(B) for units and members of the reserve components of the Armed Forces, and particularly for units and members in the ground forces, limiting deployment if the unit or member has been deployed at any time within the three years preceding the date of the deployment; and

(C) ensuring the capability of the Armed Forces to respond to national security needs.

(b) CERTIFICATIONS REQUIRED.—The Secretary of Defense may not implement any force management policy regarding mandatory ratios of deployed days and days at home station for members of the Armed Forces deployed in support of Operation Iraqi Freedom or Operation Enduring Freedom until the Secretary submits to Congress certifications as follows:

(1) That the policy would not result in extension of deployment of units and members of the Armed Forces already deployed in Iraq or Afghanistan beyond their current scheduled rotations.

(2) That the policy would not cause broader and more frequent mobilization of National Guard and Reserve units and members in order to accomplish operational missions.

(c) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the provisions of any force management policy and any attendant certification requirement under subsection (a) or (b), and the applicability of such a policy to a member of the Armed Forces or any group of members, if the Secretary determines that the waiver is necessary in the national security interests of the United States.

Mr. LEVIN. Mr. President, with that modification, I ask that the unanimous consent request be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I understand that under the agreement, I have 5 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Madam President, I rise in support of the Webb amendment. What is the Senator from Virginia, a Marine Corps veteran from Vietnam, trying to do? It is actually easy to state. He wants to make sure that when our troops are deployed, they have at least as much time home between deployments as they do the length of the deployment. If they are deployed for a year, they will have a year at home before they are deployed again. If they are deployed 15 months, they will have 15 months at home before they are deployed again.

Madam President, you have been to Iraq and I have been there, too—three times. I do not profess to be an expert on the military. That is not a field of my training or expertise, but I talk to those who are. The last time I visited Iraq, I went to Patrol Base Murray, south of Baghdad 12 miles, part of the surge, the Third Infantry Division, Fort Stewart, GA, and saw the Illinois soldiers and others. I had a little lunch with them.

As I was starting to leave, one of the officers came over to me and spoke to me privately. Do you know what he told me? He said: Senator, 15 months is too long. These troops have to be on guard every moment of every day for roadside bombs and snipers and other dangers.

He said: After 12 months, I work so hard to keep them on their toes so they come home safe and protect the soldiers who are with them. Fifteen months is too long. He told me: I am a career soldier. My wife knew what we were getting into long ago. So I leave, but it is tough on my family.

He said: When I left Fort Stewart, GA, my daughter was in the sixth grade. When I get back home, she will be in the eighth grade. I will have missed a year in her life. That is the price we pay.

He said: These young soldiers with babies at home, they are e-mailing their wives every single day. They are hearing how the babies are growing up and the problems the family is having. At the end of the year, they can't wait to go home, and we tell them: Give us 3 more months.

I said: What about the 12 months in between deployments?

He said: It is not enough; 12 months is not enough time to reconstitute our unit, retrain them, equip them, give them time with their families so they can get their lives back together. Twelve months is not enough.

I said: How much time do you need?

He said: Twice that. Give us 2 years. That is what it takes.

That is the reality of this war on the ground. So when we hear the arguments being made by Senators that somehow we should not, as a Senate, be sticking our nose into the business of how they manage the military overseas, I am sorry, but that is part of our constitutional obligation. We do not just declare the war and send the money; we have responsibilities that reach far beyond that.

Over the years, Congress has spoken to the number of troops our country will have. It has spoken to whether those troops can be deployed overseas. It has passed laws restricting Presidents from sending troops overseas

without at least 4 months or 6 months of training. We have restricted the roll of women in the military. Time and again, Congress has spoken under its constitutional authority to make certain our military is treated properly. That is part of my responsibility as a Senator. It is part of every Senator's responsibility.

Calling this micromanagement is unfair to our troops. Our soldiers and their families are making more sacrifices than any of us serving in this Chamber today. They are risking their lives at this very moment. All they ask for is a little more time to be with their families, a little more time to get their unit combat ready before it is sent out again.

Senator WEBB knows this story because he lived it in Vietnam as a marine. He knows it as a father of a soldier who is in Iraq today. We should know it too, and we should understand something as well. It is true, as someone once said, war is hell, but politicians should not make it any worse, and we are making it worse when we push these soldiers to the limit.

Look at the numbers coming back to us: Divorce rates among our soldiers now reaching record highs, suicide rates higher than any time since Vietnam, cash incentives to bring people into the military and keep them at a record level of $10,000 and $20,000, waiving the requirements so we can fill the ranks with people who have not graduated from high school or have some criminal records. These are the realities of the Army today.

For the President to stand and boldly say, ''I am sending the troops into battle'' is to ignore the reality. Many of our warriors are weary. Having fought the good fight and stood up for this country, they deserve for this Senate to stand up for them and adopt the Webb amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized.

Mr. CARPER. Madam President, I rise in support of the Webb amendment. I have had a chance to think about this issue that is before us today wearing a hat other than my hat as Senator. During my time in the Vietnam war, I served 5 years active duty as a naval flight officer. I spent 3 tours in Southeast Asia with my squad. I spent another 18 years after that as a Naval Reserve flight officer, staying current in the P–3 aircraft and was made mission commander of that aircraft.

Then for 5 years before I came to the Senate, from 1993 to 2001, I wore another hat. I was commander in chief of the Delaware National Guard, a force that served in the last 15 years in two wars—the Persian Gulf war and the Iraq war to date.

So I have had a chance to think about this issue, not just as a person who helps set policy for our country but someone who has worn a uniform on active duty in a hot war, wore a uniform in the Cold War, and then as commander in chief of my State's National Guard.

When I first heard of this idea that Senator WEBB had come up with of equaling the Active-Duty deployed time with the dwell time folks have to catch up, to retrain, reunite with their families for Active-Duty personnel, I had some questions about it. I know others do as well.

One of the questions I had was, what if the President or what if the Secretary of Defense felt a particular individual with certain skills or unit that brought certain attributes to a fight were needed. Could the President or the Secretary of Defense intercede and be able to say: We need this individual, we need this unit. As it turns out, that concern has been addressed.

What if you had an individual who said: I know I am entitled to 12 months downtime or 2 years downtime, dwell time back home. I don't want to use it. I want to go back and serve. The question is, Does this amendment allow that to happen? And it does.

A number of legitimate questions have been raised not just as to the intent but the practical effect of the legislation, and I believe they have been addressed in a good way.

Another concern was, if we adopt this amendment, if it is passed as part of a Defense authorization bill and the President signs it, does it take effect immediately. If this provision were to take effect immediately, I would not want to be Secretary of Defense or Secretary of the Navy. I would want to have time to try to make this work. It is not going to be easy, but given a reasonable amount of time, it could work.

To his credit, Senator WEBB changed the early language of the amendment, I think after consulting with Secretary Gates, in order to say we are going to provide, after enactment of this provision, after it is signed into law, 4 months during which the Secretary of Defense and our services have a chance to figure out how we actually work with this provision and make it work.

I thank the Senator from Virginia for providing the kind of flexibility that is needed if we are going to enact this kind of legislation. I think it is good policy. I believe some major concerns that I and others had have been addressed.

My last point is I wish to talk about what it is like to be a reservist or guardsman. My Active-Duty squad flew out of the naval air station at Willow Grove, PA, north of Philadelphia. I tell my colleagues, if the men—and we were all men in my squadron at that time—if we thought we were going to be deployed a year or two, come back and then go back a year or two, we would not have had much in terms of reenlistment and reupping. They would be gone. It is not a question of patriotism, that is the fact. They have families to support. They have jobs. In their own lives, they have businesses, in some cases, to run. They need the kind of break that is envisioned in this legislation to enable them to not just be a patriot, to be a reservist, to be a citizen twice over but to always keep commitments to their families, keep commitments to their employers, and keep commitments, in many cases, to their employees, to the businesses they have started and gone on to run.

This is a good provision. It is a good proposal. It is better actually than the proposal we voted on several months ago. I urge my colleagues, particularly those who are on the fence—most people have made up their minds—particularly those on the fence, they can vote for this amendment not just in good conscience but I think knowing the questions that needed to be addressed have been addressed and that the people who will benefit from this will very much appreciate our taking this step.

I yield back my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, there will come a time in the not-too-distant future when people will write about what we as a Senate did, what we as a Congress did regarding this intractable war in which we find ourselves in faraway Iraq.

I approach my comments today recognizing people are going to look back at what we do to make sure our country is safe and secure and that we have done everything we can to make sure not only is our country safe and secure but we do everything we can to allow the men and women in our military to be safe and secure.

The fight to end the war in Iraq and refocus our efforts against those who attacked us on 9/11 has now raged in this Chamber and throughout the country for months—no, not months, for years.

On one side, Democrats stand united to responsibly end the war, to begin to bring home our brave soldiers, marines, airmen, and sailors, and refocus our attention to Osama bin Laden, his al-Qaida operatives, and others around the world who seek to do us harm.

On the other side, most of our Republican colleagues, including some who have publicly questioned the current course, stand with the President and his failed policies. Seven Republicans have previously voted courageously for this amendment. The amendment is better than it was last time. Certainly they should vote that way again.

We on this side of the aisle are not going to stop waging the hard but necessary fight to responsibly end this war. Today we have the opportunity to take an important step in that direction by voting for an amendment upon which all of us, Democrat or Republican, can and should agree.

Regardless of where we stand on this war, we should stand as one in our commitment to keeping our military the strongest in the world. We can only sustain that strength if our men and women in uniform are given the respect they deserve and the opportunity

to reset, rebuild, and restore their capabilities. That is not a Democratic talking point or a Republican talking point. It is common sense, and in this debate it is long overdue.

On President Bush's watch, our military and their families have been stretched to the breaking point. This is not idle talk. Every single one of the Army's 38 available combat brigades is either deployed, just returning or scheduled to go to Iraq or Afghanistan, leaving no fresh troops to replace the five extra brigades sent to Iraq earlier this year. Most Army brigades have completed two or even three tours in Iraq or Afghanistan, with one, the 2nd Brigade of the 10th Mountain Division, having served four tours already.

The Army has been forced to rely on a so-called $20,000 ''quick-ship'' bonus to meet recruiting goals, paying soldiers $20,000 to stay in the military, in part to make up for last year's shortage of military officers. We are 3,000 officers short, and the number is only projected to rise.

Eighty percent of our National Guard and Reserves have been deployed to Iraq or Afghanistan and are serving an average of 18 months per deployment.

Those National Guard and Reserves remaining in the United States have 30 percent of the essential equipment they need because so much of it has been shipped overseas, destroyed, in need of repair, or now obsolete. Thirty percent is what they have in case of an emergency, and they have to help in this country. We have all heard of the heavy personal toll this overburdening of our military is taking. Let me give two examples.

First, the heartbreaking story of Army PFC Travis Virgadamo of Las Vegas. Travis was a boy who loved his country. What did he want to do? He wanted to go in the military, and he did that. He loved serving in the military. He saw it, as his family said, as his calling. Yet after months of serving in Iraq—and here is how he described it, ''being ordered into houses without knowing what was behind strangers' doors, walking along roadsides fearing the next step could trigger lethal explosives''—and he said other things, but that is enough—the horrors were more than this 19-year-old could take.

He sought therapy. He wanted to have somebody help him with his emotional status while he was overseas, but he got nothing. He came home, asked for help, and was given some medicine and forced to go back to Iraq. He felt as if he wasn't going to be able to do his job. His family knew it. They talked about it. As I said, he was given medicine and sent back for his second tour of duty. Travis was, I repeat, 19 years old when he committed suicide after going back to Iraq for just a matter of weeks.

The ordeal he went through was sadly far from unique. Is this fair? Is this fair to those other troops he was asked to serve with and who relied upon him? The answer is no.

Last year, the Veterans Affairs Department reported that more than 56,000 veterans of Iraq and Afghanistan had been diagnosed with mental illness—56,000. Many of them had been sent back into battle without receiving adequate care.

A second example. SGT Anthony J. Schober, a 23-year-old from northern Nevada, was killed in May in an ambush while serving his fourth tour of duty. I had the chance to speak with Anthony's family—his grandfather. Before returning to Iraq for the last time, Anthony told his grandfather and other family members he knew he wouldn't be coming home. He had survived too many explosions, in his words. Too many of his buddies were killed who were with him.

Madam President, if my time expires, I will use my leader time.

Travis and Anthony died as heroes. Our troops are all heroes, but Anthony and Travis weren't machines, they were people, one 19 years old, one 23 years old. They sacrificed so much—all our troops have—and asked for so little in return. We want to give them something in return. That is what this amendment is all about.

With gratitude for their service and recognition that our national security demands no less, I rise to once again support the amendment offered by JIM WEBB, representing the Commonwealth of Virginia. They sent to Washington to represent them in the Senate a brave man. It is more than his ability to talk and say the right thing courageously. Here is a man who is qualified to talk about this. He has been in combat. The author of this amendment is a Naval Academy graduate, a Marine Corps commander, received a Silver Star award for heroism, the Navy Cross, the Bronze Star for heroism, a couple of Purple Hearts, and was a Secretary of the Navy. His amendment, his readiness amendment, begins the critical and long overdue process of rebuilding our badly overburdened military.

It is simple, his amendment. It states:

> If a member of the active military is deployed to Iraq or Afghanistan, they are entitled to the same length of time back home before they can be redeployed.

It also states:

> Members of the Reserves may not be redeployed within 3 years of their original deployment—which will not only give them time to recover from deployment, but will also restore our reserve forces ability and availability to respond to emergencies here at home.

Some have tried to confuse this issue by calling it an infringement of Presidential authority. That argument was debunked the first time anyone ever suggested it. The Constitution of the United States, article I, section 8, says Congress is empowered:

> To make rules for the government and regulation of the land and naval forces.

This argument is undercut even further by the fact the amendment provides ample authority for the President to waive these requirements in case of an emergency that threatens our national security. The Webb amendment establishes a new policy, but it doesn't tie the President or Congress's hands to respond to any emergency.

If we are committed to building a military that is fully equipped and prepared to address the challenges we face throughout the world—and I know we are—then we must support this amendment. If we are committed to repaying in some small measure the sacrifices our brave troops are making every day—and I know we are—then we must support this amendment.

The decision by Republican leadership to thwart the will of the majority in this body from adopting this troop readiness amendment back in July was discouraging, to say the least. And after 3 more months of keeping our troops enmeshed in a civil war, their continued effort to undermine this legislation today is simply inexplicable to me. If Republicans oppose troop readiness, they are entitled to vote against this. If Republicans don't believe our courageous men and women in uniform deserve more rest and mental health, they can vote ''no'' on this amendment. If they do not agree constant redeployments and recruitment shortages are straining our armed forces, they can vote ''no'' on this amendment. If they believe it is in our national security interest to push our brave troops and their families beyond their breaking point, then let them vote ''no'' on this amendment. But to stop the majority of this body from acting shows yet again that most of my Republican colleagues are much more concerned about protecting the President than protecting our troops.

Some in the administration have argued that this amendment would be too complicated for the Defense Department to enact. We, our military, can develop and deploy the best technology on Earth, and we have done that. Our stealth fighters can enter undetected into enemy territory. We can launch terrain-hugging missiles from thousands of miles away and hit a single target the size of a small window in a building. We can pay, clothe, feed, train, and manage a military force of over 2 million, plus their families. Yet we are supposed to believe that the Department of Defense can't follow one simple rule, that each and every soldier, sailor, airman, and marine must receive rest equal to their time of deployment.

Senators, please don't fall victim to the White House talking points. This amendment is for Travis Virgadamo and his family, for Anthony Schober and his family, and for the 50 other Nevadans who have given the ultimate sacrifice, and the approximately 2,800 other Americans who have died.

Because some in the minority are choosing obstruction doesn't mean all Republicans must follow in lockstep. We almost overcame Republican obstructionism on this amendment in

July. We can finally do the right thing here today. So I say to my friends, my Republican friends, this is Bush's war. Don't make it also the Republican Senators' war.

I know every single one of my colleagues, on both sides of the aisle, would agree that America's Armed Forces are the envy of the world and must continue to be. This amendment puts that commitment into action and honors our troops and prepares our Armed Forces for the serious challenges that lie ahead—and they do lie ahead.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I understand I have 2½ minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Madam President, I think we ought to understand what this amendment is all about. In the view of the Secretary of Defense, he says:

> As drafted, the amendment would dramatically limit the Nation's ability to respond to other national security needs while we remain engaged in Iraq or Afghanistan.

He goes on to say:

> The amendment would impose upon the President an unacceptable choice between accelerating the rate of drawdown significantly beyond what General Petraeus has recommended, which he and other senior military commanders believe would not be prudent, and would put at real risk the gains we have made on the ground in Iraq over the past few months, or to resort to force management options that would further damage the force and its effectiveness in the field.

That is what this amendment is about. Nowhere in the Constitution does it say the President of the United States is deprived of the authority to decide when and where to send troops in a time of war. Nowhere. Nowhere in the history of this country have such restrictions been imposed or privileges assumed by the Congress of the United States. We have one Commander in Chief, and one only. To somehow assume that we would begin with Congress's 535 commanders in chief, I think, would reduce our ability to ever fight another war effectively.

Let me sum up by saying that clearly the message I am getting from the troops in the field is not that the war is lost, as the majority leader in the Senate stated last April. We are succeeding and we are winning. And with the enactment of this amendment, we will choose to lose. This is setting a formula for surrender, not for victory.

I am hearing from the troops in the field three words, three words: Let us win. They have sacrificed a great deal, as the majority leader described very dramatically. Now give them a chance to win. That is what they want. They do not want that sacrifice to be in vain.

This amendment would do exactly what the Secretary of Defense says, as well as other interested observers. I urge my colleagues to reject this amendment. Allow this new strategy and for this great general, whom the American people had a great opportunity to see last week as he spoke to the Congress and the American people. Reject this amendment and let us win.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I wish to first say I am grateful to all the Senators who participated in the debate today, including my good friend Senator MCCAIN, for whom I have had respect for a long time.

I wish to emphasize again that this amendment provides a minimal adjustment in our rotation policies, and it does so with the notion that we can get a minimum floor underneath the deployment cycles of people who have been conducting the operational policies of the United States for 4½ years.

If we were attempting to be obstructionists or we were attempting to shut down a system, we would probably be arguing for the 2-to-1 ratio which is the goal of the Commandant of the Marine Corps and the historical tradition of the U.S. military. We are simply saying for every period you have been gone, you should have that amount of time back here at home.

This amendment is constitutional. It is well within the Constitution. I have given a memorandum that shows at least a half dozen different examples of when the Congress has put these sorts of restrictions in place when the executive branch has gone too far.

It is responsible. It was drafted with a great deal of care. We have listened. This amendment is an adjustment from the amendment that was offered last July. We have spoken with Secretary Gates. We modified the language of it. It is needed. It is needed in a way that is beyond politics, and certainly would not contribute to what some people are calling defeat.

It is needed for troop and family reasons, and that is why the Military Officers Association of America, 368,000 military officers, has supported the amendment. It is needed because the state of the debate on the Iraq war is going to continue for a long period of time. We all know that now. We know it specifically since General Petraeus's testimony.

We are going to have to resolve this in the political environment. We need to do so under a framework that protects our troops. I ask my colleagues to support it. I am very pleased we have 36 cosponsors on this amendment, and I would hope the Senate passes it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—56

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

NAYS—44

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Under the previous order, requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. MCCONNELL. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2918

The PRESIDING OFFICER. There will now be 10 minutes of debate equally divided before a vote on amendment No. 2918.

The Senator from Arizona.

Mr. MCCAIN. Madam President, I again wish to express my appreciation and respect for the author of the amendment that was just considered by the Senate. I appreciate the courtesy and the level of debate that was conducted. I also always appreciate very much his brave service to our Nation.

I hope I could convince my friend from Virginia that perhaps we could have a voice vote on this, because as we know, it is a sense-of-the-Senate amendment. I will not take all of my time except to say that all Senators share the concern for the men and women of the Armed Forces and their families, as a result of the operational demands of operations in Iraq and Afghanistan.

This amendment expresses a sense of Congress—a sense of Congress, not a mandate—that consistent with wartime requirements, DOD should put into place force management policies that reflect the dwell time ratios in the Webb amendment.

The amendment is clear, however, that such dwell time policies cannot be implemented if to do so would prevent mission accomplishment or harm other

members of the force. That is why it includes a certification requirement that would have the Secretary of Defense assure Congress that such a policy would not result in extending deployments of units or members beyond their current scheduled rotation.

The amendment also includes a waiver provision that Senator WARNER suggested. It wisely provides authority to the Secretary of Defense to waive the requirements of any existing dwell time policy and an attendant certification if the Secretary of Defense determines it is necessary to do so in the interest of national security.

I again want to thank Senator WARNER, our distinguished former chairman and long-time Member of this body, who played such an important role in this whole debate and continues to.

I realize this debate on Iraq is far from over, that this is only one amendment. But I also appreciate the level of dialog, debate, and discussion on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I wish to begin this statement the same way I did the last one, by thanking the Senator from Arizona for his service and also for the quality of the debate I believe we had on the other amendment.

I would be very anxious to try to find some common ground here on something that we could agree upon that would help move this forward. There are portions of this amendment that I think are fairly useful. But I am unable to support it.

I urge my colleagues to vote against it. The first part of it is nothing more than a statement of existing policy even with the language that the Department of Defense ''should'' establish a force management policy.

On the second part, I have attempted several times to read it carefully. As an attorney, and as someone who used to be a committee counsel, the certifications required are very confusing. It is kind of gobbledy-gook.

I believe it would, on one level, be redundant to current policy and on the other be confusing. I don't think it is useful, and I intend to oppose it.

I yield the floor.

Mr. MCCAIN. Madam President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

Mr. LEVIN. Parliamentary inquiry: Like the previous vote, this amendment requires 60 votes?

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—55

Alexander	DeMint	McCain
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bayh	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Biden	Graham	Roberts
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hatch	Smith
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Stevens
Cochran	Johnson	Sununu
Coleman	Kyl	Thune
Collins	Landrieu	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	
Crapo	Martinez	

NAYS—45

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bingaman	Hagel	Obama
Boxer	Harkin	Pryor
Brown	Inouye	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Cardin	Klobuchar	Salazar
Carper	Kohl	Sanders
Casey	Lautenberg	Schumer
Clinton	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 45. Under the previous order requiring 60 votes for adoption of this amendment, the amendment is withdrawn.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. 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. 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. LEVIN. Madam President, the Senator from Texas, I understand, is now ready to offer an amendment. We have been alternating. My understanding is he will lay down his amendment tonight, then he will speak on his amendment for some period of time, and then we will pick that up tomorrow morning. There may very well be a side-by-side amendment relative to the Cornyn amendment. We do not know, though, until we see that amendment.

Then I would ask unanimous consent that—I do not have my ranking member here, however, so I am going to withhold the unanimous consent request. It is my intent to ask unanimous consent that after Senator CORNYN lays down his amendment and speaks on it, that we then move into morning business. That is my intent as soon as—all right, it turns out that has been cleared on that side.

Madam President, I ask unanimous consent that after Senator CORNYN is recognized, lays down his amendment, speaks to it, we then go into morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to set the pending amendment aside to send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. If I could say for the record—and I am going to withdraw my objection—we passed a rule that provided something that many Members are not aware of: that before an amendment would be considered at the desk, a copy would be given to both sides of the aisle before the amendment debate begins. I am not picking on my colleague and friend from Texas, but I only object for the purpose of raising that rule so we can start enforcing it. I think it is only fair that both sides see the amendment before the debate begins.

I withdraw my objection because I do not want to prejudice my friend from Texas at this point. But in the future, I hope we can all live by that rule.

Mr. CORNYN. Madam President, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Madam President, could the request be restated? I apologize.

Mr. CORNYN. Madam President, I ask unanimous consent that the pending amendment be set aside, that I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

AMENDMENT NO. 2022 WITHDRAWN

Mr. LEVIN. Madam President, reserving the right to object—and I will not object—I understand Senator LEAHY has now authorized me to withdraw his amendment which is pending, so it will avoid, perhaps, that pendency requirement for future amendments.

So I withdraw now the Leahy amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is withdrawn.

Is there objection to the request of the Senator from Texas?

Mr. LEVIN. I do not object.

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

AMENDMENT NO. 2934 TO AMENDMENT NO. 2011

(Purpose: To express the sense of the Senate that General David H. Petraeus, Commanding General, Multi-National Force-Iraq, deserves the full support of the Senate and strongly condemn personal attacks on the honor and integrity of General Petraeus and all the members of the United States Armed Forces)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2934:

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

SEC. 1070. SENSE OF SENATE ON GENERAL DAVID PETRAEUS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Senate unanimously confirmed General David H. Petraeus as Commanding General, Multi-National Force-Iraq, by a vote of 81-0 on January 26, 2007.

(2) General Petraeus graduated first in his class at the United States Army Command and General Staff College.

(3) General Petraeus earned Masters of Public Administration and Doctoral degrees in international relations from Princeton University.

(4) General Petraeus has served multiple combat tours in Iraq, including command of the 101st Airborne Division (Air Assault) during combat operations throughout the first year of Operation Iraqi Freedom, which tours included both major combat operations and subsequent stability and support operations.

(5) General Petraeus supervised the development and crafting of the United States Army and Marine Corps counterinsurgency manual based in large measure on his combat experience in Iraq, scholarly study, and other professional experiences.

(6) General Petraeus has taken a solemn oath to protect and defend the Constitution of the United States of America.

(7) During his 35-year career, General Petraeus has amassed a distinguished and unvarnished record of military service to the United States as recognized by his receipt of a Defense Distinguished Service Medal, two Distinguished Service Medals, two Defense Superior Service Medals, four Legions of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and other awards and medals.

(8) A recent attack through a full-page advertisement in the New York Times by the liberal activist group, Moveon.org, impugns the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force-Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attack on General Petraeus by the liberal activist group Moveon.org.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, if this amendment sounds familiar, it is because I offered this amendment roughly 10 days ago. In response to my colleague from Illinois, this is virtually the same amendment I offered during the consideration of the Transportation and Housing and Urban Development appropriations bill, to which the other side of the aisle raised a point of order, and it was judged not germane.

I respect that ruling on that bill, but we are back here today, 10 days later, on the Defense authorization bill—a bill to which this amendment is clearly germane. I want to make a few points.

First of all, for my colleagues' recollection, I have in the Chamber a copy of the ad that ran on September 9, 2007, immediately before GEN David Petraeus came to testify before the Congress, along with Ambassador Ryan Crocker, the Ambassador to Iraq from the United States.

It is important for colleagues to recognize that this ad ran before the general came to testify, even though it had been well known the general would come back in September 2007 and report on progress on the fight in Iraq, both from a military as well as a diplomatic perspective.

So it is clear, at least to me, the purpose of this ad was to smear the good name of this four-star U.S. Army general, the commander of multinational forces in Iraq, before he even had a chance to make his report to the Congress and to the American people on the progress of the surge of forces and of operations in Iraq.

As the amendment, which has been read, indicates, General Petraeus is the senior commander on the ground for the United States and coalition forces in Iraq. Before the general testified, this ad placed in the New York Times—apparently at a discounted rate below the $167,000 ad rate which ordinarily would be charged for a full-page ad in the Sunday New York Times—this ad, which was sold at a discount by the New York Times to MoveOn.Org, asks the question: ''General Petraeus or General Betray Us?'' and accused this professional soldier of ''Cooking the Books for the White House.''

It goes on—and all of us can read—to further disparage the good reputation of this professional soldier and someone who is responsible for roughly 170,000 American men and women wearing the uniform of the United States military in Iraq.

The reason why MoveOn.org bought this false ad was because they were afraid of what General Petraeus would indeed report when he testified before Congress a week or so ago.

In fact, General Petraeus testified that ''the military objectives of the surge are, in large measure, being met.''

He told us the ''overall number of security incidents in Iraq has declined in 8 of the past 12 weeks,'' preceding his testimony.

He said: ''Coalition and Iraqi forces have dealt significant blows to Al Qaeda-Iraq.''

He said: ''We have also disrupted Shia militia extremists.''

He went on to testify that ''Coalition and Iraqi operations have helped reduce ethno-sectarian violence, as well [as] bringing down the number of ethno-sectarian deaths substantially in Baghdad and across Iraq since the height of the sectarian violence last December.''

He said: ''The number of civilian deaths has also declined during this [same] period.''

If that sounds familiar, it is because General Petraeus's testimony was preceded by the issuance of the National Intelligence Estimate on Iraq, issued just the preceding month, which basically came to the same conclusions as General Petraeus.

The National Intelligence Estimate, of course, represents the considered opinion of the intelligence community of the U.S. Government. It is delivered by the Director of National Intelligence pursuant to requirements of Congress in law.

The National Intelligence Estimate, issued just last month by the U.S. intelligence community, found there have been ''measurable improvements'' in Iraq's security situation since last January before General Petraeus's implementation of the new strategy.

The NIE, or National Intelligence Estimate, found that if our troops continue to execute the current strategy, Iraq's security environment will continue to improve over the next 6 to 12 months; and that changing the U.S. mission in Iraq would erode security gains achieved thus far.

Well, it is not just General Petraeus's testimony. It is not just the National Intelligence Estimate that was rendered last month. We had a commission created by the Congress, headed by former Marine GEN James Jones, and with a group of commissioners whose cumulative military experience exceeds 500 years. Also on this commission were a number of police chiefs and other law enforcement personnel with more than 150 years of law enforcement experience.

So it is clear by virtue of their experience they have a solid basis for the judgment they rendered. Well, it is important to note that not only did General Petraeus testify, as I have indicated, not only has the National Intelligence Estimate said what I quoted, the Jones Commission also found that the Iraqi Armed Forces—the Army, Special Forces, Navy, and Air Force—are increasingly effective and are capable of assuming greater responsibility for the internal security of Iraq.

The commission—we were told before a hearing in the Armed Services Committee, on which I sit—thinks that over the next 12 to 18 months the Iraqi forces will continue to improve their readiness and capability.

I noted during the testimony of General Petraeus that this is one of the first times I can think of where the messenger was shot for delivering good news. In other words, this ad run in the New York Times before the general testified is contradicted by not only his testimony but by the National Intelligence Estimate I mentioned and the Jones Commission, representing more than 500 years of military experience. It is sad to say but true that this ad represents what I would consider to be a sign of the times.

Now, I know the distinguished majority whip is on the floor, and I recall that when I offered this bill on the

Transportation, Housing and Urban Development appropriations bill, we had a colloquy talking about: Well, everybody makes mistakes. Occasionally, people will misspeak and not accurately say what they intend to convey. But since this ad ran, since the time the distinguished majority whip and I had this colloquy, MoveOn.Org has expressed its pride at running this ad. In other words, they said they were glad for what this ad conveys. They are not ashamed of it. They didn't say it was a mistake or they misspoke; they continue to stand behind this slur on the good name of General Petraeus, a man who is sworn to uphold and defend the Constitution of the United States and to do everything in his professional ability to win the conflict in Iraq.

So even before Congress received the Petraeus-Crocker reports, we know some critics had already declared the surge to be a failure. There are those who said they didn't care what General Petraeus had to say.

Now, after General Petraeus and Ambassador Crocker have reported, some of these same people are, such as MoveOn.Org, questioning their judgment—which is their right—but also their motivation, which I think if they are agreeing with the motivation that is expressed in this ad, I respectfully disagree with them.

It is puzzling why some of my colleagues insist on moving the goalpost for our military. In fact, I think what they experience is what happens when anybody bets against the U.S. military. It is dangerous to do because they are going to lose if they are betting against the men and women of the U.S. military. I cannot fathom how the success of our troops in improving the security situation in Iraq could possibly be construed as a bad thing for our Nation, but some apparently, including MoveOn.Org, seem to think it is.

I refuse to stand by while a group such as MoveOn.Org demeans the good name of an American soldier who represents, in turn, 170,000 American soldiers, sailors, marines and airmen and Coast Guard. I refuse to stand by while this group demeans the good name of our men and women in the U.S. military who have given so much for our country. The military service of General Petraeus alone is spotless, and he has proven time and time again, with his blood, his sweat and his tears, his patriotism and his love for our country. As a matter of fact, one would be hard-pressed to find another military officer with the qualifications that are as impressive as General Petraeus. Currently serving his third combat tour in Iraq, he has literally been there and done that, and he has done it with dignity, with honor, and devotion to service.

Today, I offer all my colleagues a chance to clear the air and set the record straight. For some of them, voting for this amendment may represent a chance to show true moral courage and true political courage as well. My amendment expresses the sense of the Senate that GEN David Petraeus and all the members of our Armed Forces are to be supported and honored and that any effort to attack their honor and their integrity should be condemned; particularly before the general was able to even deliver his testimony, where MoveOn.Org and these critics could not have known what he was going to say, and that clearly the goal of this ad and MoveOn.Org was to undermine public confidence in the messenger before the messenger even had a chance to deliver that message. My amendment expresses a sense of the Senate that General Petraeus and all the members of our Armed Forces should be protected and defended against an attack on their honor and integrity.

By introducing this amendment, I call on all Senators to tell America they do not condone such character assassination of those who are sworn to protect the very freedom we enjoy and the very system of government in which we all serve. Our military servicemembers simply deserve better. I hope all Members of the Senate would join with me in supporting this amendment.

Mr. DURBIN. Would the Senator yield for a question?

Mr. CORNYN. I yield for a question.

Mr. DURBIN. Madam President, in the 2004 Presidential campaign, I might ask the Senator from Texas, there was a group from Texas that attacked Senator JOHN KERRY and said he was undeserving of the commendations and decorations he received for his courage in fighting in Vietnam and raised questions about others who served in the military who were part of his swift boat operation. One would have to say, by any stretch, that the Swift Boat Veterans for Truth were attacking the honor and integrity of one of our colleagues who served with honor in the Vietnam war.

I would like to ask the Senator from Texas if he is prepared to remain consistent and if he is also prepared to amend his amendment to repudiate the activities, actions, and statements of the Texas-based Swift Boat Veterans for Truth organization with their unwarranted attacks on our colleague, Senator JOHN KERRY of Massachusetts, during the 2004 campaign.

Mr. CORNYN. Madam President, I am not willing to amend my amendment, as the distinguished majority whip requests. He keeps emphasizing this is a Texas-based group. I have no idea whether it is. But let me tell my colleague what the differences are between this ad and what MoveOn.Org tried to do to this good soldier and the difference between that and a political campaign.

Senator KERRY chose to run for President of the United States. You and I and others may disagree with the tactics employed by third parties in the course of a Presidential campaign, but this is not a Presidential campaign. General Petraeus did not volunteer to run for political office and subject himself to the spears we all sometimes catch as part of the political process. All this general has sworn to do is to uphold and defend the Constitution of the United States and to protect this country from attacks from our enemies.

So I would say it is apples and oranges to compare what happens in a political campaign with the attack on this general in such a premeditated and vicious way as MoveOn.Org did before he was to deliver his testimony before the Congress.

Mr. DURBIN. Madam President, my friend and colleague from Texas, Senator CORNYN, has offered this amendment before. I so stated on the floor before, and I will state again, I respect GEN David Petraeus. I voted to confirm him as the commanding general of our forces in Iraq. He has served our country with distinction. It has been my good fortune to spend time with him in Iraq on two different occasions. Both times I have felt he was forthcoming and answered questions and demonstrated time and again that he was willing to wear our country's uniform and risk his life. I think the language chosen in this ad by this organization was wrong and unfortunate.

Having said that, I am troubled by the conclusion of my colleague from Texas that the Swift Boat Veterans for Truth could attack Senator JOHN KERRY for his valor and courage fighting for America in Vietnam and that for some reason we shouldn't repudiate that attack; that it is OK because it happened, as my colleague said, during a political campaign. If this is about the honor and integrity of our Armed Forces, past and present, whether it takes place during a political campaign or at half time at a football game should make no difference. If the Senator from Texas believes we should stand on a regular basis and condemn those who would attack the honor and integrity of warriors who have served this country with valor in past wars and present wars, then he should be consistent. It is totally inconsistent for him to pick one organization and to ignore the obvious: There are others who have done the same thing.

Swift Boat Veterans for Truth is a classic example of an organization that distorted the truth about Senator JOHN KERRY and others who served our country during the Vietnam war. The fact that they did it during a Presidential campaign should have absolutely nothing to do with it, if this is a matter of principle. However, if it is not a matter of principle and something else, then you would pick and choose those organizations you want to condemn or repudiate. Unfortunately, the Senator from Texas has picked one organization. He doesn't want to talk about the Swift Boat Veterans for Truth. He certainly doesn't want to repudiate them. I think they should be repudiated. What they did cast a shadow on the

combat decorations given to others during the course of that war.

What Senator JOHN KERRY did was to volunteer to serve our country, put his life on the line, face combat, stand up and fight for his fellow sailors on that swift boat, and then come back to the criticism, the chief criticism of a group known as the Swift Boat Veterans for Truth.

Now, if the Senator from Texas is going to be filled with rage over those who would cast any disparaging remarks about our military, he should be consistent. He should amend his amendment—and I will seek to do it for him, incidentally—to add the Swift Boat Veterans for Truth as a group that should be repudiated. If we are going to get into this business of following the headlines, responding to advertisements and repudiating organizations, let's at least be consistent.

Mrs. BOXER. Madam President, will my friend yield?

Mr. DURBIN. I will yield.

Mrs. BOXER. Madam President, I wish to thank my colleague very much for pointing out the inconsistency of an attack on one organization that I guess my friend doesn't admire anyway, and that is his right. It is also our right to speak the truth on this floor. The fact of the matter is the Swift Boat Veterans for Truth went after a war hero and told stories to the American people that were not true and tried to sully a hero's reputation.

But he is not the only Senator who was attacked, as my friend remembers what happened to our colleague, Max Cleland. I know he does. Here is a veteran who gave three limbs for his country—three limbs. It is harder for him, for the first 2 hours of every day, to get ready for the day than it is for the Senator from Texas or myself or the Senator from Illinois to do our work for a month. Yet this man was viciously attacked and his patriotism called into question. Oh, yes, my friend might say, it was during a political campaign. It was disgusting. So we raise these issues.

What I wish to ask my friend is this: I was thinking—as the Senator from Texas, my friend and colleague, was speaking—I was thinking about some retired generals who spoke out against this war and said they were called traitors and worse. So I am looking at ways to incorporate into this a condemnation of anyone who would attack a retired general for speaking out against a war because I think that was low and it was horrible. It was frightening because, in a way, it was saying to these retired generals that they had no voice, no independent voice.

So I wish to thank my colleague, and I wonder if he recalls these generals. I will have more details as I put together my second-degree amendment as well.

Mr. DURBIN. Madam President, I would say in response to my colleague from California that if we are going to get into the business of standing up for members of the military, past and present, who were attacked for their positions on issues, then so be it. Let's be consistent about it. Let's remember our fellow colleague from Georgia, Senator Max Cleland, and remember what happened to him, when someone, during the course of a campaign, ran an ad suggesting he was somehow consorting with Osama bin Laden—a man who had lost three limbs to a grenade in Vietnam and who was attacked in a way that none of us will ever be able to forget.

The Senator from Texas includes in his whereas clauses, his sense-of-the-Senate clauses, to strongly condemn any effort to attack the honor and integrity of all the members of the U.S. Armed Forces. I hope if that is his true goal, he will allow us to amend his resolution to not only include the Swift Boat Veterans for Truth but those who attacked Senator Max Cleland during the course of his campaign.

I don't think the fact that it happens during a campaign absolves anybody from the responsibility of telling the truth and honoring those who served. In this case, two Democrats, Senator Max Cleland and Senator JOHN KERRY, were attacked, and there wasn't a long line of people on the floor to condemn the attackers. Now that the Senator from Texas has decided we should bring this up as part of the Defense authorization bill, I hope he will be consistent, and I hope he will consistently stand up for the reputations of the men and women in uniform, starting with General Petraeus but including those who served in this war and other wars in the past.

Each of them deserves our respect. I might add, parenthetically—it is worth saying—even if we disagree with their political views, they still deserve our respect. To attack their honor and integrity is wrong.

Mr. SMITH. Mr. President, last year the Senate enacted legislation that stripped the courts of jurisdiction to hear pending habeas claims brought by unlawful enemy combatants. It was with sadness then, as it is now, that the Senate failed to restore and protect this great writ. The writ of habeas corpus is a cornerstone of the rule of law. The right of an individual to learn of his or her detention by the government in a court of law is fundamental to our Constitution. Permanent detention of foreigners, without reason or charges, undermines our moral integrity in the world and does violence to our Constitution. It troubles me greatly that we have limited the ability of the judicial branch to ensure that detainees are being held fairly and justly by the American Government. It is my sincere hope that we will take up this amendment again in the near future.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is now in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Texas is recognized.

CHARACTER ASSASSINATION

Mr. CORNYN. Mr. President, I will not speak long because I know my friend from Iowa is here to speak in morning business.

I do want to say that Senators certainly have every right to offer any amendment they choose, but they don't have a right to require me to modify my amendment.

I am sorry they don't acknowledge the difference between somebody who has volunteered to become a public figure, a political candidate running for election, and somebody such as General Petraeus who in the performance of his duty is reporting to the Congress on the progress in a war in which 170,000 Americans are exposed to loss of life and limb right now.

To try to resurrect the old political battles of the past with regard to what happened in the Georgia Senate race, or what happened in the race for President of the United States, we are not going to achieve consensus here. Those were political races and those people are public figures. I don't like it when I am criticized any more than my colleagues do, including Senator KERRY or Senator Cleland. But that is an apples-and-oranges comparison to somebody who is wearing the uniform of a U.S. soldier who is performing his duty to report to Congress on the progress of military operations in Iraq.

So we may head down that road. As I said, it is every right of my colleagues to offer other amendments. We will take those as they come. But I hope all of our colleagues will, as an act of solidarity and support for General Petraeus and our men and women in uniform, vote for my resolution and condemn this character assassination on the name of a good man.

I yield the floor.

Mr. DURBIN. 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.

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

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

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Madam President, I am here to follow through on a promise I made back on June 13. At that time, after several speeches on the alternative minimum tax, I said I was going to continue talking about the alternative minimum tax until Congress took action to protect the roughly 19 million families and individuals who will be hit by it in 2007 who did not have to pay it in 2006—19 million families now affected who weren't affected last year.

I am also here to talk about a promise Congress needs to follow through on, which is to protect these 19 million families and individuals from the alternative minimum tax for the tax year we are in right now, 2007.

In 2006, 4.2 million families and individuals were captured by the AMT. For taxable year 2006, the legislation that temporarily increased the amount of income exempt from the alternative minimum tax expired. So, right now, and for the last 9 months, under current law, we expect around 23 million families and individuals to fall victim to the alternative minimum tax if Congress doesn't act.

This chart illustrates the current situation, using the figures I have already referred to: 4.2 million people were paying the alternative minimum tax last year. But what is submerged underneath the surface there is the 19 million people who are affected because Congress has not taken action yet. Tax year 2007, then, is represented by the boat and is rapidly approaching the AMT iceberg. Right now, most of the iceberg—the part that represents the 19 million additional taxpayers who will be caught by the alternative minimum tax this year—is under water.

The full magnitude of this imminent disaster will become apparent when those 19 million families and individuals start working on their 2007 tax returns starting January 2 of next year. Actually, the situation is worse than I implied—if you can imagine that it can be any worse than that. I wish to say that many families have already fallen victim to the alternative minimum tax. Of course, I am referring to those taxpayers who have to file quarterly returns, quarterly estimated returns.

The last time I spoke to you here on the Senate floor was on the occasion of the estimated tax payments for the second quarter due. I wish to say I am also speaking to my fellow Senators, but I am not sure how many of them might be listening because between June, when I spoke last, and the 3 months since, estimated tax payments for the third quarter were due this past Monday, September 17.

Before I go further, I want to specifically address the size of the population that makes estimated tax payments. In case anyone is thinking this is a very small group of people, the statistics of the income division of the IRS state that for tax year 2004, almost 11 million families and individuals made estimated tax payments. I am not saying each of those filers would be captured this year by the alternative minimum tax, but I surely want to remind everybody of the possibility that the number of people making estimated tax payments is very large, and that those among them hit by the AMT—we have already failed them by not taking care of this before the first payments were made in January.

As I have said, I last addressed the AMT on the Senate floor 3 months ago. In that time, no progress has been made on taking care of the problem of the AMT.

The next chart actually portrays what the Senate leadership has accomplished in the past 3 months in regard to this issue. It shows a giant goose egg. I have served the people in Iowa in Congress for many years. In that time, I have learned that generally things do not happen overnight. It takes time to formulate ideas, and it takes time to build enough support to take action. That is why I am particularly unhappy with this giant goose egg.

The current leadership has indicated that they have much they wish to accomplish this year. Time is rapidly running out and a plan for dealing with the AMT has not been proposed, much less a specific solution. The prospects of the AMT swallowing huge swaths of taxpayers is not a new problem. But until now, we have been able to keep it in check and not be 3 months away from 19 million more taxpayers being hit by it.

Since 2001, the Finance Committee has produced bipartisan packages—I emphasize bipartisan—that have continually increased the amount of income that is exempt from the alternative minimum tax. This was possible thanks to the help of Senator BAUCUS, currently chairman of the Finance Committee. Together, Senator BAUCUS and I were able to minimize the damage caused by the AMT. These increases in exemptions, designed to keep pace with inflation and slow the spread of the alternative minimum tax, were never what I envisioned as a permanent solution. Rather, I consider a permanent solution to be the policies represented in a bill with the number S. 55, called the Individual Alternative Minimum Tax Repeal Act.

Once again, I have to credit Chairman BAUCUS for his advocacy on behalf of tax fairness, as he introduced this bill with me, with Senators CRAPO, KYL, and SCHUMER signing on as cosponsors, and Senators LAUTENBERG, ROBERTS, and SMITH also signed on as cosponsors.

In case any of our friends in the House of Representatives are paying attention, a companion bill exists in H.R. 1366, called the Individual AMT Repeal Act. It was introduced by Congressman PHIL ENGLISH of Pennsylvania. What these bills—the ones I introduced in the Senate and PHIL ENGLISH's bill—accomplish is to completely repeal the AMT without offsetting it. That is, these bills do not replace taxes no longer collected from the AMT by raising taxes someplace else. I think it is very important to ensure that revenues that the Federal Government does not collect as a result of the alternative minimum tax reform are not collected someplace else.

The alternative minimum tax was never meant to raise revenue from the middle class of America and was certainly not meant to bring in the amount of money under existing budget law and, oddly, that the Congressional Budget Office has to count. In other words, it should not be counted in the first place if you weren't intended to tax these middle-income taxpayers, but it happens because the AMT was not indexed. The AMT, then, was conceived as a way to promote basic tax fairness in response to concern about a very small number of wealthy taxpayers who were able to eliminate their entire income tax liability through legal means.

The tax created to deal with this—the AMT—was originally, back in 1969, created with the impact at that time of affecting about 1 person out of 500,000. Now, over the course of 38 years, this small salute to tax fairness has grown into a monstrosity of a revenue raiser.

The next chart is taken from the Long-Term Budget Outlook, a Congressional Budget Office publication. It was last published in December 2005. These are the latest figures I have. This illustrates how the alternative minimum tax will swallow more taxpayers as revenue is collected from the alternative minimum tax, being the green line on the chart, over a period of the next 45 years almost, or any time between now and the next 45 years. You can see how it continually grows.

That is what the CBO, through the present budget laws, has to count. But they count it from people—remember, the middle-income people who were never supposed to pay it as opposed to the superrich, a very small number of people, who would take advantage of every legal loophole—I emphasize ''legal'' loophole—and not pay a regular income tax but pay the AMT. I suppose that is out of the theory that everybody living in this country, particularly the wealthy, ought to pay a little bit of tax as a matter of fairness. You can argue whether that is a good rationale, but that was the rationale back in 1969.

So you can see that there is a massive amount of revenue projected to come in from people who were never supposed to pay it that somehow you are supposed to offset, so that that revenue that was never supposed to come in is not lost. I know that doesn't sound reasonable to the average commonsense American listening to me out there, but that is the way our budget laws are, and that is the way Congress has to respond to it, whether it makes sense or not.

Left alone, the Congressional Budget Office calculates that more than 60 percent of the families and individuals in America will fall prey to the alternative minimum tax as it absorbs more than 15 percent of the total tax liability by the year 2050.

This next chart, which is taken from the same congressional office publication, illustrates how under current law revenues collected by the Government are projected to push above their historical average and keep growing as the AMT brings in more and more money. We can see the historical average into the future for 40 years, but it

follows a historical average going back 40 years before now, and because of the alternative minimum tax mostly but also for other law changes, current law, we are going to see the revenue coming in to the Federal Government growing to almost 25 percent of gross national product.

From a philosophical point of view and economic point of view, what is wrong with that? Philosophically, there is less freedom for the Americans. As we spend more of their money, they have less economic freedom. But more importantly, the economic harm that comes from 535 Members of Congress spending 25 percent of the gross national product instead of using the historical average of about 18 percent, that 7 percent difference means we are going to make decisions on how to spend it instead of the 137 million taxpayers in this country deciding how to spend it, where it will turn over the economy more times than if we spend it and do more economic good and create more jobs and have more economic freedom.

That is what is at stake in this whole debate if we do not do anything about the alternative minimum tax and it continues to grow to 15 percent of the total tax liability by the year 2050. This chart points out the increasing power of Congress through taking more money from the taxpayers without even changing the law if we do not do something about this alternative minimum tax.

Anyone who maintains that the alternative minimum tax reform or repeal needs to be offset is not actually doing anything about the problem these charts illustrate. The problems the alternative minimum tax is responsible for are the ballooning Federal revenues above historical levels and a burden on middle-class taxpayers that keeps increasing over time. Offsetting the alternative minimum tax revenue does absolutely nothing to address these issues, and it seems to me to be an attempt to pretend to solve a real problem by actually trying to hide that problem.

Aside from the long-term problems with the alternative minimum tax that we can solve by repealing it, the alternative minimum tax poses a short-term problem to the taxpayers who will fall into its clutches this year if Congress does not act.

Putting aside the legitimacy of keeping this tax, it is not doing what it was intended to do. Putting aside the long-term solution, we are going to end up right now with 19 million more families and individuals being caught by the AMT this year. That 19 million will probably include many taxpayers making estimated tax payments. Some of these families and individuals may not be taking the AMT into account as they make their quarterly payments simply because they do not realize they ought to take this into consideration.

Additionally, there may be some taxpayers who are required to make estimated tax payments when subject to the alternative minimum tax but are not required to make the estimated payments under the regular income tax system. At the end of this tax year, not only could those well-meaning filers find themselves subject to the alternative minimum tax, but they could also face the increased insult of being fined by the IRS for unintentionally miscalculating their estimated tax payments.

I do not believe these well-intentioned taxpayers ought to be penalized because Congress has not come through on its promise to at least keep the AMT from running wild—in other words, going beyond those 4.5 million taxpayers who are already hit by it and not including the 19 million who are otherwise being hit because of inaction so far.

That is why, on July 23, I dealt with this penalty issue by introducing S. 1855, called the AMT Penalty Protection Act. This legislation protects individuals from a penalty for failing to pay estimated taxes on amounts attributable to the AMT in cases where the taxpayers were not subject to the AMT last year. This is not a giveaway meant to compensate for the AMT, as it does not protect taxpayers who paid the AMT last year. Rather, this bill protects the families and individuals who do not yet appreciate the horrible impact our failure to act is going to have on them.

I am not the only one who thinks this legislation is a good idea. We have these Senators—Senators ALLARD, BROWNBACK, COLLINS, HUTCHISON, SMITH, and SNOWE—agreeing to cosponsor the legislation.

In addition, I have received letters from the Committee on Personal Income Taxation, the New York City Bar, as well as the National Association of Enrolled Agents in support of the provisions of this safe harbor bill so that the IRS cannot apply interest and penalties resulting from the failure to pay estimated taxes on amounts resulting from the AMT in cases where the taxpayers were not liable for the AMT last year.

I ask unanimous consent to have printed in the RECORD these letters to which I just referred.

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

NATIONAL ASSOCIATION OF ENROLLED AGENTS,
Washington, DC, August 3, 2007.

Hon. CHARLES GRASSLEY,
Senate Finance Committee, Dirksen Senate Office Building, Washington, DC.

DEAR RANKING MEMBER GRASSLEY: As President of the National Association of Enrolled Agents (NAEA), I write on behalf of 40,000 enrolled agents to express our support for S. 1855, the AMT Penalty Protection Act of 2007.

In a June hearing held by the Senate Finance Committee on the alternative minimum tax (AMT), NAEA Government Relations Chair Frank Degen, EA, testified that the current short-term approach to dealing with the AMT creates uncertainty and hinders tax-planning. Many taxpayers are constantly faced with an unpleasant choice when calculating their estimated taxes to either assume that Congress will enact another AMT patch, or follow the letter of the law literally. If Congress fails to act, those who choose the former option will suffer the consequences of underpayment. If Congress extends the patch, those who choose the latter will likely receive a large refund, amounting to an interest-free loan to the IRS.

S. 1855 would prevent taxpayers who didn't pay AMT last year from being punished for assuming Congress will extend the AMT patch to this year. While not a permanent solution to the AMT problem, this is a step in the direction of certainty.

We applaud you for your efforts to ease the burden of the AMT.

Sincerely,

DIANA THOMPSON,
President.

NEW YORK CITY BAR, COMMITTEE ON PERSONAL INCOME TAXATION,
New York, NY, August 23, 2007.

Re 2007 reform of alternative minimum tax.

Hon. MAX S. BAUCUS,
Chairman, Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES B. RANGEL,
Chairman, House Committee on Ways and Means, Longworth House Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

Hon. JIM MCCRERY,
Ranking Member, House Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS, CHAIRMAN RANGEL, SENATOR GRASSLEY AND REPRESENTATIVE MCCRERY: The Personal Income Tax Committee of the Association of the Bar of the City of New York would like to respectfully offer comments on the important subject of 2007 Reform of the Alternative Minimum Tax. In particular, the areas of main concern addressed by this letter are support of a continued increased AMT exemption amount in 2007 and support of a short term 2007 AMT Estimated Tax Relief provision of safe harbor from IRS interest and penalties (which is particularly relevant for those taxpayers whose estimated tax payments for 2007 have not taken into account an extension of the 2006 increased AMT exemption).

A short term 2007 AMT increased exemption is consistent with the short term AMT relief enacted by Congress between 2003 and 2006. In so doing, Congress has held down the number of AMT taxpayers to less than there would have been under prior law. This patch expired at the end of 2006 and Congress has not yet enacted a patch for 2007. Without the proposed 2007 AMT short term reform, the number of Americans affected by the AMT for 2007 will increase from approximately four million to more than 23 million. The Joint Committee on Taxation projects that most of the 23 million taxpayers affected would earn between $50,000 and $200,000, that is middle income families. The problem with the AMT goes beyond just those paying the tax.

The AMT affects a lot of other taxpayers, as well. The AMT forces many taxpayers to have to calculate their tax liability twice, first under the regular tax system, and then again under the AMT. The IRS estimates that the average taxpayer takes about 30 hours filling out a Form 1040. The AMT increases that burden.

BACKGROUND

The first comprehensive AMT was enacted in 1982. The purpose of the AMT, as stated in the legislative history, was to ensure that no taxpayer with substantial economic income should be able to avoid all tax liability by using exclusions, deductions, and credits. Now, the AMT affects middle income families who are working hard and raising children. The Joint Committee on Taxation estimates that 4.2 million paid AMT in 2006. Among those taxpayers, 25,000 had adjusted gross income of less than $20,000, hardly the category of taxpayer that should have to be subject to increased complexity and taxes due in computing and paying their federal income taxes.

In 2006, approximately 200,000 taxpayers subject to AMT had adjusted gross income between $75,000 and $100,000. Approximately 1.3 million AMT taxpayers had adjusted gross income between $100,000 and $200,000. Only about 80,000 taxpayers had adjusted gross income of $1 million and above. In summary, in 2006 more taxpayers earning less than $100,000 were subject to the AMT than taxpayers earning more than $1 million.

The AMT has strayed from its original purpose. At its inception, the AMT was enacted to insure that upper-income taxpayers would pay some amount of income tax. Now, it is subjecting middle-income taxpayers to an additional tax.

PRESENT LAW

Present law imposes an alternative minimum tax. The alternative minimum tax is the amount by which the tentative minimum tax exceeds the regular income tax. An individual's tentative minimum tax is the sum of (1) 26 percent of so much of the taxable excess as does not exceed $175,000 ($87,500 in the case of a married individual filing a separate return) and (2) 28 percent of the remaining taxable excess. The taxable excess is so much of the alternative minimum taxable income (''AMTI'') as exceeds the exemption amount. The maximum tax rates on net capital gain and dividends used in computing the regular tax are used in computing the tentative minimum tax. Alternative minimum taxable income is the individual's regular taxable income increased by certain adjustments and preference items.

The exemption amounts are: (1) $62,550 for taxable years beginning in 2006, and $45,000 for taxable years beginning after 2006, for married individuals filing jointly and surviving spouses; (2) $42,500 for taxable years beginning in 2006, and $33,750 for taxable years beginning after 2006, for other unmarried individuals; (3) $31,275 for taxable years beginning in 2006, and $22,500 for taxable years beginning after 2006, for married individuals filing separately; and (4) $22,500 in the case of estates and trusts.

The exemption amounts are phased out by an amount equal to 25 percent of the amount by which the individual's AMTI exceeds (1) $150,000 in the case of married individuals filing a joint return and surviving spouses, (2) $112,500 in the case of other unmarried individuals, and (3) $75,000 in the case of married individuals filing separate returns or an estate or a trust. These amounts are not indexed for inflation. The AMT has statutory marginal tax rates of 26 and 28 percent. However, those with alternative minimum taxable income in the phaseout range of the exemption level ($150,000 to $400,200 for married taxpayers filing jointly and $112,500 to $282,500 for unmarried individuals, in 2006) will have an effective marginal tax rate of 32.5 and 35 percent, respectively.

PROPOSED 2007 AMT REFORM

It is our view that Congress should enact an AMT patch for 2007. The exemption amounts in effect for 2006 should be put into effect for 2007, adjusted for inflation. Taxpayers should be provided safe harbor from IRS penalties and interest for failure to include estimated tax payments in 2007 that take into account an extension of the increased AMT exemption provided in 2006. In computing tax for purposes of the penalties dealing with estimated tax, a taxpayer would be permitted to disregard the alternative minimum tax if the individual was not liable for the alternative minimum tax for the preceeding tax year.

The amendments proposed herein should apply to taxable years beginning after December 31, 2006.

A 2007 AMT short term reform with an increased AMT exemption would prevent expansion of the AMT, reduce taxpayers' compliance costs and make routine tax planning simpler. In addition, the short term reform proposed here will enable Congress to address issues related to substantial changes in our income tax system given the large number of important provisions that are currently scheduled to terminate in the next few years.

Respectfully submitted,

BABCOCK MACLEAN,
Chair.

Mr. GRASSLEY. Mr. President, I would like to believe this legislation is not necessary because we are going to prevent the AMT from swallowing 19 million taxpayers in 2000, but I am not optimistic considering the fact we have not acted yet.

In closing, I encourage—and it is meant to encourage—the Democratic leadership to keep our promise with the American taxpayers and at least modify the exemption amounts for 2007. Of course, the best option is to completely repeal the AMT, and I am going to raise this issue with the Finance Committee members, and I am going to raise the issue with Members outside the committee. We ought to just get rid of it. It is stupid to be saying we are going to collect revenue from people who were never intended to pay, but we are counting that revenue. It is a big shell game. So I will be talking with my colleagues about the sensibility of just getting rid of something.

I will tell my colleagues another reason for getting rid of the AMT. It is supposed to hit the super-rich. We are told by the IRS right now that there are about 2,500 of these super-rich who ought to be paying the alternative minimum tax—we would expect them to pay the alternative minimum tax—but they have found ways legally of even avoiding the alternative minimum tax. So we ought to just get rid of it. But for the time being, the only thing the taxpayers can rely on is the same goose egg we have been sitting on all year.

Mr. GRASSLEY. Mr. President, I also wish to use my time to address another issue. I would like to continue, Mr. President.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator is recognized.

SECRET HOLDS

Mr. GRASSLEY. Mr. President, the ethics bill has now been signed into law and, as my colleagues are aware, it contains new requirements about what we in the Senate call holds, meaning an individual Senator can hold up a bill all by himself from coming up.

Senators may be wondering what exactly is required under these new requirements about holds and how it is going to work. As a coauthor of the original measure, I have to tell my colleagues that I don't know how it is going to work. The provisions have been rewritten from what we had originally adopted on the floor of the Senate by a very wide margin. I am not even sure by whom this has been rewritten because it was a closed process and Republicans were not invited to participate in that process.

Now I am trying to understand how these provisions will work. Let me give a little background.

I have been working for some time, along with Senator WYDEN of Oregon, to end the practice of secret holds through a rules change or through what we call in the Senate a standing order. I do not believe there is any legitimate reason a single Senator should be able to anonymously—I emphasize anonymously—block a bill or nomination. I do not argue with an individual Senator blocking a bill. I do that myself. But I do not think it should be secret. We ought to know who is doing it because the public's business—and the Senate is all about the public's business; we are on television—the public's business ought to be public, and we ought to know who that person is. If a Senator has the guts to place a hold, they ought to have the guts to say who they are and why they think that bill ought to be held up. If there is a legitimate reason for a hold, then Senators should have no fear about it being public.

I am not talking hypothetically; I am speaking from my experience. I have voluntarily practiced public holds for a decade or more, and I have had absolutely no cause to regret telling all my colleagues and the whole country why I am holding up a bill and who CHUCK GRASSLEY is so they can come and talk with me if they want to talk with me about it, know what the rationale is, and maybe we will want to work something out.

Through the years, there have been several times when the leaders of the two parties have agreed to work with Senator WYDEN and me to address this issue, albeit in a way different than what maybe we would have proposed. I have approached these opportunities with optimism, only later on to be disappointed.

For instance, in 1999, at the start of the 106th Congress, Majority Leader Lott and Minority Leader Daschle sent a ''Dear Colleague'' letter to all Senators outlining a new policy that any Senators placing a hold must notify the sponsor of the legislation and the committee of jurisdiction. It went on to state that written notification of the holds should be provided to respective leaders, and staff holds—in other

words, staff for the Senator placing holds—would not be honored unless accompanied by a written notification. All that sounds good if it worked out that way. But I want to tell my colleagues, this policy announced in 1999 was quickly forgotten or ignored by Senators, and the people who could enforce it actually did not enforce it.

Then, recognizing that the previous ''Dear Colleague'' letter was not effective, Leaders Frist and Daschle sent another ''Dear Colleague'' letter in 2003 that purported to have some sort of enforcement mechanism. The new policy required notification of the legislation's sponsor if and only if a member was of their party, as well as notification of the senior party member on the committee of jurisdiction. In other words, this new policy required less disclosure than the previous policy since it only affected holds by members of the same party. Nonetheless, the leaders promised that if the disclosure was not made, they would disclose the hold. It also reiterated that staff holds would not be honored unless accompanied by written notification.

That policy had more holes in it than Swiss cheese. I am not sure anyone understood the policy, and it had no effect that I can tell on improving transparency in a public body, the Senate, where we are on television and the public's business—all of the public's business—ought to be public.

No longer willing to settle for half measures such as we had been dealt in 1999 and 2003 that do not end secret holds once and for all, in the last Congress, Senator WYDEN and I then took our own initiative, not waiting for leaders to act. We offered our standing order to require full public disclosure of all holds as an amendment to the lobbying reform bill. It was a well-thought-out measure that was drafted with the help of people who know about how this place operates—Senator LOTT and Senator BYRD. Remember, Senator BYRD has been around here for a half century. We used their insights and their knowledge of Senate procedures as former majority leaders to write our legislation.

Our standing order passed the Senate by a vote of 84 to 13. Now think of that, this Senate making a decision that holds should not be secret anymore by a vote of 84 to 13. But listen to what happened after that 84-to-13 vote. While that bill did not become law, it became a starting point for the ethics bill passed by the Senate last year.

I thought the leaders had finally accepted that we would have full disclosure of holds. In fact, our secret holds provisions remained intact in the version of the ethics bill that originally passed the Senate earlier this year. Then, even though the secret holds provisions related only to the Senate—nothing to do with the other body, the House of Representatives—and had already been passed by the Senate, on a voice vote this time but reflecting the reality of the 84-to-13 vote before, they were rewritten behind closed doors by Members of the majority party.

Once again, I feel like half measures have been substituted for real reform. In other words, the provisions that had passed one time by 84 to 13, only affecting us, went to conference—where they didn't have to go to conference because it only affected us, it didn't affect the other body—and we end up with no real reform.

Under the rewritten provisions, a Senator will only have to disclose a hold ''following the objections to a unanimous consent to proceeding to, and, or passage of, a measure or matter on their behalf.''

Now, that is going to puzzle you like it puzzles me. Obviously, in this case, the hold would already have existed well before any objection. In fact, most holds never even get to this stage because the mere threat of a hold prevents unanimous consent requests from being made in the first place. This is particularly true if the Senator placing the hold is a member of the majority party. In that case, the majority leader would simply not ask unanimous consent, knowing that a member of his party has a hold.

For instance, it is not clear to me what would happen if the minority leader asked unanimous consent to proceed to a bill and the majority leader objected on his own behalf to protect his prerogative to set the agenda but also having the effect of honoring the hold of another member of the majority leader's caucus. Or what if the majority leader asked unanimous consent to proceed to a bill and the minority leader objects but does not specify on whose behalf, even though a member of the minority party has a hold. Would the minority Senator with the hold then be required to disclose the hold? I don't know. It is not very clear.

I asked the Office of the Parliamentarian for an opinion about how the new provision would work in such instances, but with no legislative history—because this was written behind closed doors there is no report to come out—with no legislative history for the changes that were made to the Wyden-Grassley measure, the intent of the rewritten provisions was not evident is what the Parliamentarian said. Therefore, what did I do? I wrote to the Senate Rules Committee to provide insight into the content of the rewritten provisions.

The response referred me to a section-by-section analysis of the bill in the CONGRESSIONAL RECORD that essentially restates the provisions but once again sheds no light on the specific questions about how this works. Perhaps that is because the answer might be a little embarrassing.

Depending upon how the new provisions are interpreted in the first instance I mentioned, it is possible that holds by members of the majority party will never be made public. In the second instance, a literal interpretation of the provision might indicate that either leader could choose to keep a hold by a member of their party secret so long as they do not specify publicly that their objection is on behalf of another Senator.

The Rules Committee letter claims the changes were intended to make the provision ''workable.'' It seems to me it is quite obvious that, unless somebody can answer these questions—I have asked the Parliamentarian and the Rules Committee and no answers yet—I don't see how the new provisions are any more workable than the original. On the contrary, they are not only unworkable, they undermine transparency. They make it more difficult for this body that is on television every day, where everything we do is the public's business. We want the public to know about it or we wouldn't be on television. Don't you think if a Senator has a hold on a bill, we ought to know who that Senator is and why he has a hold?

Under the changes, not only is the disclosure of holds only required after formal objection has been made to a unanimous consent request, but Senators then have a full 6 session days to make their disclosure public. What is more, a new provision was added specifying that holds lasting up to 6 days may remain secret—remain secret—forever.

What is the justification for that? Six days is more than enough time to kill a bill at the end of the session. And we are saying it is okay for Senators to do that in secret?

There are other changes that are puzzling to me. For instance, our original measure required holds to be submitted in writing in order to be honored, to prevent staff from placing holds without the knowledge of the Senator. However, in the rewrite of what Senator WYDEN and I originally put in, Senators now must be given written notice to the respective leaders of their ''intent to object'' only after the leader has already objected on the Senator's behalf. This is not only unworkable, but I think you would agree it sounds very absurd.

I have stated repeatedly and emphatically that as a matter relating to Senate procedure, it would be completely illegitimate to alter in any way the original Senate-passed measure requiring full disclosure of holds. The U.S. Constitution makes clear, ''Each House may determine the rules of its proceedings.''

The hold is a unique feature of the Senate arising out of its own rules and practices, with no equivalent in the House of Representatives. As such, there is no legitimate reason why this provision, having already passed the Senate, should have been altered in the first place and in any way. Nevertheless, it was altered in a very substantial way. In fact, it was altered in a way that I fear will allow secrecy to continue in this institution.

Clearly, the so-called Honest Leadership and Open Government Act was

handled by the majority party in a way that is anything but what the title of the bill implies.

So as you can tell, I have been frustrated so far in my attempts to find answers about how the rewritten provisions will be applied, but we will find out soon enough. Because I can assure you I will not give up until I am satisfied the public's business in this Senate is being done in a public way.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter I wrote to the Rules Committee and the response I got back.

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

AUGUST 24, 2007.

Hon. DIANNE FEINSTEIN,
Chairwoman, Senate Committee on Rules and Administration, Washington, DC.

DEAR CHAIRWOMAN FEINSTEIN: I am seeking clarification of the intent of several changes made to the original Senate-passed provisions on disclosure of Senate holds in S. 1, the Legislative Transparency and Accountability Act. As you know, Senator Wyden and I , along with Senators Lott and Byrd, drafted the original provisions that have previously passed the Senate overwhelmingly. I have contacted the office of the Senate Parliamentarian seeking clarification about how the altered provisions would be interpreted and the initial reaction was that, the legislative intent was not sufficiently clear without more information on the legislative history to determine how the provisions would be applied in many circumstances. This is not surprising given the process by which these provisions were altered behind closed doors and rushed through the Senate without debate or amendments. Ironically, the lack of transparency in the process of considering a bill that is supposed to be about legislative transparency has left no legislative history to assist in interpreting this new language. Therefore, I ask that you provide me with written answers to several questions about the intent of the provisions as rewritten in the final version of the Legislative Transparency and Accountability Act.

New language was added to the original Senate-passed provision stipulating that senators would only be required to disclose their holds, ''following the objection to a unanimous consent (request?) to proceeding to, and, or passage of, a measure or matter on their behalf . . .'' As such, would the disclosure requirements be triggered for a senator who had placed a hold with their leader only if their leader or the leader's designee objects and specifically states that the objection is on behalf of another senator? For instance, if a member of the minority party has previously contacted the minority leader to place a hold, then the majority leader asks unanimous consent to proceed to a matter and the minority leader objects without giving a reason or specifying that the objection was on behalf of someone else, would the minority senator who had placed the hold be required to disclose or remove the hold within six session days? Would the disclosure provisions be triggered if a member of the majority party has previously placed a hold with the majority leader, the minority leader asks unanimous consent to proceed to a matter, and the majority leader objects on his own behalf to protect his prerogative to set the agenda, but also having the effect of honoring the hold of another member of the majority leader's caucus?

Other changes were also made to the original Senate-passed provisions that are more evident in their effect, but where the rationale remains unclear and I would appreciate any insights into the rationale for these changes. For instance, many holds exist for some time without a unanimous consent request and subsequent objection, and they have the effect of dissuading the majority leader from attempting to move to a matter, particularly in the case of hold by members of his own party in which case a unanimous consent request to move to a matter is unlikely ever to be made. Therefore, it isn't clear why a provision was inserted making the disclosure requirements effective only after a unanimous consent request and objection, this allowing holds to remain secret until that time.

The original Senate-passed provision also required that any hold be submitted in writing to the appropriate leader to allow the leaders to distinguish between a formal hold and an offhand comment, as well as to prevent staff holds. However, as currently drafted, a senator is required to submit a hold in writing to his respective party leader only after that leader has already honored the hold by objecting to a unanimous consent request on that senator's behalf, making the requirement irrelevant and even absurd.

Also, while the original Senate-passed provisions included a short time window to give senators a chance to fill out and submit their disclosure forms for the Congressional Record, the intention was never to sanction secrecy for even a short period of time. However, the new language allows six session days before disclosure is required and includes a new provision clarifying that senators never have to disclose holds so long as they are withdrawn within the six day period. I fail to see the justification for sanctioning secret holds for up to six days, which at the end of a session is more than enough time to effectively kill a bill or nominee in complete secrecy.

As I have said repeatedly, the public's business ought to be done in public. Although I believe the altered disclosure requirements for holds are flawed and do not fully eliminate secret holds as I had intended, I hope they will result in some increased transparency. Still, it is not completely clear what is now expected of senators and how these provisions will be interpreted. Therefore, I would appreciate any insights you can provide into the intent of the new, altered language related to disclosure of holds that was inserted into the Legislative Transparency and Accountability Act.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

U.S. SENATE, COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC, September 12, 2007.

Hon. CHUCK GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR CHUCK: I appreciate your concern about the provision on Senate holds in S.1, the Honest Leadership and Open Government Act, and I remain deeply committed to ensuring adequate disclosure of Senators who seek to place holds on bills, nominations and other Senate proceedings.

In terms of building a legislative history, I refer you to the Section by Section Analysis and Legislative History, which I submitted to the Congressional Record along with Chairman Lieberman and Majority Leader Reid, Volume 153, Nos. 125–126, August 2, 2007.

''Section 512 relates to the concept of so-called 'secret holds.' Section 512 provides that the Majority Leader or Minority Leader or their designees shall recognize another Senator's notice of intent to object to proceeding to a measure or matter subsequent to the six-day period described below only if that other Senator complies with the provisions of this section. Under the procedure described in section 512, after an objection has been made to a unanimous consent request to proceeding to or passage of a measure on behalf of a Senator, that Senator must submit the notice of intent to object in writing to his or her respective leader, and within 6 session days after that submit a notice of intent to object, to be published in the Congressional Record and on a special calendar entitled 'Notice of Intent to Object to Proceeding.' The Senator may specify the reasons for the objection if the Senator wishes.

''If the Senator notifies the Majority Leader or Minority Leader (as the case may be) that he or she has withdrawn the notice of intent to object prior to the passage of 6 session days, then no notification need be submitted. A notice once filed may be removed after the objecting Senator submits to the Congressional Record a statement that he or she no longer objects to proceeding.''

It is important to note that the revisions in the final bill were based largely on concerns raised by the Senate Parliamentarian and the offices of the Majority and Minority Leader that the original language was not workable, especially since procedures on Senate holds are not written in the Standing Rules of the Senate and are not enforceable by the Parliamentarian.

The final language was developed in consultation with Senator Wyden,the lead sponsor of the provision, and we were not aware of any further objections.

If you have an alternative recommendation, which the Parliamentarian believes is workable and enforceable, I would be interested in reviewing it.

With warm personal regards,

DIANNE FEINSTEIN,
Chairman.

Mr. GRASSLEY. Mr. President, I yield the floor.

HONORING OUR ARMED FORCES

CAPTAIN SCOTT SHIMP

Mr. HAGEL. Mr. President, I wish to express my sympathy over the loss of United States Army CPT Scott Shimp of Nebraska. Captain Shimp was killed in a military helicopter crash during a training exercise in northeastern Alabama on September 11. He was 28 years old.

Captain Shimp grew up in the small town of Bayard, NE. A 1998 graduate and salutatorian of his class at Bayard High School, he also played football, ran track, sang in the choir, and was an Eagle Scout. It was his lifelong dream to serve his country in the U.S. military.

I had the privilege of nominating Captain Shimp to the U.S. Military Academy at West Point. In 2002 he graduated as part of the first post-September 11 class. Captain Shimp served two tours of duty in Iraq and was scheduled to be deployed to Afghanistan in 2009. He was company commander of Company C, 4th Battalion, 101st Aviation Regiment, 159th Combat Aviation Brigade, 101st Airborne Division.

We are proud of Captain Shimp's service to our country, as well as the thousands of brave Americans serving in the Armed Forces.

Our sympathies are with his parents, Curtis and Teri Shimp; his brother Chad; and his sister Misty.

I ask my colleagues to join me and all Americans in honoring CPT Scott Shimp.

NATIONAL PREPAREDNESS MONTH: A TIME TO TAKE STOCK

Mr. AKAKA. Mr. President, this month is National Preparedness Month, and activities are underway that will help educate Americans on actions they can take to safeguard their family and their community. During this time, not only should we be inspired but we should also be mindful that this past August 29 marked the 2-year anniversary of the time in which Hurricane Katrina decimated parts of Louisiana and Mississippi. In addition, we are now in the midst of a record-setting hurricane season, with an unprecedented two hurricanes making landfall simultaneously from the Pacific and Atlantic oceans on the same day. It is also the sixth anniversary of the attack by al-Qaida on our country.

These catastrophic events underscored the need for our country, and each and every one of its citizens, to be prepared for disaster, regardless of its form. Much has been done since these terrible events to do so, but so much more needs to be done. As time separates us from those terrible events, we must not become complacent.

During this month, we should use this time to reflect on how far we have come and how much further we need to go and what should be done to protect ourselves as individuals and as a country. While we may have incident, training, and contingency plans in place to help ensure that certain situations may be appropriately addressed, it is important for us to remember that acts of terror may not always be prevented, and nature continues to show its fury in many ways.

As several reports have indicated, the threats to our homeland have not gone away; they have simply changed form. The July 17, 2007, National Intelligence Estimate, NIE, entitled ''The Terrorist Threat to the U.S. Homeland,'' confirmed that, although many plots to attack the United States after 9/11 have been disrupted, al-Qaida ''is and will remain the most serious terrorist threat to the Homeland'' and that its ''plotting is likely to continue to focus on prominent political, economic, and infrastructure targets with the goal of producing mass casualties . . .'' Furthermore, and of greater concern, the NIE assessed that Hezbollah, which has, until now, only conducted anti-U.S. attacks outside the United States, ''may be more likely to consider attacking the Homeland over the next three years . . .''

In addition to these threats, it is important to note that there are significant number of vulnerabilities at home. Even as memories of the massive August 14, 2003, North American power outage fade, the tragic August 1, 2007, bridge collapse in Minneapolis has provided yet another reminder that the Federal Government can no longer ignore our aging infrastructure. In the words of author Stephen Flynn, ''we depend on complex infrastructure built by the hard labor, capital, and ingenuity of our forbears, but . . . it is aging—and not very gracefully.'' In this regard, we must be focused on training, resources, and contingency plans to ensure that our Nation is prepared.

Another point of concern is the impact severe acute respiratory syndrome, SARS, had on the health infrastructure in Ontario, Canada, that revealed a vulnerable system unable to cope with an epidemic that originated outside its borders. The World Health Organization, WHO, predicted that the deadly H5N1 avian influenza would likely be the source of the next global pandemic. In the United States, a new study published by researchers from the Fred Hutchinson Cancer Research Center and the University of Washington has confirmed the first incidence of human-to-human transmission of H5N1 avian influenza, a beginning step in its becoming a human pandemic. The impact of such a pandemic would be enormous. A February 2006 study by the Lowy Institute for International Policy at the Australian National University concluded that, in a worst-case scenario, a global influenza pandemic would result in 142.2 million deaths and a $4.4 trillion loss in GDP. Given these studies and cases, it is imperative that United States be prepared for such a pandemic. We should not wait for another disaster to hit the United States—we must prepare now.

I commend the Department of Homeland Security for conducting its National Preparedness Month campaign and am pleased that more than 1,700 State- and local-level organizations will be participating in preparedness activities around the country. I urge all Americans to take responsibility for their own preparedness, for that of their families, their businesses, and their schools. As the chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia under the Homeland Security Committee, I am committed to making sure that the Federal, State and local governments are properly organized for the next natural or manmade disaster and to holding these agencies responsible when they are not. The passage of time since Katrina and 9/11 has done nothing to lessen the threat to the United States either from outside or within. It is not a matter of if such an event will occur but when it will occur. We must take the necessary precautions to be better able to deal with the disasters or incidents that will occur.

ANNOUNCING THE BIRTH OF CHARLES McDONALD LUGAR

Mr. LUGAR. Mr. President, I am pleased to share the news of the birth of Charles McDonald ''Mac'' Lugar on September 5, 2007, at Sibley Memorial Hospital in Washington, DC. Mac was a healthy 8 pounds 6 ounces at birth. His parents are David Riley Lugar, son of Richard and Charlene Lugar, and his wife Katherine Graham Lugar, daughter of Lawrence and Jane Graham. Mac was born at 4:50 p.m. and in the next few hours was joined in the hospital delivery room by Jane Graham, Richard and Charlene Lugar. We shared together a wonderful experience. On the next day, Mac met his sisters, Elizabeth Merrell Lugar, who was born at Sibley Memorial Hospital on May 25, 2004, and Katherine Riley Lugar, born on December 28, 2005, at Sibley Memorial Hospital. Mac and his sisters are now safe and healthy with their parents in their McLean, VA, residence.

Katherine and David were married on June 3, 2000, in St. David's Episcopal Church in Austin, TX. Katherine, a graduate of the University of Colorado, is senior vice president of government affairs for the Retail Industry Leaders Association. David Lugar, who came with us to Washington, along with his three brothers, 30 years ago, graduated from Langley High School in McLean, VA, and Indiana University. He is a partner of Quinn Gillespie & Associates. Both Katherine and David are well known to many of our colleagues and their staff members. We know that you will understand our excitement and our joy that they and we have been given this divine blessing and responsibility for a glorious new chapter in our lives.

ADDITIONAL STATEMENTS

RECOGNITION OF MARINE CORPS LOGISTICS COMMAND MAINTENANCE CENTER

• Mr. CHAMBLISS. Mr. President, today I congratulate the Marine Corps Logistics Command Maintenance Center at the Marine Corps Logistics Base in Albany, GA. The Maintenance Center Albany was the 2007 winner of the Robert T. Mason Depot Maintenance Award, and was also named Marine Logistics Unit of the Year.

This prestigious award, established in 2004, commemorates the former Assistant Deputy Secretary of Defense for Maintenance Policy, Programs, and Resources, Robert T. Mason, a staunch supporter of excellence in organic depot maintenance operations throughout his three decades of Government service. In winning this award, the Maintenance Center Albany has exemplified responsive and effective depot level support to operating units.

The Maintenance Center Albany's Dedicated Design and Prototype Effort Team was singled out for its outstanding support to our men and

women in uniform through their hands-on innovation. I could not provide higher tribute than the Marine Corps itself when it described the Albany team as clearly demonstrating the ability to be responsive, resourceful, agile, and creative by designing and prototyping multiple systems in support of Operation Iraqi Freedom.

This is not the first time the tenant organization of Albany's Marine Corps Logistics Base has received this great honor. In 2005, the Maintenance Center was recognized for its Design and Manufacture Vehicle Armor Protective Kits Program which provided protective armor kits for U.S. Marine Corps combat vehicles, making the Marines a more effective fighting force and profoundly impacting both safety and morale.

I also want to individually recognize Christopher Tipper, a Maintenance Center Albany employee who was named Civilian Marine Logistician of the Year. Through his achievements Mr. Tipper brings great credit upon himself, MCLB Albany, and the U.S. Marine Corps.

The national recognition of the achievements of the team and this individual is extremely well deserved. They comprise a dedicated workforce committed to meeting the needs of the warfighter. I am proud to pay tribute to these men and women and congratulate them and the leadership of the Maintenance Center Albany, as well as the entire Marine Corps Logistics Command on a job well done.●

MONTCLAIR STATE UNIVERSITY'S 100TH ANNIVERSARY

● Mr. MENENDEZ. Mr. President, today I honor Montclair State University of New Jersey as they celebrate 100 years of service to the students of our State.

The 100th anniversary of Montclair State University is a wonderful cause for celebration. However, the real celebration lies in the extraordinary success of the faculty and administration of Montclair State University in preparing some of New Jersey's finest students to be the next leaders of this country and to succeed in a global economy.

While much has changed since Montclair State University first opened its doors as a normal school in 1908, the university has remained true to its mission of providing an exceptional educational experience to a diverse student body that is reflective of the population of New Jersey. Montclair State University has become one of the leading educational institutions in our State, quickly turning into the second-largest and the fastest-growing university in New Jersey.

Montclair State University is leading the way to help develop the next generation of teachers by training promising students to be successful, innovative teachers in schools across the State. The university has also maintained an active and positive role in the local community, by bridging education and community service.

Today, I ask my colleagues to join me as I honor Montclair State University for its extraordinary success in providing 100 years of world-class education to New Jersey's students and for providing service to our communities.●

HONORING WINDOWS ON THE WATER

● Ms. SNOWE. Mr. President, I wish to congratulate the outstanding accomplishments of Windows on the Water, a popular restaurant from my home State of Maine. Windows on the Water's chef and owner, John Hughes, was recently awarded the National Restaurant Association Award for his active role in assisting the local community.

Founded in June 1985, Windows on the Water has been a favorite of locals and visitors to the Kennebunk-Kennebunkport area for over 20 years. Known for its fresh seafood and made-from-scratch desserts, Windows on the Water boasts a diverse menu with something for everyone. Moreover, it is committed to preparing healthy meals for diners. As such, most of the cooking products used are either organic, all-natural, or sustainable. In its 22 years of business, Windows on the Water has received 27 awards for various accomplishments. As patrons of the restaurant will tell you, Windows on the Water is also renowned for its creativity. In addition to providing fresh, quality food, Chef Hughes frequently offers programs such as cooking class dinners, which include a multicourse demonstration and meal, combined with a question-and-answer session.

Chef Hughes's National Restaurant Association award is truly something to be proud of. Dedicating his life to helping others, including by way of his culinary skills, Mr. Hughes cofounded the Community Harvest organization in 1999, a nonprofit community service group that provides food to those in need. The organization's motto, ''people loving people is the heart of the journey, the heart of our community,'' is exemplified well in Chef Hughes's work. Each Thanksgiving and Christmas, he prepares countless dinners for the community, which volunteers then deliver to local underprivileged households and individuals. Mr. Hughes began the home delivery service because he noticed that Meals on Wheels did not deliver on Christmas and Thanksgiving.

While Chef Hughes routinely uses his cooking skills to benefit vulnerable members of his community, he is also at the forefront of numerous other community efforts. He leads an annual scholarship program for select local students who demonstrate a commitment to community service. Moreover, in keeping with his background as a chef, Mr. Hughes spearheads an annual scholarship program for recipients in the greater Kennebunk area who have displayed an interest in the culinary arts. Having begun his culinary studies at age 15, Chef Hughes recognizes that nurturing an ambition from a young age can lead to great success.

Windows on the Water is not only a restaurant; it is also a fount of unbridled service to others, thanks to Chef Hughes. While Chef Hughes has reached the top of his profession, being appointed to the Master Chefs Institute of America, he still sees the crucial role that generosity and giving play in the livelihood of a community. I commend Chef John Hughes and everyone at Windows on the Water who set a valuable example for the Kennebunks, and for all of Maine.●

20TH ANNIVERSARY OF THE SPECIAL OPERATIONS COMMAND

● Mr. DOMENICI. Mr. President. I would like to commemorate the 20th anniversary of the U.S. Special Operations Command, USSOCOM.

In 1987, USSOCOM was officially established to create a unified command structure for the special operations forces of all military branches. Since that time, the special operations forces from the Army, Navy, Air Force, and Marine Corps have deployed to all parts of the globe and participated in every major American military operation in support of USSOCOM missions.

It is with good reason that the soldiers, sailors, airmen and marines of USSOCOM are considered the most elite military forces in the world. These individuals complete extremely rigorous training and are called upon to accomplish the most difficult and dangerous missions in our military.

We in New Mexico are excited that USSOCOM's 16th Special Operations Wing will soon be making the move to Cannon Air Force Base. Though we are sad to see the men and women of the 27th Fighter Wing go, we are proud to be the new home of this elite unit.

Since its inception, the soldiers, sailors, airmen and marines of USSOCOM have served with the utmost distinction. I salute their bravery and dedication to duty, and I hope that New Mexicans will take time to thank the members of USSOCOM who have served and honor the memory of those who have given their lives in our defense.●

HONORING MR. VIRGIL E. BROWN, SR.

● Mr. VOINOVICH. Mr. President, I wish to honor and congratulate an outstanding community and business leader from my hometown of Cleveland, OH. Virgil E. Brown, Sr., has become a well-recognized name in Cleveland after serving our community and great State of Ohio for nearly three decades. On August 12, 2007, Virgil celebrated his 90th birthday. Also this year, his lovely wife Lurtissia celebrated her

87th birthday, and together they celebrated an amazing 68 years of marriage. What an accomplishment.

Virgil grew up in humble beginnings. He was born in Louisville, KY, to George and Sarah Brown. He is the eldest of six children. He moved to Cleveland with his parents and siblings when he was 12 years old. He graduated from Central High School in Cleveland in 1937 and attended Fenn College, now Cleveland State University.

Throughout Virgil's long and distinguished career of public service, he has made history and opened many doors through a number of ''firsts'' he attained. He served as the first African-American to be the director of the Cuyahoga County Board of Elections; the first African-American to be elected as a Cuyahoga County commissioner; and the first African-American to serve as director of the Ohio Lottery Commission.

His political career started in 1966 with an unsuccessful bid for a State representative position. He rebounded quickly, however, and in 1967 he won a seat on the Cleveland City Council, where he served for three terms. In 1972, when there was a breakdown in the countywide election system and the position of director of the Cuyahoga County Board of Elections became available, Virgil resigned his city council seat to accept an appointment as director of the Board of Elections. He served nearly 7 years in this position, and during his tenure he restored the integrity and efficiency of the election process.

When I left the position of Cuyahoga County commissioner to serve as Lieutenant Governor of Ohio in 1979, Virgil was appointed as my replacement. He was reelected and served three additional terms. While in his last term as commissioner, I was serving as Governor, and I asked Virgil if he would serve as the director of the Ohio State Lottery. Virgil graciously accepted, even though he was planning to retire. I appointed him in 1991, and he remained as director until 1995, when he officially retired at the age of 74.

Virgil has had many notable achievements throughout his life. In 1976, he delivered the nominating speech for President Gerald Ford at the Republican National Convention. He was honored by the Cuyahoga County Board of Commissioners when they named their human services building the Virgil E. Brown Center. In 2002, he was inducted by the Cuyahoga County Republicans into the inaugural class of the James A. Garfield Hall of Fame. He was also inducted into the Glenville Hall of Fame, the Senior Citizens Hall of Fame, and the National Forum for Black Public Administrators'—Cleveland chapter—Hall of Fame. He is also a past president of the National Bowling Association.

Virgil has served the greater Cleveland community and the State of Ohio with distinction. Whether it was through his political career, his mentorship of numerous young adults, his tenure on the board of directors for various community based organizations and commissions, through his home church, Bethany Baptist Church, or through his successful insurance company, Virgil Brown has touched and improved the lives of many.

Throughout all of his accomplishments, his loving and supportive wife Lurtissia has been by his side. Without a doubt, she has been his greatest blessing. Together they have two children, Veretta Garrison, who is a businesswoman in Connecticut, and Virgil, Jr., who is an attorney in Cleveland and also a member of the State Board of Education.

Mr. President, I wish to take this opportunity to thank Virgil E. Brown, Sr., for his exceptional leadership and for serving as a stellar role model. Congratulations, Virgil, on all you have and will continue to achieve. Our lives are better as a result of having been touched by you. May God continue to bless you and your family.●

RECOGNIZING DAVID PERRY

● Mr. THUNE. Mr. President, today I recognize SrA David Perry of Ellsworth Air Force Base in South Dakota for his heroic efforts in saving a man's life.

Airman Perry had only been based at Ellsworth for a few weeks before the evening of April 22, 2007. While shopping at a local grocery store a man collapsed in front of him, and Airman Perry responded quickly. Taking control of the situation, Airman Perry directed another bystander to call 9–1-1 while he checked the fallen man's vital signs and then began CPR. Through his quick thinking and swift actions the man's life was saved.

Airman Perry will be awarded the Air Force Commendation Medal. This medal is awarded to Air Force personnel for outstanding achievement or meritorious service rendered specifically on behalf of the Air Force.

Airman Perry volunteered and was selected, to be part of the Air Force Financial Services Center initial cadre. At the time, he was one of six airmen assigned to the Air Force Financial Services Center and was the only airman instructor at Ellsworth.

Airman Perry truly deserves this award and our commendations for his actions; his service is a shining example of the dedication and bravery that makes America's soldiers the greatest in the world.●

IN COMMEMORATION OF SUMMIT ROAD'S 70TH ANNIVERSARY

● Mr. NELSON of Nebraska. Mr. President, I wish to commemorate the 70th anniversary of historic Summit Road, a significant highway which remains in use to this day as a popular tourist attraction and historic site within the State of Nebraska.

It was Sunday, September 19, 1937, that the Summit Road leading to the top of Scotts Bluff National Monument in the Nebraska Panhandle was completed. The Summit Road is believed to be the oldest existing concrete road in the State of Nebraska. The road allows visitors to drive to the top of the bluff through three tunnels for a spectacular view of the valley 800 feet below.

Summit Road was built entirely by the Civilian Conservation Corps, CCC, at a time when dry winds and dust storms were blowing across the western High Plains. The CCC was created by President Franklin D. Roosevelt when the entire country was in the grip of the Great Depression to employ jobless men who were struggling to earn enough money to buy food for their families.

Scotts Bluff National Monument is named for a fur trapper by the name of Hiram Scott, who was wounded and deserted by his companions in 1828. He gained immortality by making his way to a magnificent formation of bluffs along the North Platte River before succumbing to his wounds. It was for Hiram Scott that Scotts Bluff National Monument, Scotts Bluff County, and the city of Scottsbluff have been named.

Scotts Bluff National Monument, which rises 4,649 feet above sea level, was an imposing landmark, guiding wagon trains along the Oregon, Mormon, California, and Pony Express Trails. Native Americans originally called this natural formation Ma-a-pate, which translates into ''hill that is hard to go around.''

Today, Scotts Bluff National Monument is home to an excellent museum providing information about the historic pioneer trails, together with an impressive collection of art from William Henry Jackson, a photographer and painter, best known as the first person to photograph the wonders of Yellowstone National Park.

It was reported that 550 cars drove to the top of Scotts Bluff National Monument when the Summit Road was opened 70 years ago. Since then, thousands of vehicles have made the trip and are still able to do so today, thanks to the efforts of the CCC which built it and the National Park Service which now maintains the road.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 954. An act to designate the facility of the United States Postal Service located at 365 West 125th Street in New York, New York, as the ''Percy Sutton Post Office Building''.

H.R. 3218. An act to designate a portion of Interstate Route 395 located in Baltimore, Maryland, as ''Cal Ripken Way''.

ENROLLED BILL SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2669. An act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2006.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 3:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1852. An act to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes.

H.R. 3096. An act to promote freedom and democracy in Vietnam.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 207. Concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service.

At 4:07 p.m., a message from the House of Representatives; delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3580. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1852. An act to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3096. An act to promote freedom and democracy in Vietnam; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 207. Concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2070. A bill to prevent Government shutdowns.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3275. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to U.S. support for Operation Bahamas, Turks and Caicos; to the Committee on Armed Services.

EC–3276. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Potato Cyst Nematode; Quarantine and Regulations'' (Docket No. APHIS–2006–0143) received on September 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3277. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–178)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3278. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146–RJ Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–277)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3279. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 and A340 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–215)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–400, 747–400D, and 747–400F Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–238)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3281. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Model GIV–X, GV, and GV–SP Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–110)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–219)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–145XR Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–021)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters, Inc., Model 369, YOH–6A, 369A, OH–6A, 369H, 369HM, 369HS, 369HE, 369D, 369E, 369F, and 369FF Helicopters'' ((RIN2120–AA64) (Docket No. 2007–SW–18)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and E Airspace; Aguadilla, PR; Correction'' ((RIN2120–AA66) (Docket No. 07–ASO–3)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–CE–40)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3287. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–100)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3288. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200, –200CB, and –300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–077)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3289. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 and A310 Airplanes; and Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–122)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3290. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes; and Model A310 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2004–NM–117)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3291. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model A300 C4–605R Variant F Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–085)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3292. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines; Correction'' ((RIN2120–AA64) (Docket No. 2003–NE–12)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3293. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Centreville, AL'' ((RIN2120–AA66) (Docket No. 07–ASO–7)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3294. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment, Modification and Revocation of VOR Federal Airways; East Central United States'' ((RIN2120–AA66) (Docket No. 06–ASW–1)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3295. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–088)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3296. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–800 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–124)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3297. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–10–10 and DC–10–10F Airplanes, and Model DC–10–15 Airplanes, Model DC–10–30 and DC–10–30F Airplanes, Model DC–10–40 and DC–10–40F Airplanes, Model MD–10–10F and MD–10–30F Airplanes, and Model MD–11 and MD–11F Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–079)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3298. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–190)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3299. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model ATP Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–275)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3300. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–139)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3301. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Jetstream HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–035)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3302. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211–524 and –535 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–10)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3303. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Model 750XL Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–037)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3304. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–1A11, CL–600–2A12, CL–600–2B16, Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–189)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3305. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 and A340 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–174)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3306. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AEROTECHNIC Vertiebs–u. Service GmbH Model Honeywell CAS67A ACAS II Systems Appliances'' ((RIN2120–AA64)(Docket No. 2007–CE–026)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3307. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–042)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3308. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–108)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3309. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas DC–10–30 and DC–10–30F Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–273)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3310. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; PLAGGIO AERO INDUSTRIES S.p.A. Model P–180 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–029)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3311. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. ERJ 170 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–252)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3312. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–8–62, DC–8–62F, DC–8–63, DC–8–63F, DC–8–72, DC–8–72F, and DC–8–73F Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–255)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3313. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–154)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3314. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hartzell Propeller Inc. Model HC–B5MP–3()/M10282A()+6 and HC–B5MP–3()/M10876()()()() Five-Bladed Propellers'' ((RIN2120–AA64)(Docket No. 86–ANE–7)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3315. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Schempp–Hirth GmbH and Co. KG Models Mini–Nimbus B and Mini–Nimbus HS–7 Sailplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–35)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3316. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318–100 and A319–100 Series Airplanes; Model A320–111 Airplanes; Model A320–200, A321–200, A330–200, A330–300, A340–200, and A340–300 Series Airplanes; Model A340–541 Airplanes; and Model A340–642 Airplanes; Equipped with Certain Sogerma–Services Powered Seats'' ((RIN2120–AA64)(Docket No. 2005–NM–242)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3317. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives; Bombardier Model CL–600–2B16 Airplanes and Model CL–600–2B19 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–178)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3318. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. Model AT–602 Airplanes'' ((RIN2120–AA64)(Docket No. 2004–CE–50)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3319. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Sayre, PA'' ((RIN2120–AA66)(Docket No. 06–AEA–006)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3320. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Ridgeway, PA'' ((RIN2120–AA66)(Docket No. 06–AEA–03)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3321. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Troy, PA'' ((RIN2120–AA66)(Docket No. 05–AEA–007)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3322. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Jersey Shore Airport, PA'' ((RIN2120–AA66)(Docket No. 06–AEA–02)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3323. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Wellsboro, PA'' ((RIN2120–AA66)(Docket No. 06–AEA–005)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3324. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Wilkes Barre, PA'' ((RIN2120–AA66) (Docket No. 06–AEA–004)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3325. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class D Airspace; Elko, NV'' ((RIN2120–AA66) (Docket No. 06–AWP–11)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3326. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65) (Amdt. No. 3191)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3327. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments'' ((RIN2120–AA65) (Docket No. 30519)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3328. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments'' ((RIN2120–AA65) (Docket No. 30521)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3329. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65) (Docket No. 30522)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3330. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Parts and Accessories Necessary for Safe Operation; Lamps and Reflective Devices'' (RIN2126–AB07) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3331. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Side Impact Protection Upgrade'' (RIN2127–AJ10) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3332. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Vehicles Built in Two or More Stages'' (RIN2127–AI93) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3333. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Insurer Reporting Requirements Update to Appendices A, B, and C'' (RIN2127–AJ98) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3334. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments'' (RIN1625–ZA13) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3335. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Vessel Documentation; Recording of Instruments'' ((RIN1625–AB18) (Docket No. USCG–2007–28098)) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3336. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including six regulations beginning with CGD01–07–093)'' (RIN1625–AA09) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3337. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone: Waters Surrounding U.S. Forces Vessel SBX–1, HI'' ((RIN1625–AA87) (COTP Honolulu 07–005)) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3338. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone: Hawaii Super Ferry Arrival/Departure, Nawiliwili Harbor, Kauai, Hawaii'' ((RIN1625–AA87) (COTP Honolulu 07–005)) received on September 13 , 2007; to the Committee on Commerce, Science, and Transportation.

EC–3339. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone: Oahu, Maui, Hawaii and Kauai, HI'' ((RIN1625–AA87) (CGD14–07–001)) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3340. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: Sacramento River, Rio Vista, CA'' ((RIN1625–AA87) (CGD11–07–013)) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3341. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including two regulations beginning with CGD01–07–019)'' (RIN1625–AA09) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3342. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: Buzzards Bay, Massachusetts'' (RIN1625–AA17) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3343. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Open Burning Regulation'' (FRL No. 8469–4) received on September 13, 2007; to the Committee on Environment and Public Works.

EC–3344. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact'' (FRL No. 8469–8) received on September 13, 2007; to the Committee on Environment and Public Works.

EC–3345. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''National Priorities List, Final Rule'' (FRL No. 8468–4) received on September 13, 2007; to the Committee on Environment and Public Works.

EC–3346. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pendimethalin; Pesticide Tolerance'' (FRL No. 8147–8) received on September 13, 2007; to the Committee on Environment and Public Works.

EC–3347. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticide Tolerance Nomenclature Changes; Technical Amendment'' (FRL No. 8126–5) received on September 13, 2007; to the Committee on Environment and Public Works.

EC–3348. A communication from the Director of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Materials and Processes Authorized for the Treatment of Wine and Juice'' ((RIN1513–AA96) (T.D. TTB–61)) received on September 12, 2007; to the Committee on Finance.

EC–3349. A communication from the Director of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Firearms Excise Tax; Exemption for Small Manufacturers, Producers, and Importers'' ((RIN1513–AB25) (T.D. TTB–62)) received on September 12, 2007; to the Committee on Finance.

EC–3350. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Interpretive Bulletin 95–1'' (RIN1210–AB22) received on September 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3351. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by the workers from the Hanford Nuclear Reservation requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–3352. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by the workers from the Ames Laboratory in Ames, Iowa, requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–3353. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department's Buy American Reports for fiscal years 2005 and 2006; to the Committee on the Judiciary.

EC–3354. A communication from the Secretary of Veterans Affairs, transmitting, a draft bill intended to assist formerly homeless veterans who reside in permanent housing; to the Committee on Veterans' Affairs.

EC–3355. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Pay Administration Under the Fair Labor Standards Act'' (RIN3206–AK89) received on September 17, 2007; to the Committee on Homeland Security and Governmental Affairs.

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. BAYH:

S. 2068. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers; to the Committee on Finance.

By Mr. DURBIN (for himself and Mrs. HUTCHISON):

S. 2069. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Relations.

By Mr. DEMINT (for himself, Mr. ALLARD, Mr. COBURN, Mr. KYL, Mr. LOTT, Mr. MCCONNELL, Mr. GREGG, Mr. CRAPO, Mr. HATCH, Mr. COLEMAN, Mr. CRAIG, Mr. CORNYN, Mr. VITTER, Mrs. HUTCHISON, and Mr. SESSIONS):

S. 2070. A bill to prevent Government shutdowns; read the first time.

By Mrs. FEINSTEIN (for herself, Mr. BAUCUS, Mrs. BOXER, Mr. OBAMA, Mrs. CLINTON, and Mr. NELSON of Nebraska):

S. 2071. A bill to enhance the ability to combat methamphetamine; 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 (for herself, Mr. LUGAR, Mr. DODD, Mr. HAGEL, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BROWN, Mr. BYRD, Mr. BURR, Ms. CANTWELL, Mr. CASEY, Mr. CRAIG, Mr. DURBIN, Mr. FEINGOLD, Mr. HARKIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Mr. NELSON of Florida, Mr. REED, Ms. SNOWE, Mr. SUNUNU, Mr. VOINOVICH, Mr. WEBB, Mr. WHITEHOUSE, Mr. WYDEN, Mr. SMITH, Mr. SPECTER, Mrs. MURRAY, and Ms. STABENOW):

S. Res. 321. A resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process; to the Committee on Foreign Relations.

By Mr. REED (for himself, Mr. WHITEHOUSE, Mrs. CLINTON, and Mr. SCHUMER):

S. Res. 322. A resolution honoring the lifetime achievements of General George Sears Greene on the occasion of the 100th anniversary rededication of the monument in his honor; considered and agreed to.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 400

At the request of Mr. SUNUNU, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 545

At the request of Mr. LOTT, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 674

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 674, a bill to require accountability and enhanced congressional oversight for personnel performing private security functions under Federal contracts, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 702

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 702, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 772

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 772, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. BOXER) 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. 988

At the request of Mr. THUNE, his name was added as a cosponsor of S.

988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1014

At the request of Mr. ALEXANDER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1014, a bill to amend the Elementary and Secondary Education Act of 1965 to provide parental choice for those students that attend schools that are in need of improvement and have been identified for restructuring.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1084

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1430

At the request of Mr. OBAMA, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1518

At the request of Mr. REED, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1543

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. 1627

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Kansas (Mr. ROBERTS) 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. 1651

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1651, a bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) 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. 1818

At the request of Mr. OBAMA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1818, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1827

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 1895

At the request of Mr. REED, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1951

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Oregon (Mr. WYDEN) 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 Missouri (Mr. BOND) 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. 1958

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

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2007'', and for other purposes.

S. 2037

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2037, a bill to amend the Consumer Product Safety Act to make it unlawful to sell a recalled product, and for other purposes.

S. 2038

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2038, a bill to prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes.

S. 2044

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2044, a bill to provide procedures for the proper classification of employees and independent contractors, and for other purposes.

S. 2047

At the request of Mr. COLEMAN, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2047, a bill to require enhanced disclosures to consumers purchasing flood insurance and for other purposes.

S. 2064

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. OBAMA), the Senator from New York (Mr. SCHUMER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2064, a bill to fund

comprehensive programs to ensure an adequate supply of nurses.

S.J. RES. 18

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S.J. Res. 18, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to a cost limit for providers operated by units of government and other provisions under the Medicaid program.

S. CON. RES. 47

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 47, a concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service.

AMENDMENT NO. 2022

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 2022 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. 2104

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 2104 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2251

At the request of Mr. LAUTENBERG, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mr. BURR) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2251 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2872

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2872 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2874

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 2874 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2880

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of amendment No. 2880 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2886

At the request of Mrs. FEINSTEIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 2886 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2895

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2895 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2898

At the request of Mr. LEVIN, the names of the Senator from Oregon (Mr. SMITH), the Senator from Nebraska (Mr. HAGEL), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. CLINTON) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2898 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mrs. HUTCHISON):

S. 2069. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Relations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Global Resources and Opportunities for Women to Thrive Act of 2007'' or the ''GROWTH Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and statement of policy.
Sec. 3. Microenterprise development assistance for women in developing countries.
Sec. 4. Support for women's small- and medium-sized enterprises in developing countries.
Sec. 5. Support for private property rights and land tenure security for women in developing countries.
Sec. 6. Support for women's access to employment in developing countries.
Sec. 7. Trade benefits for women in developing countries.
Sec. 8. Exchanges between United States entrepreneurs and women entrepreneurs in developing countries.
Sec. 9. Assistance under the Millennium Challenge Account.
Sec. 10. Growth Fund.
Sec. 11. Data collection.
Sec. 12. Support for local, indigenous women's organizations in developing countries.
Sec. 13. Report.

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Women around the world are especially vulnerable to poverty. They tend to work longer hours, are compensated less, and have less income stability and fewer economic opportunities than men.

(2) Women's share of the labor force is increasing in almost all regions of the world. Women comprise more than 40 percent of the labor force in eastern and southeastern Asia, sub-Saharan Africa, and the Caribbean, nearly a third of the labor force in Central America, and nearly one-third of total employment in South Asia. About 250 million young women will enter the labor force worldwide between 2003 and 2015.

(3) Women are more likely to work in informal employment relationships in poor countries compared to men. In sub-Saharan Africa, 84 percent of female non-agricultural workers are informally employed compared to 63 percent of men. In Latin America, 58 percent of women are informally employed compared to 48 percent of men. Informal employment is characterized by lower wages and greater variability of earnings, less stability, absence of labor organization, and

fewer social protections than formal employment.

(4) Changes in the economy of a poor country affect women and men differently; women are disproportionately affected by long-term recessions, crises, and economic restructuring and they often miss out on many of the benefits of growth.

(5) International trade can be an important tool of economic development and poverty reduction and its benefits should extend to all members of society, particularly the world's poor women.

(6) Promoting fair labor practices for women, and access to information, education, land, credit, physical capital, and social services is a means of boosting productivity and earnings for the economies of developing nations. For example, according to the World Bank, in sub-Saharan Africa, inequality between men and women in employment and education suppressed annual per capita growth during the period 1960–1992 by .8 percentage points per year.

(7) Expanding economic opportunity for women in developing countries can have a positive effect on child nutrition, health, and education, as women often invest their income in their families. Increasing women's income can also decrease women's vulnerability to HIV/AIDS, gender-based violence, and trafficking, and make them more resistant to the impact of natural disasters.

(8) Economic opportunities for women, including microfinance and microenterprise development and the promotion of women's small- and medium-sized businesses, are a means of generating gainful, safe, and dignified employment for the poor.

(9) Women play a vital, but often unrecognized, role in averting violence, resolving conflict, and rebuilding economies in post-conflict societies. Women in conflict-affected areas face even greater challenges in accessing employment, training, property rights, credit, and financial and non-financial resources for business development. Ensuring economic opportunity for women in conflict-affected areas plays a significant role in economic rehabilitation and consolidation of peace.

(10) Given the important role of women in the economies of poor nations, poverty alleviation programs funded by the Government of the United States in poor countries should seek to enhance the level of economic opportunity available to women in those countries.

(b) STATEMENT OF POLICY.—It is, therefore, the policy of the United States to actively promote development and economic opportunities for women, including programs and policies to—

(1) promote women's ability to start micro, small, or medium-sized business enterprises, and enable women to grow such enterprises, particularly from micro to small enterprises and from small to medium-sized enterprises, or sustain current business capacity;

(2) promote the rights of women to own, manage, and inherit property, including land, encourage adoption of laws and policies that support the rights of women to enforce these claims in administrative and judicial tribunals, and address conflicts with customary laws and practices to increase the security of women's tenure;

(3) increase women's access to employment, enable women to access higher quality jobs with better remuneration and working conditions in both informal and formal employment, and improve the quality of jobs in sectors dominated by women by improving the remuneration and working conditions of those jobs; and

(4) bring the benefits of international trade policy to women in developing countries and continue to ensure that trade policies and agreements adequately reflect the respective needs of poor women and men.

SEC. 3. MICROENTERPRISE DEVELOPMENT ASSISTANCE FOR WOMEN IN DEVELOPING COUNTRIES.

(a) AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.—

(1) AUTHORIZATION.—Section 252(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(a)) is amended—

(A) in paragraph (1), by adding at the end before the semicolon the following: '', including specific activities to enhance the empowerment of women, such as leadership training, basic health and HIV/AIDS education, and literacy skills'';

(B) in paragraph (3)—

(i) by adding at the end before the semicolon the following: '', including women''; and

(ii) by striking ''and'' at the end;

(C) in paragraph (4)—

(i) by adding at the end before the period the following: '', including initiatives to eliminate legal and institutional barriers to women's ownership of assets, access to credit, access to information and communication technologies, and engagement in business activities within or outside of the home''; and

(ii) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(5) microfinance and microenterprise development programs that—

''(A) specifically target women with respect to outreach and marketing; and

''(B) provide products specifically to address women's assets, needs, and the barriers women encounter with respect to participation in enterprise and financial services.''.

(2) IMPLEMENTATION.—Section 252(b)(2)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(b)(2)(C)) is amended—

(A) in clause (ii)—

(i) by striking ''microenterprise development field'' and inserting ''microfinance and microenterprise development field''; and

(ii) by striking ''and'' at the end;

(B) in clause (iii)—

(i) by inserting after ''competitive'' the following: '', take into consideration the anticipated impact of the proposals on the empowerment of women and men, respectively,''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) give preference to proposals from providers of assistance that demonstrate the greatest knowledge of clients' needs and capabilities, including proposals that ensure that women are involved in the design and implementation of services and programs.''.

(3) TARGETED ASSISTANCE.—Section 252(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(c)) is amended—

(A) in the first sentence by adding at the end before the period the following: '', particularly women''; and

(B) in the second sentence, by striking ''2006'' and inserting ''2008''.

(b) MONITORING SYSTEM.—Section 253(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211b(b)) is amended in paragraph (1), by inserting after ''performance goals for the assistance'' the following: ''on a sex-disaggregated basis''.

(c) MICROENTERPRISE DEVELOPMENT CREDITS.—Section 256(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2212(b)(2)) is amended by adding at the end before the semicolon the following: '', with an emphasis on clients who are women''.

(d) REPORT.—

(1) CONTENTS.—Section 258(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2214(b)) is amended by adding at the end the following new paragraph:

''(12) An estimate of the potential global demand for microfinance and microenterprise development for women, determined in collaboration with practitioners in a cost-effective manner, and a description of the Agency's plan to help meet such demand.''.

(2) ADDITIONAL REQUIREMENT.—Section 258 of the Foreign Assistance Act of 1961 (22 U.S.C. 2214) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

''(c) ADDITIONAL REQUIREMENT.—All information in the report required by this section relating to beneficiaries of assistance authorized by this title shall be disaggregated by sex to the maximum extent practicable.''.

SEC. 4. SUPPORT FOR WOMEN'S SMALL- AND MEDIUM-SIZED ENTERPRISES IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, acting through the Director of United States Foreign Assistance, shall—

(1) where appropriate, carry out programs, projects, and activities for enterprise development for women in developing countries that meet the requirements of subsection (b); and

(2) ensure that such programs, projects, and activities that are carried out pursuant to assistance provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) meet the requirements of subsection (b).

(b) REQUIREMENTS.—The requirements referred to in subsection (a) are the following:

(1) In coordination with developing country governments and interested individuals and organizations, encourage or enhance laws, regulations, enforcement, and other practices that promote access to banking and financial services for women-owned small- and medium-sized enterprises, and eliminate or reduce regulatory barriers that may exist in this regard.

(2) Promote access to information and communication technologies (ICT) with training in ICT for women-owned small- and medium-sized enterprises.

(3) Provide training, through local associations of women-owned enterprises or nongovernmental organizations in record keeping, financial and personnel management, international trade, business planning, marketing, policy advocacy, leadership development, and other relevant areas.

(4) Provide resources to establish and enhance local, national, and international networks and associations of women-owned small- and medium-sized enterprises.

(5) Provide incentives for nongovernmental organizations and regulated financial intermediaries to develop products, services, and marketing and outreach strategies specifically designed to facilitate and promote women's participation in small and medium-sized business development programs by addressing women's assets, needs, and the barriers they face to participation in enterprise and financial services.

(6) Seek to award contracts to qualified indigenous women-owned small and medium-sized enterprises, including for post-conflict reconstruction and to facilitate employment of indigenous women, including during post-conflict reconstruction in jobs not traditionally undertaken by women.

SEC. 5. SUPPORT FOR PRIVATE PROPERTY RIGHTS AND LAND TENURE SECURITY FOR WOMEN IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, acting through the Director of United States Foreign Assistance, shall—

(1) where appropriate, carry out programs, projects, and activities for the promotion of

private property rights and land tenure security for women in developing countries that—

(A) are implemented by local, indigenous nongovernmental and community-based organizations dedicated to addressing the needs of women, especially women's organizations; and

(B) otherwise meet the requirements of subsection (b); and

(2) ensure that such programs, projects, and activities that are carried out pursuant to assistance provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) meet the requirements of subparagraphs (A) and (B) of paragraph (1).

(b) REQUIREMENTS.—The requirements referred to in subsection (a) are the following:

(1) Advocate to amend and harmonize statutory and customary law to give women equal rights to own, use, and inherit property.

(2) Promote legal literacy among women and men about property rights for women and how to exercise such rights.

(3) Assist women in making land claims and protecting women's existing claims.

(4) Advocate for equitable land titling and registration for women.

(c) AMENDMENT.—Section 103(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(b)(1)) is amended by inserting after ''establishment of more equitable and more secure land tenure arrangements'' the following: '', especially for women''.

SEC. 6. SUPPORT FOR WOMEN'S ACCESS TO EMPLOYMENT IN DEVELOPING COUNTRIES.

The Secretary of State, acting through the Director of United States Foreign Assistance, shall, where appropriate, carry out the following:

(1) Support activities to increase women's access to employment and to higher quality employment with better remuneration and working conditions in developing countries, including access to insurance and other social safety nets, in informal and formal employment relative to core labor standards determined by the International Labor Organization. Such activities should include—

(A) public education efforts to inform poor women and men of their legal rights related to employment;

(B) education and vocational training tailored to enable poor women to access opportunities in potential growth sectors in their local economies and in jobs within the formal and informal sectors where women are not traditionally highly represented;

(C) efforts to support self-employed poor women or wage workers to form or join independent unions or other labor associations to increase their income and improve their working conditions; and

(D) advocacy efforts to protect the rights of women in the workplace, including—

(i) developing programs with the participation of civil society to eliminate gender-based violence; and

(ii) providing capacity-building assistance to women's organizations to effectively research and monitor labor rights conditions.

(2) Provide assistance to governments and organizations in developing countries seeking to design and implement laws, regulations, and programs to improve working conditions for women and to facilitate their entry into and advancement in the workplace.

SEC. 7. TRADE BENEFITS FOR WOMEN IN DEVELOPING COUNTRIES.

In order to ensure that poor women in developing countries are able to benefit from international trade, the President, acting through the Secretary of State (acting through the Director of United States Foreign Assistance) and the heads of other appropriate departments and agencies of the Government of the United States, shall, where appropriate, carry out the following in developing countries:

(1) Provide training and education to women in civil society, including those organizations representing poor women, and to women-owned enterprises and associations of such enterprises, on how to respond to economic opportunities created by trade preference programs, trade agreements, or other policies creating market access, including training on United States market access requirements and procedures.

(2) Provide capacity building for women entrepreneurs, including microentrepreneurs, on production strategies, quality standards, formation of cooperatives, market research, and market development.

(3) Provide capacity building to women, including poor women, to promote diversification of products and value-added processing.

(4) Provide training to official government negotiators representing developing countries in order to enhance the ability of such negotiators to formulate trade policy and negotiate agreements that take into account the respective needs and priorities of a country's poor women and men.

(5) Provide training to local, indigenous women's groups in developing countries in order to enhance their ability to collect information and data, formulate proposals, and inform and impact official government negotiators representing their country in international trade negotiations of the respective needs and priorities of a country's poor women and men.

SEC. 8. EXCHANGES BETWEEN UNITED STATES ENTREPRENEURS AND WOMEN ENTREPRENEURS IN DEVELOPING COUNTRIES.

(a) DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall, where appropriate, encourage United States business participants on trade missions to developing countries to—

(1) meet with representatives of women-owned small- and medium-sized enterprises in such countries; and

(2) promote internship opportunities for women owners of small- and medium-sized businesses in such countries with United States businesses.

(b) DEPARTMENT OF STATE.—The Secretary of State shall promote exchange programs that offer representatives of women-owned small- and medium-sized enterprises in developing countries an opportunity to learn skills appropriate to promoting entrepreneurship by working with business counterparts in the United States.

SEC. 9. ASSISTANCE UNDER THE MILLENNIUM CHALLENGE ACCOUNT.

The Chief Executive Officer of the Millennium Challenge Corporation (MCC) shall seek to ensure that contracts and employment opportunities resulting from assistance provided by the MCC to the governments of developing countries be fairly and equitably distributed to qualified women-owned small and medium-sized enterprises and other civil society organizations led by women, including nongovernmental and community-based organizations, including for infrastructure projects, and that such projects facilitate employment of women in jobs not traditionally undertaken by women.

SEC. 10. GROWTH FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State, acting through the Director of United States Foreign Assistance, shall establish the Global Resources and Opportunities for Women to Thrive (GROWTH) Fund (hereinafter in this section referred to as the ''Fund'') for the purpose of enhancing economic opportunities for very poor, poor, and low-income women in developing countries with a focus on—

(A) increasing women-owned enterprise development;

(B) increasing property rights for women;

(C) increasing women's access to financial services;

(D) increasing women in leadership in implementing organizations, such as indigenous nongovernmental organizations, community-based organizations, and regulated financial intermediaries;

(E) improving women's employment benefits and conditions; and

(F) increasing women's ability to benefit from global trade.

(2) ROLE OF USAID MISSIONS.—The Fund shall be available to USAID missions to apply for additional funding to support specific additional activities that enhance women's economic opportunities or to integrate gender into existing economic opportunity programs.

(b) ACTIVITIES SUPPORTED.—The Fund shall be available to USAID missions to support—

(1) activities described in title VI of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2211 et seq.), as amended by section 3 of this Act;

(2) activities described in sections 4 through 7 of this Act; and

(3) technical assistance and capacity-building to local, indigenous civil society, particularly to carry out activities that are covered under paragraphs (1) and (2), for—

(A) local indigenous women's organizations to the maximum extent practicable; and

(B) nongovernmental organizations and regulated financial intermediaries that demonstrate a commitment to gender equity in their leadership either through current practice or through specific programs to increase the representation of women in their governance and management.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 and 2010.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1)—

(A) are authorized to remain available until expended; and

(B) are in addition to amounts otherwise available for such purposes.

SEC. 11. DATA COLLECTION.

(a) IN GENERAL.—The Secretary of State, acting through the Director of United States Foreign Assistance, shall—

(1) provide support for tracking indicators on women's employment, property rights for women, women's access to financial services, and women's enterprise development, including microenterprises, in developing countries; and

(2) where practicable track all United States foreign assistance funds to local indigenous nongovernmental, community-based organizations, and regulated financial intermediaries in developing countries, including through subcontractors and grantees, disaggregated by the sex of the head of the organization, senior management, and composition of the boards of directors;

(3) encourage United States statistical agencies in their work with statistical agencies in other countries to provide support to collect data on the share of women in wage and self-employment by type of employment; and

(4) provide funding to the International Labor Organization (ILO) for technical assistance activities to developing countries and for the ILO to consolidate indicators into cross-country data sets.

(b) AUTHORIZATION OF APPROPRIATIONS.—Amounts made available to carry out section 10 of this Act are authorized to be made available to carry out this section.

SEC. 12. SUPPORT FOR LOCAL, INDIGENOUS WOMEN'S ORGANIZATIONS IN DEVELOPING COUNTRIES.

(a) AMENDMENTS.—Section 102 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151–1) is amended—

(1) in subsection (a) by inserting after the ninth sentence the following new sentences: ''Because men and women generally occupy different economic niches in poor countries, activities must address those differences in ways that enable both women and men to contribute to and benefit from development. Throughout the world, indigenous, local, nongovernmental and community-based organizations and regulated financial intermediaries are essential to addressing many of the development challenges facing countries and to creating stable, functioning democracies. Investing in the capacity of such organizations and in their role in the development process, including that of women's organizations, shall be an important, cross-cutting objective of United States bilateral development assistance.''; and

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following new sentence: ''The principles described in this paragraph shall, among other strategies, be accomplished through partnerships with local, indigenous nongovernmental and community-based organizations and regulated financial intermediaries that represent the interests of poor women and poor men.''; and

(B) in paragraph (6), by adding at the end the following new sentence: ''Investing in the capacity and participation of local, indigenous nongovernmental and community-based organizations dedicated to addressing the needs of women, especially women's organizations, shall be an important strategy for achieving the principle described in this paragraph.''.

(b) ASSISTANCE.—The Secretary of State, acting through the Director of United States Foreign Assistance, shall, where appropriate—

(1) improve the integration of capacity building and technical assistance activities for local, indigenous nongovernmental organizations and community-based organizations in developing countries within project proposals that will include the participation of locally based partners, especially women's organizations and other organizations leading women's empowerment initiatives, to promote the long-term sustainability of projects;

(2) provide information and training to local indigenous organizations focused on women's empowerment, especially women's organizations, in countries in which USAID missions are located in order to—

(A) provide technical assistance regarding availability of United States international assistance procurement procedures; and

(B) undertake culturally-appropriate outreach measures to contact such organizations;

(3) encourage cooperating agencies, implementing partners, and subcontractors, to the maximum extent practicable, to provide subgrants to local indigenous organizations that focus on women's empowerment, including women's organizations and other organizations that may not have previously worked with the Government of the United States or one of its partners, in fulfilling project objectives;

(4) work with local governments where appropriate to conduct outreach campaigns to formally register unofficial local nongovernmental and community-based organizations, especially women's organizations; and

(5) support efforts of indigenous organizations focused on women's empowerment, especially women's organizations, to network with other indigenous women's groups to collectively access funding opportunities to implement United States international assistance programs.

SEC. 13. REPORT.

(a) REPORT REQUIRED.—Not later than June 30, 2009, the Secretary of State, acting through the Director of United States Foreign Assistance, shall submit to Congress a report on the implementation of this Act and the amendments made by this Act.

(b) UPDATE.—Not later than June 30, 2010, the Secretary of State, acting through the Director of United States Foreign Assistance, shall submit to Congress an update of the report required by subsection (a).

(c) AVAILABILITY TO PUBLIC.—The report required by subsection (a) and the update required by subsection (b) shall be made available to the public on the Internet websites of the Department of State and the United States Agency for International Development.

By Mrs. FEINSTEIN (for herself, Mr. BAUCUS, Mrs. BOXER, Mr. OBAMA, Mrs. CLINTON, and Mr. NELSON of Nebraska):

S. 2071. A bill to enhance the ability to combat methamphetamine; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce, along with Senators BAUCUS, BOXER, OBAMA, CLINTON, and BEN NELSON, the Combat Methamphetamine Enhancement Act.

This act is designed to address problems that the Drug Enforcement Administration, DEA, has identified in the implementation of the Combat Methamphetamine Epidemic Act of 2005. I was pleased to join former Senator Talent in drafting, introducing and securing the passage of the original bill. I am pleased to introduce this legislation today to ensure that it operates as Congress intended.

The bill that I introduce today would: clarify that all retailers, including mail order retailers, who sell products that contain chemicals often used to make methamphetamine—like ephedrine, pseudoepedrine and phenylpropanolamine—must self-certify that they have trained their personnel and will comply with the Combat Meth Act's requirements; require distributors to sell these products only to retailers who have certified that they will comply with the law; require the DEA to publish the list of all retailers who have filed self-certifications, on the DEA's website; and clarify that any retailer who negligently fails to file self-certification as required, may be subject to civil fines and penalties.

The Combat Methamphetamine Epidemic Act that we passed last year has been a resounding success. The number of methamphetamine labs in the United States has declined dramatically now that the ingredients used to make methamphetamine are harder to get.

The Combat Meth Act that became effective in September 2006 included important new provisions for retailer self-certification, employee training, requiring products to be placed behind counters, packaging requirements, required sales logbooks, and limits on the amounts that a person can purchase in a given day and over a 30-day period.

Now, because of that law's implementation, the number of methamphetamine labs decreased from about 12,000 labs to about 7,300 labs—a 41 percent decrease in just one year. Once the bill was enacted into law, the number of meth ''super labs'' in my home State of California declined from 30 in 2005 to only 17 in 2006.

Fewer meth labs means more than just less illegal drug production. As the Fresno Bee reported today, the DEA has noted that in 2003, 3663 children were reported exposed to toxic meth labs nationwide—but so far this year, the number of exposed children is only 319.

So things are moving in the right direction, and that is good news. But with more than 7,000 methamphetamine labs in the U.S., and children still being exposed to their toxins, it is also clear that there is still work to be done.

After the Combat Meth Act became law, DEA examined how the retailer self-certification process was working. On May 16, 2007, DEA sent letters to the 1600 distributors who they believed were selling products that contained ephedrine or pseudoephedrine, asking them to turn over lists of the retail stores that they sell to, so that DEA could check to see how many of those retailers had self-certified as that law requires.

Rather than actively assisting the DEA in its efforts, about ¾ of the distributors failed or declined to provide any information about the retail stores.

The distributors who did cooperate provided DEA with the names of 12,375 retail customers. When DEA checked those out, it found that about 8,300 of those retail stores had never self-certified as the law requires.

Based on these findings, the DEA estimates that nationwide, as many as 30,000 additional retail sellers of products are not complying with the law.

In short, retailers' noncompliance with the self-certification requirement appears to be widespread, and undercuts the effectiveness of the Combat Meth Act.

Unfortunately, there is no effective way for law enforcement to determine the universe of who is, and who is not, obeying the law. Currently, there is no requirement that retailers notify the DEA before they start selling products with these listed chemicals.

Retailers can likely avoid negative consequences if they are ever confronted with their failure to self-certify. Currently, the law imposes sanctions only for willful and reckless refusals to self-certify. There is no punishment available if a retailer negligently fails to self-certify as required. Not even civil sanctions are available.

In short, without distributors restricting the supply of these products to retailers who have self-certified, retailers may simply take their chances, rather than self-certifying as the law intended, figuring that they will never get caught, or if they do get caught, that they will never be punished.

It is unacceptable that, a year after the Combat Meth Act imposed this requirement and became fully effective, tens of thousands of retailers still are not following the law. It is unacceptable that distributors of these products can continue to profit off of their sales to retailers who are not complying, or are even refusing to comply with the law.

So this bill is designed to make the Combat Meth Act more effective, by putting in place a process that will ensure that every retailer who orders these products that can be used to make methamphetamine must comply with the law before they can get and resell the products.

First, it will require that all retail sellers of products with these listed chemicals must file self-certifications, closing a loophole that now exists for mail-order retailers.

Second, the DEA will be required to post all self-certified retailers on its website, so that advocacy groups and others who are concerned about methamphetamine in their communities can identify retailers who are selling these products without complying with the law, and can notify the authorities.

Third, distributors of these products will only be allowed to sell to retailers who have self-certified which they will be able to verify by checking the DEA's public website. Once recalcitrant retailers are faced with the real and immediate economic consequence of a possible cut-off of their desire to purchase these products, I am confident that most will file self-certifications as the law requires.

Finally, the bill clarifies that even a negligent failure to self-certify, if proven, can give rise to civil sanctions.

This is a common-sense bill, designed to strengthen the implementation of the Combat Methamphetamine Epidemic Act. This bill would create incentives to ensure that the self-certification process of the law is made both effective and enforceable.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows.

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Combat Methamphetamine Enhancement Act of 2007''.

SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL REGULATED PERSONS SELLING SCHEDULED LISTED CHEMICALS.

The first sentence of section 310(e)(1)(B)(i) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(B)(i)) is amended by striking ''A regulated seller'' and inserting ''A regulated seller or regulated person referred to in subsection (b)(3)(B)''.

SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS LISTS.

Section 310(e)(1)(B) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at the end the following:

''(v) PUBLICATION OF LIST OF SELF-CERTIFIED PERSONS.—The Attorney General shall publish a list of all persons who are currently self-certified in accordance with this section. This list shall be made available on the website of the Drug Enforcement Administration.''.

SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED CHEMICALS SELL ONLY TO SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (13), by striking ''and'' after the semicolon;

(2) in paragraph (14), by striking the period and inserting ''; and''; and

(3) by inserting at the end the following:

''(15) to distribute a scheduled listed chemical product to a regulated seller, or to a regulated person referred to in section 310(b)(3)(B) (21 U.S.C. 830(b)(3)(B)), unless such regulated seller or regulated person is, at the time of such distribution, on the list of persons referred to under section 310(e)(1)(B)(v) (21 U.S.C. 830(e)(1)(B)(v)).''.

SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS REQUIRED.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)(10)) is amended by inserting before the semicolon the following: ''or negligently to fail to self-certify as required under section 310 (21 U.S.C. 830)''.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 60 days after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 321—EXPRESSING THE SENSE OF THE SENATE REGARDING THE ISRAELI-PALESTINIAN PEACE PROCESS

Mrs. FEINSTEIN (for herself, Mr. LUGAR, Mr. DODD, Mr. HAGEL, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BROWN, Mr. BYRD, Mr. BURR, Ms. CANTWELL, Mr. CASEY, Mr. CRAIG, Mr. DURBIN, Mr. FEINGOLD, Mr. HARKIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Mr. NELSON of Florida, Mr. REED, Ms. SNOWE, Mr. SUNUNU, Mr. VOINOVICH, Mr. WEBB, Mr. WHITEHOUSE, Mr. WYDEN, Mr. SMITH, Mr. SPECTER, Mrs. MURRAY, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 321

Whereas ending the violence and terror that have devastated the State of Israel, the West Bank, and Gaza since September 2000 is in the vital interests of the United States, Israel, and the Palestinian people;

Whereas the ongoing Israeli-Palestinian conflict strengthens extremists and opponents of peace throughout the region;

Whereas more than 7 years of violence, terror, and military engagement have demonstrated that armed force alone will not solve the Israeli-Palestinian dispute;

Whereas the vast majority of Israelis and Palestinians want to put an end to decades of confrontation and conflict and live in peaceful coexistence, mutual dignity, and security, based on a just, lasting, and comprehensive peace;

Whereas on May 24, 2006, addressing a Joint Session of the United States Congress, Prime Minister of Israel Ehud Olmert reiterated the Government of Israel's position that ''In a few years, [the Palestinians] could be living in a Palestinian state, side by side in peace and security with Israel, a Palestinian state which Israel and the international community would help thrive'';

Whereas, in his speech before the Palestinian Legislative Council on February 18, 2006, Palestinian Authority President Mahmoud Abbas said, ''We are confident that there is no military solution to the conflict. Negotiations between us as equal partners should put a long-due end to the cycle of violence . . . Let us live in two neighboring states'';

Whereas, in June 2002, the President of the United States presented his vision of ''two states, living side by side in peace and security'', and has since repeatedly reaffirmed this position;

Whereas events of the past 18 months, including the victory of Hamas in Palestinian legislative elections, the continued firing of rockets from Gaza into Israel, and the escalating intra-Palestinian violence and chaos, culminating in the June 2007 brutal takeover of Gaza by Hamas, make the achievement of President Bush's vision even more difficult;

Whereas, on June 27, 2007, the Quartet (the United States, Russia, the European Union, and the United Nations) appointed former British Prime Minister Tony Blair special envoy to the Middle East with a focus on mobilizing assistance to the Palestinians and promoting economic development and institutional governance;

Whereas a robust and high-level American diplomatic presence on the ground is critical to bringing Israelis and Palestinians together to make the tough decisions necessary to achieving a permanent resolution to the conflict;

Whereas June 2007 marked the 40th anniversary of the Six-Day War between Israel and a coalition of Arab states;

Whereas all parties should use the occasion of this anniversary to redouble their efforts to achieve peace; and

Whereas achieving Israeli-Palestinian peace could have significant positive impacts on security and stability in the region: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its commitment to a true and lasting solution to the Israeli-Palestinian conflict, based on the establishment of 2 states, the State of Israel and Palestine, living side by side in peace and security, and with recognized borders;

(2) denounces the use of violence and terror and reaffirms its unwavering commitment to Israel's security;

(3) calls on President Bush to pursue a robust diplomatic effort to engage the State of Israel and the Palestinian Authority, begin negotiations, and make a 2-state settlement a top priority;

(4) urges President Bush to consider appointing as Special Envoy for Middle East Peace an individual who has held cabinet rank or someone equally qualified, with an extensive knowledge of foreign affairs generally and the Middle East region in particular;

(5) calls on Hamas to recognize the State of Israel's right to exist, to renounce and end all terror and incitement, and to accept past agreements and obligations with the State of Israel;

(6) calls on moderate Arab states in the region to intensify their diplomatic efforts toward a 2-state solution and welcomes the Arab League Peace Initiative; and

(7) calls on Israeli and Palestinian leaders to embrace efforts to achieve peace and refrain from taking any actions that would prejudice the outcome of final status negotiations.

SENATE RESOLUTION 322—HONORING THE LIFETIME ACHIEVEMENTS OF GENERAL GEORGE SEARS GREENE ON THE OCCASION OF THE 100TH ANNIVERSARY REDEDICATION OF THE MONUMENT IN HIS HONOR

Mr. REED (for himself, Mr. WHITEHOUSE, Mrs. CLINTON, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 322

Whereas George Sears Greene was one of 9 children born to Caleb and Sarah Robinson Wicks Greene in Apponaug, Rhode Island, attended grammar school in Warwick, Rhode Island, and moved to New York as a teenager;

Whereas Greene attended the United States Military Academy at West Point, where he graduated 2nd in his class in 1823;

Whereas Greene entered the Army as a 2nd lieutenant in the 3rd United States Artillery regiment, and, due to his superb scholarship, was appointed to teach mathematics at the Military Academy following his graduation;

Whereas, after resigning his commission in the Army in 1836, Greene worked as a civil engineer, became a founder of the American Society of Civil Engineers and Architects, and constructed railroads and canals in several states and designed aqueducts and municipal sewage and water systems for New York, Providence, and several other cities;

Whereas, at the outset of the Civil War, Greene returned to the defense of the Nation and, at the age of 60, was appointed colonel of the 60th New York Infantry regiment;

Whereas, on April 28, 1862, Greene was promoted to Brigadier General, United States Volunteers;

Whereas, on July 2, 1863, on the 2nd day of the Battle of Gettysburg, Greene led the 3rd Brigade of New Yorkers on Culp's Hill, and his regiment's defense of the Union right flank at Culp's during the battle was a contributing factor in the Union's victory;

Whereas Greene passed away at the age of 97 in 1899 and, in 1907, a monument on Culp's Hill was erected in Greene's honor; and

Whereas the General George Sears Greene monument will be rededicated on September 22, 2007: Now, therefore, be it

Resolved, That the Senate, in honor of the 100th anniversary rededication of the General George Sears Greene monument at Gettysburg, Pennsylvania, commends the lifetime achievements of General Greene, his commitment to public service, and his decisive and heroic defense of Culp's Hill in the crucial Battle of Gettysburg.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2909. Mr. WEBB (for himself, Mr. REID, Mr. HAGEL, Mr. LEVIN, Ms. SNOWE, Mr. SMITH, Mr. OBAMA, Mrs. CLINTON, Mr. BYRD, Mr. KENNEDY, Mr. SALAZAR, Mr. HARKIN, Mr. BROWN, Mrs. LINCOLN, Ms. KLOBUCHAR, Mr. DODD, Mr. BIDEN, Mr. LAUTENBERG, Mr. KERRY, Mr. DURBIN, Mr. TESTER, Mrs. MCCASKILL, Mr. SCHUMER, Mr. PRYOR, Mr. SANDERS, Ms. MIKULSKI, Ms. CANTWELL, Ms. STABENOW, Ms. LANDRIEU, Mr. JOHNSON, Mr. CARPER, Mr. ROCKEFELLER, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. MENENDEZ, Mrs. BOXER, and Mr. WYDEN) 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 2910. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2067 submitted by Mr. KENNEDY (for himself and Mr. SMITH) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2911. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2912. Mr. LAUTENBERG (for himself and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2913. Mr. KYL 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 2914. Mr. KYL 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 2915. Mr. KYL 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 2916. Mr. KYL 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 2917. Mrs. CLINTON 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 2918. Mr. MCCAIN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2919. Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. HATCH) 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 2920. Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2921. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2922. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2923. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2924. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SANDERS, Mr. SCHUMER, Mr. DURBIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2925. Mr. REID submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2926. Mr. BIDEN 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 2927. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2928. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2929. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2930. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2931. Mr. CASEY (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2932. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2933. Mr. BAYH 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 2934. Mr. CORNYN proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2935. Mr. CHAMBLISS (for himself, Mr. PRYOR, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2936. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011

proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2937. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2938. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2939. Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2940. Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2941. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2942. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2943. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2944. Mrs. CLINTON (for herself, Mr. KERRY, Mr. LAUTENBERG, Mr. BROWN, and Mr. BYRD) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2909. Mr. WEBB (for himself, Mr. REID, Mr. HAGEL, Mr. LEVIN, Ms. SNOWE, Mr. SMITH, Mr. OBAMA, Mrs. CLINTON, Mr. BYRD, Mr. KENNEDY, Mr. SALAZAR, Mr. HARKIN, Mr. BROWN, Mrs. LINCOLN, Ms. KLOBUCHAR, Mr. DODD, Mr. BIDEN, Mr. LAUTENBERG, Mr. KERRY, Mr. DURBIN, Mr. TESTER, Mrs. McCASKILL, Mr. SCHUMER, Mr. PRYOR, Mr. SANDERS, Ms. MIKULSKI, Ms. CANTWELL, Ms. STABENOW, Ms. LANDRIEU, Mr. JOHNSON, Mr. CARPER, Mr. ROCKEFELLER, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. MENENDEZ, Mrs. BOXER, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

SEC. 1031. MINIMUM PERIODS BETWEEN DEPLOYMENT FOR UNITS AND MEMBERS OF THE ARMED FORCES DEPLOYED FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

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

(1) Congress expresses its grateful thanks to the men and women of the Armed Forces of the United States for having served their country with great distinction under enormously difficult circumstances since September 11, 2001.

(2) The all-volunteer force of the Armed Forces of the United States is bearing a disproportionate share of national wartime sacrifice, and, as stewards of this national treasure, Congress must not place that force at unacceptable risk.

(3) The men and women members of the Armed Forces of the United States and their families are under enormous strain from multiple, extended combat deployments to Iraq and Afghanistan.

(4) Extended, high-tempo deployments to Iraq and Afghanistan have adversely affected the readiness of non-deployed Army and Marine Corps units, thereby jeopardizing their capability to respond quickly and effectively to other crises or contingencies in the world, and complicating the all-volunteer policy of recruitment, as well as the retention, of career military personnel.

(5) Optimal time between operational deployments, commonly described as ''dwell time'', is critically important to allow members of the Armed Forces to readjust from combat operations, bond with families and friends, generate more predictable operational tempos, and provide sufficient time for units to retrain, reconstitute, and assimilate new members.

(6) It is the goal of the Armed Forces of the United States to achieve an optimal minimum period between the previous deployment of a unit or member of a regular component of the Armed Forces and a subsequent deployment of such a unit or member that is equal to or longer than twice the period of such previous deployment, commonly described as a 1:2 deployment-to-dwell ratio.

(7) It is the goal of the Department of Defense that units and members of the reserve components of the Armed Forces of the United States should not be mobilized continuously for more than one year, and that a period of five years should elapse between the previous deployment of such a unit or member and a subsequent deployment of such unit or member.

(8) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Army has been required to deploy units and members to Iraq for 15 months with a 12-month dwell-time period between deployments, resulting in a less than 1:1 deployment-to-dwell ratio.

(9) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Marine Corps currently is deploying units and members to Iraq for approximately seven months, with a seven-month dwell-time period between deployments, but it is not unusual for selected units and members of the Marine Corps to be deployed with less than a 1:1 deployment-to-dwell ratio.

(10) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Department of Defense has relied upon the reserve components of the Armed Forces of the United States to a degree that is unprecedented in the history of the all-volunteer force. Units and members of the reserve components are frequently mobilized and deployed for periods beyond the stated goals of the Department.

(11) The Commander of the Multi-National Force-Iraq recently testified to Congress that he would like Soldiers, Marines, and other forces have more time with their families between deployments, a reflection of his awareness of the stress and strain placed on United States ground forces, in particular, and on other high-demand, low-density assets, by operations in Iraq and Afghanistan.

(b) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be equal to or longer than twice the period of such previous deployment.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(c) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that—

(A) the units and members of the reserve components of the Armed Forces should not be mobilized continuously for more than one year; and

(B) the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be five years.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(d) INAPPLICABILITY TO SPECIAL OPERATIONS FORCES.—The limitations in subsections (b) and (c) shall not apply with respect to forces that are considered special operations forces for purposes of section 167(i) of title 10, United States Code.

(e) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (b) or (c) with respect to the deployment of a unit or member of the Armed Forces specified in such subsection if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(f) WAIVER BY MILIARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Staff of the Army (or the designee of the Chief of Staff of the Army).

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Naval Operations (or the designee of the Chief of Naval Operations).

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Commandant of the Marine Corps (or the designee of the Commandant of the Marine Corps).

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Staff of the Air Force (or the designee of the Chief of Staff of the Air Force).

(5) COAST GUARD.—With respect to the deployment of a member of the Coast Guard who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Commandant of the Coast Guard (or the designee of the Commandant of the Coast Guard).

(g) EFFECTIVE DATE.—In order to afford the Department of Defense sufficient time to plan and organize the implementation of the provisions of this section, the provisions of this section shall go into effect 120 days after the date of the enactment of this Act.

SA 2910. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2067 submitted by Mr. KENNEDY (for himself and Mr. SMITH) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

(j) CONSTRUCTION AND APPLICATION.—Nothing in this section or an amendment made by this section shall be construed or applied in a manner that substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, or association, if such exercise of religion, speech, expression, or association was not intended to—

(1) plan or prepare for an act of physical violence; or

(2) incite an imminent act of physical violence against another.

SA 2911. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1070. SENSE OF CONGRESS ON A MEMORIAL FOR MEMBERS OF THE ARMED FORCES WHO DIED IN AN AIR CRASH IN BAKERS CREEK, AUSTRALIA.

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

(1) During World War II, the United States Army Air Corps established rest and recreation facilities in Mackay, Queensland, Australia.

(2) From the end of January 1943 until early 1944, thousands of United States servicemen were ferried from jungle battlefields in New Guinea to Mackay.

(3) These servicemen traveled by air transport to spend an average of 10 days on a rest and relaxation furlough.

(4) They usually were carried by two B–17C Flying Fortresses converted for transport duty.

(5) On Monday, June 14, 1943, at about 6 a.m., a B–17C, Serial Number 40–2072, took off from Mackay Airport for Port Moresby, New Guinea.

(6) There were 6 crew members and 35 passengers aboard.

(7) The aircraft took off into fog and soon made two left turns at low altitude.

(8) A few minutes after takeoff, when it was five miles south of Mackay, the plane crashed at Bakers Creek, killing everyone on board except Corporal Foye Kenneth Roberts of Wichita Falls, Texas, the sole survivor of the accident.

(9) The cause of the crash remains a mystery, and the incident remains relatively unknown outside of Australia.

(10) United States officials, who were under orders not to reveal the presence of Allied troops in Australia, kept the crash a military secret during the war.

(11) Due to wartime censorship, the news media did not report the crash.

(12) Relatives of the victims received telegrams from the United States War Department stating little more than that the serviceman had been killed somewhere in the South West Pacific.

(13) The remains of the 40 crash victims were flown to Townsville, Queensland, where they were buried in the Belgian Gardens United States military cemetery on June 19, 1943.

(14) In early 1946, they were disinterred and shipped to Hawaii, where 13 were reburied in the National Memorial Cemetery of the Pacific, and the remainder were returned to the United States mainland for reburial.

(15) 15 years ago, Robert S. Cutler was reading his father's wartime journal and found a reference to the tragic B–17C airplane accident.

(16) This discovery inspired Mr. Cutler to embark upon a research project that would consume more than a decade and take him to Australia.

(17) Retired United States Air Force Chief Master Sergeant Teddy W. Hanks, of Wichita Falls, Texas, who lost 4 of his World War II buddies in the crash, compiled a list of the casualties from United States archives in 1993 and began searching for their families.

(18) The Bakers Creek Memorial Association, in conjunction with the Washington Post and retired United States Army genealogy experts Charles Gailey and Arvon Staats, located 23 additional families of victims of the accident during the past 2 years.

(19) The commander of the United States Fifth Air Force officially had notified the relatives of 36 of the 40 victims.

(b) SENSE OF CONGRESS.—It is the sense of Congress that an appropriate site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces of the United States who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943, provided that the Secretary of the Army has exclusive authority to approve the design and site for the memorial marker.

SA 2912. Mr. LAUTENBERG (for himself and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(c) PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(d) PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.—Section 1076b(e)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

SEC. 704. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2007, and ending on September 30, 2008, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 705. SENSE OF CONGRESS ON FEES AND ADJUSTMENTS UNDER THE TRICARE PROGRAM.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans;

(2) these demands and sacrifices are such that few Americans are willing to accept them for a multi-decade career;

(3) a primary benefit of enduring the extraordinary sacrifices inherent in a military career is a system of exceptional retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years;

(4) proposals to compare cash fees paid by retired military members and their families to fees paid by civilians fail to recognize adequately that military members prepay the equivalent of very large advance premiums for health care in retirement through their extended service and sacrifice, in addition to cash fees, deductibles, and copayments;

(5) the Department of Defense and the Nation have a committed obligation to provide health care benefits to active duty, National Guard, Reserve and retired members of the uniformed services and their families and survivors that considerably exceeds the obligation of corporate employers to provide health care benefits to their employees; and

(6) the Department of Defense has options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services, and should pursue any and all such options as a first priority.

SA 2913. Mr. KYL 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 page 304, strike line 24 and all that follows through page 305, line 21.

SA 2914. Mr. KYL 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 page 304, strike lines 16 through 23.

SA 2915. Mr. KYL 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 page 302, strike line 18 and all that follows through page 303, line 14.

SA 2916. Mr. KYL 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 page 306, strike line 23 and all that follows through the remainder of the section and insert the following:

''(G) the detainee shall bear the burden of proof and production that evidence that the United States seeks to introduce against him is inadmissible pursuant to this paragraph.

''(5) SCHEDULING.—The Secretary shall ensure that a Tribunal is scheduled for a detainee described in paragraph (2) not later than 180 days after the date on which a Tribunal becomes required for such detainee under paragraph (1), except that—

''(A) the Secretary shall schedule a Tribunal for a detainee who is eligible for such a Tribunal on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 not later than one year after the date on which procedures are required to be prescribed by paragraph (4); and

''(B) the Secretary shall not be required to schedule a Tribunal for—

''(i) a detainee upon whom charges have been served in accordance with section 948s of title 10, United States Code, until after final judgment has been reached on such charges; or

''(ii) a detainee who has been convicted by a military commission under chapter 47 A of such title of an offense under subchapter VII of that chapter.''.

(b) MODIFICATIONS OF MILITARY COMMISSION AUTHORITIES.—

(1) Congress finds that terrorists and other combatants serving in the forces of Al Qaeda, the Taliban, and associated forces are unlawful enemy combatants that they are subject to trial by military commission.

(2) STATEMENTS OBTAINED THROUGH CRUEL, INHUMAN, OR DEGRADING TREATMENT.—Section 948r of title 10, United States Code, is amended—

(A) by striking subsections (c) and (d); and

(B) by adding after subsection (b) the following new subsection (c):

''(c) STATEMENTS OBTAINED THROUGH CRUEL, INHUMAN, OR DEGRADING TREATMENT.—A statement in which the degree of coercion is disputed may be admitted if the military judge finds that—

''(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

''(2) the interests of justice would best be served by admission of the statement into evidence; and

''(3) one of the following circumstances is met:

''(A) The alleged coercion was incident to the lawful conduct of military operations at the point of apprehension.

''(B) The statement was voluntary.

''(C) The interrogation methods used to obtain the statement do not amount to cruel, inhuman, or degrading. treatment prohibited by section 1003 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd).

''(4) the detainee shall bear the burden of proof and production that evidence that the United States seeks to introduce against him is inadmissible pursuant to this subsection.''.

(4) ADMITTANCE OF HEARSAY EVIDENCE.—Subparagraph (E) of section 949a(b)(2) of such title is amended to read as follows:

''(E) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission if—

''(i) the proponent of the evidence makes known to the adverse party, sufficiently in advance of trial or hearing to provide the adverse party with a fair opportunity to meet the evidence, the proponent's intention to offer the evidence, and the particulars of the evidence (including information on the circumstances under which the evidence was obtained); and

''(ii) the military judge finds that the totality of the circumstances render the evidence more probative on the point for which it is offered than other evidence which the proponent can procure through reasonable efforts, taking into consideration the unique circumstances of the conduct of military and intelligence operations during hostilities; or

''(iii) the evidence is admissible pursuant to the standards and procedures employed by recent United Nations war crimes tribunals or by the Nuremberg War Crimes Tribunal.''.

(5) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TECHNICAL AMENDMENT.—The heading of section 950j of such title is amended by striking ''Finality or'' and inserting ''Finality of''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of such title is amended to read as follows:

''950j. Finality of proceedings, findings, and sentences.''.

SA 2917. Mrs. CLINTON 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:

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

SEC. 604. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR TEMPORARY LODGING EXPENSES FOR MEMBERS OF THE ARMED FORCES IN AREAS SUBJECT TO MAJOR DISASTER DECLARATION OR FOR INSTALLATIONS EXPERIENCING SUDDEN INCREASE IN PERSONNEL LEVELS.

(a) MAXIMUM PERIOD OF RECEIPT OF EXPENSES.—Section 404a(c)(3) of title 37, United States Code, is amended by striking ''20 days'' and inserting ''60 days''.

(b) EXTENSION OF AUTHORITY FOR INCREASE IN CERTAIN BAH.—Section 403(b)(7)(E) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SA 2918. Mr. McCAIN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

SEC. 1031. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE POLICY REGARDING DWELL TIME RATIO GOALS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

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

(1) the wartime demands in support of Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) placed on the men and women of the Armed Forces, both in the

regular and reserve components, and on their families and loved ones, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments in Iraq and Afghanistan should be afforded as much ''dwell time'' as possible at their home stations prior to re-deployment; and

(3) consistent with wartime requirements, the Department of Defense should establish a force management policy for deployments of units and members of the Armed Forces in support of Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) as soon as practicable that achieves the goal of—

(A) for units and members of the regular components of the Armed Forces, providing for a period between the deployment of the unit or member that is equal to or longer than the period of the previous deployment of the unit or member;

(B) for units and members of the reserve components of the Armed Forces, and particularly for units and members in the ground forces, limiting deployment if the unit or member has been deployed at any time within the three years preceding the date of the deployment; and

(C) ensuring the capability of the Armed Forces to respond to national security needs.

(b) CERTIFICATIONS REQUIRED.—The Secretary of Defense may not implement any force management policy regarding mandatory ratios of deployed days and days at home station for members of the Armed Forces deployed in support of Operation Iraqi Freedom or Operation Enduring Freedom until the Secretary submits to Congress certifications as follows:

(1) That the policy would not result in extension of deployment of units and members of the Armed Forces already deployed in Iraq or Afghanistan beyond their current scheduled rotations.

(2) That the policy would not cause broader and more frequent mobilization of National Guard and Reserve units and members in order to accomplish operational missions.

(c) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the provisions of any force management policy and any attendant certification requirement under subsection (a) or (b), and the applicability of such a policy to a member of the Armed Forces or any group of members, if the Secretary determines that the waiver is necessary in the national security interests of the United States.

SA 2919. Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. HATCH) submitted an amendement 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, add the following:

TITLE XXXIII—DREAM ACT OF 2007

SEC. 3301. SHORT TITLE.

This title may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2007'' or the ''DREAM Act of 2007''.

SEC. 3302. DEFINITIONS.

In this title:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3303. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this title, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 3305, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this title, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien is under 30 years of age on the date of the enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this title, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this title.

SEC. 3304. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 3305, an alien whose status has been adjusted under section 3303 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this title with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this title, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 3303(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this title.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this title. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 3303(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 3305. RETROACTIVE BENEFITS.

If, on the date of enactment of this title, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 3303(a)(1) and section 3304(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 3303. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 3304(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 3304(d)(1) during the entire period of conditional residence.

SEC. 3306. EXCLUSIVE JURISDICTION.

The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this title, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this title, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this title.

SEC. 3307. STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.

(a) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 3303(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(b) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (a) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(c) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (a) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (a)(1).

SEC. 3308. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this title and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 3309. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this title to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this title can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this title with a designated entity, that designated entity, to examine applications filed under this title.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 3310. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this title shall provide that applications under this title will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 3311. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 3312. GAO REPORT.

Not later than seven years after the date of enactment of this title, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 3303(a);

(2) the number of aliens who applied for adjustment of status under section 3303(a);

(3) the number of aliens who were granted adjustment of status under section 3303(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 3304.

SA 2920. Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON THE PINON CANYON MANEUVER SITE, COLORADO.

(a) REPORT ON THE PINON CANYON MANEUVER SITE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Pinon Canyon Maneuver Site (referred to in this section as ''the Site'').

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

(A) An analysis of whether existing training facilities at Fort Carson, Colorado, and the Site are sufficient to support the training needs of units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of any new training requirements or significant developments affecting training requirements for units stationed or planned to be stationed at Fort Carson since the 2005 Defense Base Closure and Realignment Commission found that the base has ''sufficient capacity'' to support four brigade combat teams and associated support units at Fort Carson.

(ii) A study of alternatives for enhancing training facilities at Fort Carson and the Site within their current geographic footprint, including whether these additional investments or measures could support additional training activities.

(iii) A description of the current training calendar and training load at the Site, including—

(I) the number of brigade-sized and battalion-sized military exercises held at the Site since its establishment;

(II) an analysis of the maximum annual training load at the Site, without expanding the Site; and

(III) an analysis of the training load and projected training calendar at the Site when all brigades stationed or planned to be stationed at Fort Carson are at home station.

(B) A report of need for any proposed addition of training land to support units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of additional training activities, and their benefits to operational readiness, which would be conducted by units stationed at Fort Carson if, through leases or acquisition from consenting landowners, the Site were expanded to include—

(I) the parcel of land identified as ''Area A'' in the Potential PCMS Land expansion map;

(II) the parcel of land identified as ''Area B'' in the Potential PCMS Land expansion map;

(III) the parcels of land identified as ''Area A'' and ''Area B'' in the Potential PCMS Land expansion map;

(IV) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a heavy infantry brigade at the Site;

(V) acreage sufficient to allow simultaneous exercises of two heavy infantry brigades at the Site;

(VI) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a battalion at the Site; and

(VII) acreage sufficient to allow simultaneous exercises of a heavy infantry brigade and a battalion at the Site.

(ii) An analysis of alternatives for acquiring or utilizing training land at other installations in the United States to support training activities of units stationed at Fort Carson.

(iii) An analysis of alternatives for utilizing other federally owned land to support training activities of units stationed at Fort Carson.

(C) An analysis of alternatives for enhancing economic development opportunities in southeastern Colorado at the current Site or through any proposed expansion, including the consideration of the following alternatives:

(i) The leasing of land on the Site or any expansion of the Site to ranchers for grazing.

(ii) The leasing of land from private landowners for training.

(iii) The procurement of additional services and goods, including biofuels and beef, from local businesses.

(iv) The creation of an economic development fund to benefit communities, local governments, and businesses in southeastern Colorado.

(v) The establishment of an outreach office to provide technical assistance to local businesses that wish to bid on Department of Defense contracts.

(vi) The establishment of partnerships with local governments and organizations to expand regional tourism through expanded access to sites of historic, cultural, and environmental interest on the Site.

(vii) An acquisition policy that allows willing sellers to minimize the tax impact of a sale.

(viii) Additional investments in Army missions and personnel, such as stationing an active duty unit at the Site, including—

(I) an analysis of anticipated operational benefits; and

(II) an analysis of economic impacts to surrounding communities.

(3) POTENTIAL PCMS LAND EXPANSION MAP DEFINED.—In this subsection, the term ''Potential PCMS Land expansion map'' means the June 2007 map entitled ''Potential PCMS Land expansion''.

(b) COMPTROLLER GENERAL REVIEW OF REPORT.—Not later than 180 days after the Secretary of Defense submits the report required under subsection (a), the Comptroller General of the United States shall submit to Congress a review of the report and of the justification of the Army for expansion at the Site.

(c) PUBLIC COMMENT.—After the report required under subsection (b) is submitted to Congress, the Army shall solicit public comment on the report for a period of not less than 90 days. Not later than 30 days after the public comment period has closed, the Secretary shall submit to Congress a written summary of comments received.

SA 2921. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

SEC. 683. PLAN FOR PARTICIPATION OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES IN THE BENEFITS DELIVERY AT DISCHARGE PROGRAM.

(a) PLAN TO MAXIMIZE PARTICIPATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to the benefits delivery at discharge program for members of the reserve components of the Armed Forces who have been called or ordered to active duty at any time since September 11, 2001.

(b) ELEMENTS.—The plan submitted under subsection (a) shall include a description of efforts to ensure that services under the benefits delivery at discharge program are provided, to the maximum extent practicable—

(1) at appropriate military installations;

(2) at appropriate armories and military family support centers of the National Guard;

(3) at appropriate military medical care facilities at which members of the Armed Forces are separated or discharged from the Armed Forces;

(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member; and

(5) that services described in the plan can be provided within resources available to the Secretary of Defense and the Secretary of Veterans Affairs in the appropriate fiscal year.

(c) BENEFITS DELIVERY AT DISCHARGE PROGRAM DEFINED.—In this section, the term ''benefits delivery at discharge program'' means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for which such members may be eligible.

SA 2922. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1535. MODIFICATION OF AUTHORITIES RELATED TO THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) TERMINATION DATE.—Subsection (o)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 147) is amended to read as follows:

''(1) The Office of the Inspector General shall terminate on December 31, 2009.''.

(b) JURISDICTION OVER RECONSTRUCTION FUNDS.—Such section is further amended by adding at the end the following new subsection:

''(p) RULE OF CONSTRUCTION.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction, any United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.''.

(c) HIRING AUTHORITY.—Subsection (h)(1) of such section is amended by inserting after ''pay rates'' the following: '', and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section)''.

SA 2923. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 256. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the feasibility of developing a joint soldier tracking system for recovering service members.

(b) MATTERS COVERED.—The study under subsection (a) shall include the following:

(1) Review of the feasibility of allowing each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A determination of whether the tracking system can be designed to ensure that—

(A) the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member; and

(B) each recovering service member is able to know when his appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(3) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(4) Information that will allow the Secretaries of the military departments and the Assistant Secretary of Defense for Health Affairs to monitor trends and problems.

(5) Safeguards to ensure that patient privacy and confidentiality concerns are addressed.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

SA 2924. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SANDERS, Mr. SCHUMER, Mr. DURBIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1535. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 2925. Mr. REID submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, insert the following:

SEC. 656. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by striking ''except that'' and all that follows and inserting ''except that payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following:

''(A) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

''(B) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SA 2926. Mr. BIDEN 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 X, add the following:

Subtitle F—National Security With Justice

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''National Security with Justice Act of 2007''.

SEC. 1082. DEFINITIONS.

In this subtitle—

(1) the term ''aggrieved person''—

(A) means any individual subject by an officer or agent of the United States either to extraterritorial detention or rendition, except as authorized in this subtitle; and

(B) does not include any individual who is an international terrorist;

(2) the term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4));

(3) the term ''extraterritorial detention'' means detention of any individual by an officer or agent of the United States outside the territorial jurisdiction of the United States;

(4) the term ''Foreign Intelligence Surveillance Court'' means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(5) the term ''Geneva Conventions'' means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516);

(6) the term ''international terrorist'' means—

(A) any person, other than a United States person, who engages in international terrorism or activities in preparation therefor; and

(B) any person who knowingly aids or abets any person in the conduct of activities described in subparagraph (A) or knowingly conspires with any person to engage in activities described in subparagraph (A);

(7) the terms ''international terrorism'' and ''United States person'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(8) the term ''officer or agent of the United States'' includes any officer, employee, agent, contractor, or subcontractor acting for or on behalf of the United States; and

(9) the terms ''render'' and ''rendition'', relating to an individual, mean that an officer or agent of the United States transfers that individual from the legal jurisdiction of the United States or a foreign country to a different legal jurisdiction (including the legal jurisdiction of the United States or a foreign country) without authorization by treaty or by the courts of either such jurisdiction, except under an order of rendition issued under section 1085C.

PART I—EXTRATERRITORIAL DETENTION AND RENDITION

SEC. 1085. PROHIBITION ON EXTRATERRITORIAL DETENTION.

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall engage in the extraterritorial detention of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual detained and timely transferred to a foreign legal jurisdiction or the legal jurisdiction of the United States under an order of rendition issued under section 1085C or an emergency authorization under section 1085D;

(2) an individual—

(A) detained by the Armed Forces of the United States in accordance with United States Army Regulation 190–8 (1997), or any successor regulation certified by the Secretary of Defense; and

(B) detained by the Armed Forces of the United States—

(i) under circumstances governed by, and in accordance with, the Geneva Conventions;

(ii) in accordance with United Nations Security Council Resolution 1546 (2004) and United Nations Security Council Resolution 1723 (2004);

(iii) at the Bagram, Afghanistan detention facility; or

(iv) at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act;

(3) an individual detained by the Armed Forces of the United States under circumstances governed by, and in accordance with chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(4) an individual detained by the Armed Forces of the United States subject to an agreement with a foreign government and in accordance with the relevant laws of that foreign country when the Armed Forces of the United States are providing assistance to that foreign government; or

(5) an individual detained pursuant to a peacekeeping operation authorized by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations.

SEC. 1085A. PROHIBITION ON RENDITION.

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall render or participate in the rendition of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual rendered under an order of rendition issued under section 1085C;

(2) an individual detained and transferred by the Armed Forces of the United States under circumstances governed by, and in accordance with, the Geneva Conventions;

(3) an individual—

(A) for whom an attorney for the United States or for any State has filed a criminal indictment, criminal information, or any similar criminal charging document in any district court of the United States or criminal court of any State; and

(B) who is timely transferred to the United States for trial;

(4) an individual—

(A) who was convicted of a crime in any State or Federal court;

(B) who—

(i) escaped from custody prior to the expiration of the sentence imposed; or

(ii) violated the terms of parole, probation, or supervised release; and

(C) who is promptly returned to the United States—

(i) to complete the term of imprisonment; or

(ii) for trial for escaping imprisonment or violating the terms of parole or supervised release; or

(5) an individual detained by the United States at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act who is transferred to a foreign legal jurisdiction.

SEC. 1085B. APPLICATION FOR AN ORDER OF RENDITION.

(a) IN GENERAL.—A Federal officer or agent may make an application for an order of rendition in writing, upon oath or affirmation, to a judge of the Foreign Intelligence Surveillance Court, if the Attorney General of the United States or the Deputy Attorney General of the United States determines that the requirements under this part for such an application have been satisfied.

(b) CONTENTS.—Each application under subsection (a) shall include—

(1) the identity of the Federal officer or agent making the application;

(2) a certification that the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application;

(3) the identity of the specific individual to be rendered;

(4) a statement of the facts and circumstances relied upon by the applicant to justify the good faith belief of the applicant that—

(A) the individual to be rendered is an international terrorist;

(B) the country to which the individual is to be rendered will not subject the individual to torture or cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(C) the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(D) rendition of that individual is important to the national security of the United States; and

(5) a full and complete statement regarding—

(A) whether ordinary legal procedures for the transfer of custody of the individual to be rendered have been tried and failed; or

(B) the facts and circumstances that justify the good faith belief of the applicant that ordinary legal procedures reasonably appear to be—

(i) unlikely to succeed if tried; or

(ii) unlikely to adequately protect intelligence sources or methods.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

''(g) The court established under subsection (a) may hear an application for and issue, and the court established under subsection (b) may review the issuing or denial of, an order of rendition under section 1085C of the National Security with Justice Act of 2007.''.

SEC. 1085C. ISSUANCE OF AN ORDER OF RENDITION.

(a) IN GENERAL.—Upon filing of an application under section 1085B, a judge of the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the rendition, if the judge finds that—

(1) the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application for rendition;

(2) the application has been made by a Federal officer or agent;

(3) the application establishes probable cause to believe that the individual to be rendered is an international terrorist;

(4) ordinary legal procedures for transfer of custody of the individual have been tried and failed or reasonably appear to be unlikely to succeed for any of the reasons described in section 1085B(b)(5)(B);

(5) the application, and such other information as is available to the judge, including reports of the Department of State and the United Nations Committee Against Torture and information concerning the specific characteristics and circumstances of the individual, establish a substantial likelihood that the country to which the individual is to be rendered will not subject the individual to torture or to cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(6) the application, and such other information as is available to the judge, establish reason to believe that the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(7) the application establishes reason to believe that rendition of the individual to be rendered is important to the national security of the United States.

(b) APPEAL.—The Government may appeal the denial of an application for an order under subsection (a) to the court of review established under section 103(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(b)), and further proceedings with respect to that application shall be conducted in a manner consistent with that section 103(b).

SEC. 1085D. AUTHORIZATIONS AND ORDERS FOR EMERGENCY DETENTION.

(a) IN GENERAL.—Notwithstanding any other provision of this part, and subject to subsection (b), the President or the Director of National Intelligence may authorize the Armed Forces of the United States or an element of the intelligence community, acting within the scope of existing authority, to detain an international terrorist in a foreign jurisdiction if the President or the Director of National Intelligence reasonably determines that—

(1) failure to detain that individual will result in a risk of imminent death or imminent serious bodily injury to any individual or imminent damage to or destruction of any United States facility; and

(2) the factual basis for issuance of an order of rendition under paragraphs (3) and (7) of section 1085C(a) exists.

(b) NOTICE AND APPLICATION.—The President or the Director of National Intelligence may authorize an individual be detained under subsection (a) if—

(1) the President or the Director of National Intelligence, or the designee of the President or the Director of National Intelligence, at the time of such authorization, immediately notifies the Foreign Intelligence Surveillance Court that the President or the Director of National Intelligence has determined to authorize that an individual be detained under subsection (a); and

(2) an application in accordance with this part is made to the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 72 hours after the President or the Director of National Intelligence authorizes that individual to be detained.

(c) EMERGENCY RENDITION PROHIBITED.—The President or the Director of National Intelligence may not authorize the rendition to a foreign jurisdiction of, and the Armed Forces of the United States or an element of the intelligence community may not render to a foreign jurisdiction, an individual detained under this section, unless an order under section 1085C authorizing the rendition of that individual has been obtained.

(d) NONDELEGATION.—Except as provided in this section, the authority and duties of the President or the Director of National Intelligence under this section may not be delegated.

SEC. 1085E. UNIFORM STANDARDS FOR THE INTERROGATION OF INDIVIDUALS DETAINED BY THE GOVERNMENT OF THE UNITED STATES.

(a) IN GENERAL.—No individual in the custody or under the effective control of an officer or agent of the United States or detained in a facility operated by or on behalf of the Department of Defense, the Central Intelligence Agency, or any other agency of the Government of the United States shall be subject to any treatment or technique of interrogation not authorized by and listed in United States Army Field Manual 2–22.3, entitled ''Human Intelligence Collector Operations''.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any individual in the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) CONSTRUCTION.—Nothing in this section may be construed to diminish the rights under the Constitution of the United States of any individual in the custody or within the physical jurisdiction of the Government of the United States.

SEC. 1085F. PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL ENGAGED IN AN INTERROGATION.

(a) PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL.—In a civil action or criminal prosecution against an officer or agent of the United States relating to an interrogation, it shall be a defense that such officer or agent of the United States complied with section 185E.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any civil action or criminal prosecution relating to the interrogation of an individual in the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) PROVISION OF COUNSEL.—In any civil action or criminal prosecution arising from the alleged use of an authorized interrogation practice by an officer or agent of the United States, the Government of the United States may provide or employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to representation.

(d) CONSTRUCTION.—Nothing in this section may be construed—

(1) to limit or extinguish any defense or protection from suit, civil or criminal liability, or damages otherwise available to a person or entity; or

(2) to provide immunity from prosecution for any criminal offense by the proper authorities.

SEC. 1085G. MONITORING AND REPORTING REGARDING THE TREATMENT, CONDITIONS OF CONFINEMENT, AND STATUS OF LEGAL PROCEEDINGS OF INDIVIDUALS RENDERED TO FOREIGN GOVERNMENTS.

(a) IN GENERAL.—The Secretary of State shall—

(1) regularly monitor the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 1085C; and

(2) not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report detailing the treatment of, the conditions of confinement of, and the progress of legal proceedings against any individual rendered to a foreign legal jurisdiction under section 1085C.

(b) APPLICABILITY.—The Secretary of State shall include in the reports required under subsection (a)(2) information relating to the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 1085C during the period beginning on the date that individual was rendered to a foreign legal jurisdiction under section 1085C and ending on the date that individual is released from custody by that foreign legal jurisdiction.

SEC. 1085H. REPORT TO CONGRESS.

The Attorney General shall—

(1) submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report that contains—

(A) the total number of applications made for an order of rendition under section 1085C;

(B) the total number of such orders granted, modified, or denied;

(C) the total number of emergency authorizations issued under section 1085D; and

(D) such other information as requested by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) make available to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a copy of each application made and order issued under this part.

SEC. 1085I. CIVIL LIABILITY.

(a) IN GENERAL.—An aggrieved person shall have a cause of action against the head of the department or agency that subjected that aggrieved person to extraterritorial detention or a rendition in violation of this part and shall be entitled to recover—

(1) actual damages, but not less than liquidated damages of $1,000 for each day of the violation;

(2) punitive damages; and

(3) reasonable attorney's fees.

(b) JURISDICTION.—The United States District Court for the District of Columbia shall have original jurisdiction over any claim under this section.

SEC. 1085J. ADDITIONAL RESOURCES FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) in paragraph (1), as so designated, by inserting ''at least'' before ''seven of the United States judicial circuits'';

(3) by striking ''If any judge so designated'' and inserting the following:

''(3) If any judge so designated''; and

(4) by inserting after paragraph (1), as so designated, the following:

''(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the court established by paragraph (1) such judges appointed under article III of the Constitution of the United States as the Chief Justice determines appropriate in order to provide for the prompt and timely consideration of applications under sections 1085B of the National Security with Justice Act of 2007 for orders of rendition under section 1085C of that Act. Any judge designated under this paragraph shall be designated publicly.''.

(b) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is authorized for the Foreign Intelligence Surveillance Court such additional staff personnel as may be necessary to facilitate the prompt processing and consideration by that Court of applications under section 1085B for orders of rendition under section 1085C approving rendition of an international terrorist. The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 1085K. RULE OF CONSTRUCTION.

Nothing in this part may be construed as altering or adding to existing authorities for the extraterritorial detention or rendition of any individual.

SEC. 1085L. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out

this part and the amendments made by this part.

PART II—ENEMY COMBATANTS

SEC. 1090. MODIFICATION OF DEFINITION OF "UNLAWFUL ENEMY COMBATANT" FOR PURPOSES OF MILITARY COMMISSIONS.

Section 948a(1)(A) of title 10, United States Code, is amended—

(1) in the matter preceding clause (i), by striking ''means''; and

(2) by striking clauses (i) and (ii) and inserting the following:

''(i) means a person who is not a lawful enemy combatant and who—

''(I) has engaged in hostilities against the United States; or

''(II) has purposefully and materially supported hostilities against the United States (other than hostilities engaged in as a lawful enemy combatant); and

''(ii) does not include any person who is—

''(I) a citizen of the United States or legally admitted to the United States; and

''(II) taken into custody in the United States.''.

PART III—HABEAS CORPUS

SEC. 1095. EXTENDING STATUTORY HABEAS CORPUS TO DETAINEES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e) and inserting the following:

''(e)(1) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been—

''(A) determined by the United States to have been properly detained as an enemy combatant; or

''(B) detained by the United States for more than 90 days without such a determination.

''(2) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been tried by military commission established under chapter 47A of title 10, United States Code, and has exhausted the appellate procedure under subchapter VI of that chapter.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter VI of chapter 47A of title 10, United States Code, is amended—

(A) by striking section 950g;

(B) in section 950h—

(i) in subsection (a), by adding at the end the following: ''Appointment of appellate counsel under this subsection shall be for purposes of this chapter only, and not for any proceedings relating to an application for a writ of habeas corpus relating to any matter tried by a military commission.''; and

(ii) in subsection (c), by striking '', the United States Court of Appeals for the District of Columbia, and the Supreme Court,'';

(C) in section 950j—

(i) by striking ''(a) FINALITY.—''; and

(ii) by striking subsection (b); and

(D) in the table of sections at the beginning of that subchapter, by striking the item relating to section 950g.

(2) DETAINEE TREATMENT ACTS.—

(A) IN GENERAL.—Section 1005(e) of the Detainee Treatment Act of 2005 (Public Law 109-148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking ''Paragraphs (2) and (3)'' and inserting ''Paragraph (2)''; and

(II) by striking ''one of such paragraphs'' and inserting ''that paragraph''.

(B) OTHER AMENDMENTS.—Section 1405 of the Detainee Treatment Act of 2005 (Public Law 109-163; 119 Stat. 3475; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking ''Paragraphs (2) and (3)'' and inserting ''Paragraph (2)''; and

(II) by striking ''one of such paragraphs'' and inserting ''that paragraph''.

(c) RULE OF CONSTRUCTION.—Notwithstanding subsection (a), no court, justice, or judge shall have jurisdiction to consider an action described in subparagraph (a) brought by an alien who is in the custody of the United States, in a zone of active hostility involving the United States Armed Forces, and where the United States is implementing United States Army Reg 190–8 (1997) or any successor, as certified by the Secretary of Defense.

SA 2927. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUPPORT THE NUCLEAR MISSIONS OF THE NAVY AND THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report.

(b) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

SA 2928. Mr. LAUTENBERG 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 354, after line 24, add the following:

SEC. 1070. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.

(a) SHORT TITLE.—This section may be cited as the ''Stop Business with Terrorists Act of 2007''.

(b) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(2) PARENT COMPANY.—The term ''parent company'' means an entity that is a United States person and—

(A) the entity owns, directly or indirectly, more than 50 percent of the equity interest by vote or value in another entity;

(B) board members or employees of the entity hold a majority of board seats of another entity; or

(C) the entity otherwise controls or is able to control the actions, policies, or personnel decisions of another entity.

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such entity.

(c) LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.—

(1) IN GENERAL.—In any case in which an entity engages in an act outside the United States that, if committed in the United States or by a United States person, would violate the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the parent company of the entity shall be subject to the penalties for the act to the same extent as if the parent company had engaged in the act.

(2) APPLICABILITY.—Paragraph (1) shall not apply to a parent company of an entity on which the President imposed a penalty for a violation described in paragraph (1) that was in effect on the date of the enactment of this Act if the parent company divests or terminates its business with such entity not later than 90 days after such date of enactment.

SA 2929. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1044. REPORT ON FACILITIES AND OPERATIONS OF DARNALL ARMY MEDICAL CENTER, FORT HOOD MILITARY RESERVATION, TEXAS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the facilities and operations of the

Darnall Army Medical Center at Fort Hood Military Reservation, Texas.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A specific determination of whether the facilities currently housing Darnall Army Medical Center meet Department of Defense standards for Army medical centers.

(2) A specific determination of whether the existing facilities adequately support the operations of Darnall Army Medical Center, including the missions of medical treatment, medical hold, medical holdover, and Warriors in Transition.

(3) A specific determination of whether the existing facilities provide adequate physical space for the number of personnel that would be required for Darnall Army Medical Center to function as a full-sized Army medical center.

(4) A specific determination of whether the current levels of medical and medical-related personnel at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(5) A specific determination of whether the current levels of graduate medical education and medical residency programs currently in place at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(6) A description of any and all deficiencies identified by the Secretary.

(7) A proposed investment plan and timeline to correct such deficiencies.

SA 2930. Mr. ISAKSON (for himself and Mr. CHAMBLISS) 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 354, after line 24, add the following:

SEC. 1070. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT OF THE DEPARTMENT OF VETERANS AFFAIRS, ATLANTA, GEORGIA.

The Secretary of Veterans Affairs may carry out a major medical facility project for modernization of inpatient wards at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed $20,534,000.

SA 2931. Mr. CASEY (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. SENSE OF THE SENATE ON NEED FOR COMPREHENSIVE DIPLOMATIC OFFENSIVE TO HELP BROKER NATIONAL RECONCILIATION EFFORTS IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) The men and women of the United States Armed Forces have performed with honor and distinction in executing Operation Iraqi Freedom and deserve the gratitude of the American people.

(2) General David H. Petraeus, Commander of the Multinational Force-Iraq, stated on March 8, 2007, ''There is no military solution to a problem like that in Iraq.''

(3) President George W. Bush reiterated on July 12, 2007, that the United States troop surge implemented in 2007 ''seeks to open space for Iraq's political leaders to advance the difficult process of national reconciliation, which is essential to lasting security and stability''.

(4) Greater involvement and diplomatic engagement by Iraq's neighbors and key international actors can help facilitate the national political reconciliation so essential to sustainable success in Iraq.

(5) The United States troop surge carried out in 2007 has not, as of yet, been matched by a comparable diplomatic surge designed to ensure that Iraqi national leaders carry through on the process of national reconciliation.

(6) The final report of the Iraq Study Group, released in December 2006, declared, ''The United States must build a new international consensus for stability in Iraq and the region. In order to foster such consensus, the United States should embark on a robust diplomatic effort to establish an international support structure intended to stabilize Iraq and ease tensions in other countries in the region. This support structure should include every country that has an interest in averting a chaotic Iraq, including all of Iraq's neighbors.''

(7) On August 10, 2007, the United Nations Security Council voted unanimously to expand the mandate of its mission in Iraq to assist the national government with political reconciliation, bring together Iraq's neighbors to discuss border security and energy access, and facilitate much needed humanitarian assistance.

(8) The United States Ambassador to Iraq, the Honorable Ryan C. Crocker, asserted on September 11, 2007, in testimony before the Committee on Foreign Relations of the Senate, ''With respect, again, to [Iraq's] neighbors and others, that is exactly our intent to have a more intensive, positive, more regulated engagement between Iraq and its neighbors.... The United Nations is now positioned to play a more active and involved role.''

(9) General Petraeus said on September 11, 2007, in response to a question on the need for greater civilian activity in Iraq, ''I agree with the chairman of the Joint Chiefs of Staff who has said repeatedly that certain elements of our government are at war, DoD, State, AID, but not all of the others.... We can use help in those areas. Some of the areas are quite thin, agriculture, health, and some others.''

(10) The United States troop surge carried out in 2007 has not, as of yet, been matched by a comparable civilian surge designed to help the Government of Iraq strengthen its capabilities in providing essential government services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Government should take the lead in organizing a comprehensive diplomatic offensive, consisting of bilateral, regional, and international initiatives, to assist the Government of Iraq in achieving national reconciliation and successfully meeting key security, political, and economic benchmarks;

(2) it is in the interest of the United States and the people of Iraq that Iraq is not seen as a uniquely ''American'' problem, but rather as of enduring importance to the security and prosperity of its neighbors, the entire Middle East region, and the broader international community;

(3) the greater involvement in a constructive fashion of Iraq's neighbors, whether through a regional conference or another mechanism, can help stabilize Iraq and end the outside flows of weapons, explosive materials, foreign fighters, and funding that contribute to the current sectarian warfare in Iraq;

(4) the President and the Secretary of State should invest their personal time and energy in these diplomatic efforts to ensure that they receive the highest priority within the United States Government and are viewed as a serious effort in the region and elsewhere;

(5) the President, in order to demonstrate that a regional diplomacy strategy enjoys attention at the highest levels of the United States Government, should appoint a seasoned, high-level Presidential envoy to the Middle East region to supplement the efforts of Ambassador Crocker and focus on the establishment of a regional framework to help stabilize Iraq;

(6) the United States Government should build upon tentative progress achieved by the International Compact for Iraq and the Iraq Neighbors Conference to serve as the basis for a more intensive and sustained effort to construct an effective regional mechanism;

(7) the President should direct the United States Permanent Representative to the United Nations to use the voice and vote of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, to engage political, religious, ethnic, and tribal leaders in Iraq to foster national reconciliation efforts;

(8) the United States Government should begin planning for a wide-ranging dialogue on the mandate governing international support for Iraq when the current United Nations mandate authorizing the United States-led coalition expires at the end of 2007;

(9) the United States Government should more directly press Iraq's neighbors to open fully operating embassies in Baghdad and establish inclusive diplomatic relations with the Government of Iraq to help ensure the Government is viewed as legitimate throughout the region;

(10) the United States Government should strongly urge the governments of those countries that have previously pledged debt forgiveness and economic assistance to the Government of Iraq to fully carry through on their commitments on an expedited basis;

(11) a key objective of any diplomatic offensive should be to ameliorate the suffering and deprivation of Iraqi refugees, both those displaced internally and those who have fled to neighboring countries, through coordinated humanitarian assistance and the development of a regional framework to establish long-term solutions to the future of displaced Iraqi citizens;

(12) the United States Government should reallocate diplomats and Department of State funds as required to ensure that any comprehensive diplomatic offensive to stabilize Iraq on an urgent basis has the needed resources to succeed; and

(13) the United States Government should reallocate civilian expertise to help governmental entities in Iraq strengthen their ability to provide essential government services to the people of Iraq.

SA 2932. Mr. LIEBERMAN submitted an amendment intended to be proposed

to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1031. PROVISION OF CONTACT INFORMATION ON SEPARATING MEMBERS OF THE ARMED FORCES TO STATE VETERANS AGENCIES.

For each member of the Armed Forces pending separation from the Armed Forces or who detaches from the member's regular unit while awaiting medical separation or retirement, not later than the date of such separation or detachment, as the case may be, the Secretary of Defense shall, upon the request of the member, provide the address and other appropriate contact information of the member to the State veterans agency in the State in which the member will first reside after separation or in the State in which the member resides while so awaiting medical separation or retirement, as the case may be.

SA 2933. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1070. NO ACCRUAL OF INTEREST ON FEDERAL DIRECT LOANS FOR ACTIVE DUTY SERVICE MEMBERS AND THEIR SPOUSES.

(a) SHORT TITLE.—This section may be cited as the ''Interest Relief Act''.

(b) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS AND THEIR SPOUSES.—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

''(m) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS AND THEIR SPOUSES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest on a loan made under this part shall not accrue for an eligible borrower.

''(2) ELIGIBLE BORROWER.—In this subsection, the term 'eligible borrower' means an individual—

''(A) who is—

''(i) serving on active duty during a war or other military operation or national emergency; or

''(ii) performing qualifying National Guard duty during a war or other military operation or national emergency; or

''(B) who is the spouse of an individual described in subparagraph (A).

''(3) LIMITATION.—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.''.

(c) CONSOLIDATION LOANS.—Section 428C(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(b)(5)) is amended by inserting after the first sentence the following: ''In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty service members and their spouses program offered under section 455(m), the Secretary shall offer any such borrower who applies for it, a Federal Direct Consolidation loan.''.

SA 2934. Mr. CORNYN proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

SEC. 1070. SENSE OF SENATE ON GENERAL DAVID PETRAEUS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Senate unanimously confirmed General David H. Petraeus as Commanding General, Multi-National Force-Iraq, by a vote of 81-0 on January 26, 2007.

(2) General Petraeus graduated first in his class at the United States Army Command and General Staff College.

(3) General Petraeus earned Masters of Public Administration and Doctoral degrees in international relations from Princeton University.

(4) General Petraeus has served multiple combat tours in Iraq, including command of the 101st Airborne Division (Air Assault) during combat operations throughout the first year of Operation Iraqi Freedom, which tours included both major combat operations and subsequent stability and support operations.

(5) General Petraeus supervised the development and crafting of the United States Army and Marine Corps counterinsurgency manual based in large measure on his combat experience in Iraq, scholarly study, and other professional experiences.

(6) General Petraeus has taken a solemn oath to protect and defend the Constitution of the United States of America.

(7) During his 35-year career, General Petraeus has amassed a distinguished and unvarnished record of military service to the United States as recognized by his receipt of a Defense Distinguished Service Medal, two Distinguished Service Medals, two Defense Superior Service Medals, four Legions of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and other awards and medals.

(8) A recent attack through a full-page advertisement in the New York Times by the liberal activist group, Moveon.org, impugns the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force-Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attack on General Petraeus by the liberal activist group Moveon.org.

SA 2935. Mr. CHAMBLISS (for himself, Mr. PRYOR, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on housing privatization projects initiated by the Department of Defense that are behind schedule or have defaulted.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of current housing privatization projects initiated by the Department of Defense that are behind schedule or in default.

(2) In each case in which a project is behind schedule or in default, a description of —

(A) the reasons for schedule delays, cost overruns, or default;

(B) how bid solicitations and competitions were conducted for the project;

(C) how financing, partnerships, legal arrangements, leases, or contracts in relation to the project were structured;

(D) which entities, including Federal entities, that are bearing financial risk for the project, and to what extent;

(E) the remedies available to the Federal Government to restore the project to schedule or ensure completion of the housing units in question at the earliest possible time;

(F) the extent to which the Federal Government has the ability to effect the performance of various parties involved in the project;

(G) remedies available to subcontractors to recoup liens in the case of default, non-payment by the developer or other party to the project or lease agreement, or re-structuring;

(H) remedies available to the Federal Government to affect receivership actions or transfer of ownership of the project; and

(I) names of the developers for the project and any history of previous defaults or bankruptcies by these developers or their affiliates.

(3) In each case in which a project is behind schedule or in default, recommendations regarding—

(A) what actions the Federal Government can take, to include project termination and restart, to ensure the project is completed according to the original schedule and budget;

(B) the leverage the Federal Government has to improve the performance of various parties to the project or lease agreement; and

(C) how the Federal Government can interject competition into the project to stimulate improved performance.

SA 2936. Mr. CHAMBLISS (for himself, Mr. ISAKSON) submitted an amendment intended to be proposed to

amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1070. DESIGNATION OF CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

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

(1) Charlie Norwood volunteered for service in the United States Army Dental Corps in a time of war, providing dental and medical services in the Republic of Vietnam in 1968, earning the Combat Medical Badge and two awards of the Bronze Star.

(2) Captain Norwood, under combat conditions, helped develop the Dental Corps operating procedures, that are now standard, of delivering dentists to forward-fire bases, and providing dental treatment for military service dogs.

(3) Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war.

(4) Dr. Norwood provided military dental care at Fort Gordon, Georgia, following his service in Vietnam, then provided private-practice dental care for the next 25 years for patients in the greater Augusta, Georgia, area, including care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid.

(5) Congressman Norwood, upon being sworn into the United States House of Representatives in 1995, pursued the advancement of health and dental care for active duty and retired military personnel and dependents, and for veterans, through his public advocacy for strengthened Federal support for military and veterans' health care programs and facilities.

(6) Congressman Norwood co-authored and helped pass into law the Keep our Promises to America's Military Retirees Act, which restored lifetime healthcare benefits to veterans who are military retirees through the creation of the Department of Defense TRICARE for Life Program.

(7) Congressman Norwood supported and helped pass into law the Retired Pay Restoration Act providing relief from the concurrent receipt rule penalizing disabled veterans who were also military retirees.

(8) Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia, and succeeded in maintaining and increasing Federal funding for the center.

(9) Congressman Norwood maintained a life membership in the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

(10) Congressman Norwood's role in protecting and improving military and veteran's health care was recognized by the Association of the United States Army through the presentation of the Cocklin Award in 1998, and through his induction into the Association's Audie Murphy Society in 1999.

(b) DESIGNATION.—

(1) IN GENERAL.—The Department of Veterans Affairs Medical Center located at 1 Freedom Way in Augusta, Georgia, shall after the date of the enactment of this Act be known and designated as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

(2) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in paragraph (1) shall be considered to be a reference to the Charlie Norwood Department of Veterans Affairs Medical Center.

SA 2937. Mr. DOMENICI (for himself, Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of 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.

(c) ACTIONS TO SIGNIFICANTLY DIMINISH THE ABILITY OF FACILITY TO FUNCTION AS MAJOR RANGE AND TEST BASE FACILITY.—Prior to the delivery of the report required by subsection (a) to the congressional defense committees, the Secretary of the Army may not take any action that significantly diminishes the capabilities of the High Energy Laser Systems Test Facility until after a proposal detailing the action is reviewed by the Director of the Test Resource Management Center to determine risk and impact to the Department of Defense, alternatives considered, rationale, and implementation plans.

SA 2938. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. SENSE OF THE SENATE ON TOWBARLESS CAPTURE VEHICLES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Air Force is currently evaluating the use of towbarless aircraft ground support equipment, including revision of regulations to allow for the use of towbarless vehicles on jet and cargo aircraft.

(2) The use of aircraft ground support equipment has the potential to allow for safer and labor reducing towing of jet and cargo aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of the Air Force should modify regulations as appropriate to allow for the use of towbarless aircraft ground support equipment, which promotes safety and reduces labor.

SA 2939. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 847. INDEPENDENT MANAGEMENT REVIEWS OF CONTRACTS FOR SERVICES.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to provide for periodic independent management reviews of contracts for services. The independent management review procedures issued pursuant to this section shall be designed to evaluate, at a minimum—

(1) contract performance in terms of cost, schedule, and requirements;

(2) the use of contracting mechanisms, including the use of competition, the contract structure and type, the definition of contract requirements, cost or pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

(3) the contractor's use, management, and oversight of subcontractors; and

(4) the staffing of contract management and oversight functions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the contracts subject to independent management reviews, including any applicable thresholds and exceptions;

(2) the frequency with which independent management reviews shall be conducted;

(3) the composition of teams designated to perform independent management reviews;

(4) any phase-in requirements needed to ensure that qualified staff are available to perform independent management reviews;

(5) procedures for tracking the implementation of recommendations made by independent management review teams; and

(6) procedures for developing and disseminating lessons learned from independent management reviews.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTION.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT ON IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the implementation of the guidance and instructions issued pursuant to subsection (a).

SA 2940. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 847. IMPLEMENTATION AND ENFORCEMENT OF REQUIREMENTS APPLICABLE TO UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to ensure the implementation and enforcement of requirements applicable to undefinitized contractual actions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the circumstances in which it is, and is not, appropriate for Department of Defense officials to use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;

(3) procedures for ensuring that schedules for the definitization of undefinitized contractual actions are not exceeded;

(4) procedures for ensuring compliance with limitations on the obligation of funds pursuant to undefinitized contractual actions (including, where feasible, the obligation of less than the maximum allowed at time of award);

(5) procedures (including appropriate documentation requirements) for ensuring that reduced risk is taken into account in negotiating profit or fee with respect to costs incurred before the definitization of an undefinitized contractual action; and

(6) reporting requirements for undefinitized contractual actions that fail to meet required schedules or limitations on the obligation of funds.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTIONS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the extent to which the guidance and instructions issued pursuant to subsection (a) have resulted in improvements to—

(A) the level of insight that senior Department of Defense officials have into the use of undefinitized contractual actions;

(B) the appropriate use of undefinitized contractual actions;

(C) the timely definitization of undefinitized contractual actions; and

(D) the negotiation of appropriate profits and fees for undefinitized contractual actions.

SA 2941. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1434. MODIFICATION OF TERMINATION OF ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AFTER COMPLETION OF THE DESTRUCTION OF THE UNITED STATES CHEMICAL WEAPONS STOCKPILE.

Subparagraph (B) of section 1412(c)(5) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(5)) is amended to read as follows:

''(B) Assistance may be provided under this paragraph for capabilities to respond to emergencies involving an installation or facility as described in subparagraph (A) until the earlier of the following:

''(i) The date of the completion of all grants and cooperative agreements with respect to the installation or facility for purposes of this paragraph between the Federal Emergency Management Agency and the State and local governments concerned.

''(ii) The date that is 180 days after the date of the completion of the destruction of lethal chemical agents and munitions at the installation or facility.''.

SA 2942. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1044. REPORT AND MASTER INFRASTRUCTURE RECAPITALIZATION PLAN REGARDING CHEYENNE MOUNTAIN AIR STATION, COLORADO.

(a) REPORT ON RELOCATION OF NORTH AMERICAN AEROSPACE DEFENSE COMMAND CENTER.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the relocation of the North American Aerospace Defense command center and related functions from Cheyenne Mountain Air Station, Colorado, to Peterson Air Force Base, Colorado.

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

(A) an analysis comparing the total costs associated with the relocation, including costs determined as part of ongoing security-related studies of the relocation, to anticipated operational benefits from the relocation;

(B) an analysis of what additional missions could be performed at the Cheyenne Mountain Air Station, including anticipated operational benefits or cost savings of moving additional functions to the Cheyenne Mountain Air Station; and

(C) a detailed explanation of those backup functions that will remain located at Cheyenne Mountain Air Station, and how those functions planned to be transferred out of Cheyenne Mountain Air Station, including the Space Operations Center, will maintain operational connectivity with their related commands and relevant communications centers.

(b) MASTER INFRASTRUCTURE RECAPITALIZATION PLAN.—

(1) IN GENERAL.—Not later than March 16, 2008, the Secretary of the Air Force shall submit to Congress a master infrastructure recapitalization plan for Cheyenne Mountain Air Station.

(2) CONTENT.—The plan required under paragraph (1) shall include—

(A) A description of the projects that are needed to improve the infrastructure required for supporting current and projected missions associated with Cheyenne Mountain Air Station; and

(B) a funding plan explaining the expected timetable for the Air Force to support such projects.

SA 2943. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUPPORT THE NUCLEAR MISSIONS OF THE NAVY AND THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall each submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report.

(b) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

SA 2944. Mrs. CLINTON (for herself, Mr. KERRY, Mr. LAUTENBERG, Mr. BROWN, and Mr. BYRD) 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:

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

SEC. 1535. REPORT ON CONTINGENCY PLANNING FOR THE REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

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

(1) The United States Government should be well prepared for the eventual redeployment of United States forces from Iraq.

(2) The redeployment of United States forces from Iraq will take careful planning in order to ensure the safety and security of members of the Armed Forces.

(3) The United States Government should take into account various contingencies that might impact the redeployment of United States forces from Iraq.

(4) Congressional oversight plays a valuable role in ensuring the national security of the United States and the safety and security of the men and women of the Armed Forces.

(b) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State and the Joint Chiefs of Staff, submit to Congress a report on contingency planning for the redeployment of United States forces from Iraq.

(c) ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (b) shall include the following:

(A) A detailed description of the process by which contingency planning by the United States Government for the redeployment of United States forces from Iraq is occurring.

(B) A detailed description and assessment of the various contingencies for the redeployment of United States forces from Iraq that are being considered for planning purposes.

(C) A detailed description and assessment of the possible impact of each contingency described in subparagraph (B) on United States forces in Iraq.

(D) A detailed description of the resources and capabilities required to redeploy United States forces from Iraq under each of the contingencies described in subparagraph (B).

(E) A detailed description of the diplomatic efforts that will be required in support of each contingency described in subparagraph (B).

(F) A detailed description of the information operations and public affairs efforts that will be required in support of each contingency described in subparagraph (B).

(G) A detailed description of the evolving mission profile of United States forces under each contingency described in subparagraph (B).

(H) A cost estimate for each contingency described in subparagraph (B), including a cost estimate for the replacement of United States military equipment left in Iraq after redeployment.

(I) A detailed description of the results of any modeling and simulation efforts by the departments and agencies of the United States Government on each contingency described in subparagraph (B).

(2) CERTAIN SCENARIOS.—The report shall include contingency planning for each of the scenarios as follows:

(A) The commencement of the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(B) The transition of the United States military mission in Iraq to—

(i) training Iraqi security forces;

(ii) conducting targeted counter-terrorism operations; and

(iii) protecting United States facilities and personnel.

(C) The completion of the transition of United States forces to a limited presence and missions in Iraq as described in subparagraph (B) not later than April 30, 2008.

(d) FORM.—The report required by subsection (b) shall be submitted in classified form, but shall include an unclassified summary.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. OBAMA. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 19, 2007, at 10 a.m., to mark up H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007; S. 1518, the Community Partnership to End Homelessness Act of 2007; and an original bill entitled the FHA Modernization Act of 2007.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. OBAMA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 19, 2007, at 9:30 a.m., to hold a nomination hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. OBAMA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 19, 2007, at 3 p.m., to hold a hearing on protecting natural treasures through international organizations.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. OBAMA. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 19, 2007, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building to conduct a hearing on the process of Federal recognition of Indian tribes.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. OBAMA. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 19, 2007, at 9:30 a.m., to conduct a hearing on S. 1905, the Regional Presidential Primary and Caucus Act of 2007, to provide for a rotating schedule for regional selection of delegates to a national nominating convention, and for other purposes.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. OBAMA. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, September 19, 2007, in order to conduct an oversight hearing on information technology within the Department of Veterans Affairs. The Committee will meet in Dirksen 562, at 9:30 a.m.

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

JOINT ECONOMIC COMMITTEE

Mr. OBAMA. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, ''Evolution of an Economic Crisis?: The Subprime Lending Disaster and the Threat to the Broader Economy'', in Room 216 of the Hart Senate Office Building, on Wednesday, September 19, 2007, from 9:30 a.m. to 1 p.m.

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

SPECIAL COMMITTEE ON AGING

Mr. OBAMA. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on, Wednesday, September 19, 2007, from 10:30 a.m.–12:30 p.m., in room SD–106 of the Dirksen Senate Office Building for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. OBAMA. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to conduct a hearing entitled ''The 'Material Support' Bar: Denying Refuge to the Persecuted?'' on Wednesday, September 19, 2007 at 2:30 p.m., in the Dirksen Senate Office Building room 226.

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

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. OBAMA. Mr. President, I ask unanimous consent that the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality be authorized to meet during the session of the Senate on Wednesday, September 19, 2007, at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Meeting America's Wastewater Infrastructure Needs in the 21st Century.''

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

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Madam President, I ask unanimous consent that Deron Waldron be permitted floor privileges for this debate.

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

TO PROVIDE SEPARATION PAY FOR HOST COUNTRY RESIDENT PERSONAL SERVICES CONTRACTORS OF THE PEACE CORPS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3528, received from the House and at the desk.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3528) to provide authority to the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, and that any statements be printed in the RECORD without further intervening action or debate.

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

The bill (H.R. 3528) was ordered to be read a third time, was read the third time and passed.

HONORING GENERAL GEORGE SEARS GREENE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 322, 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. 322) honoring the lifetime achievements of General George Sears Greene on the occasion of the 100th anniversary of the rededication of the monument in his honor.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REED. Mr. President, I have submitted this resolution with my colleagues, Senator WHITEHOUSE and Senator CLINTON, to honor the life and accomplishments of George Sears Greene, the distinguished general from Rhode Island who helped lead the Union to victory at the Battle of Gettysburg.

General Greene was born and raised in Apponaug, RI before moving to pursue work in New York. At the age of 18, he was appointed to the United States Military Academy at West Point and excelled in his studies there, graduating second in his class.

After resigning his commission in the Army in 1836, Greene went on to become a founder of the American Society of Civil Engineers and Architects. As an engineer, Greene designed projects throughout the United States including a reservoir in Manhattan's Central Park and municipal water and sewage systems for several cities, including Providence.

But General Greene is perhaps best known for his heroism at Gettysburg. Greene returned voluntarily to the defense of the Nation at the age of 60, when the governor of New York appointed him colonel of the New York 60th Infantry regiment. At Gettysburg, General Greene led the 3rd Brigade of New York at Culp's Hill. His regiment's defense of the Union army's right flank helped secure victory for the Nation at that decisive battle.

General Greene's memory will be honored this Saturday at the 100th anniversary rededication ceremony of his monument on Culp's Hill. I ask that you join Senators WHITEHOUSE, CLINTON and me in recognizing his exemplary public service.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, en bloc, and any statements be printed in the RECORD.

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

The resolution (S. Res. 322) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 322

Whereas George Sears Greene was one of 9 children born to Caleb and Sarah Robinson Wicks Greene in Apponaug, Rhode Island, attended grammar school in Warwick, Rhode Island, and moved to New York as a teenager;

Whereas Greene attended the United States Military Academy at West Point, where he graduated 2nd in his class in 1823;

Whereas Greene entered the Army as a 2nd lieutenant in the 3rd United States Artillery regiment, and, due to his superb scholarship, was appointed to teach mathematics at the Military Academy following his graduation;

Whereas, after resigning his commission in the Army in 1836, Greene worked as a civil engineer, became a founder of the American Society of Civil Engineers and Architects, and constructed railroads and canals in several states and designed aqueducts and municipal sewage and water systems for New York, Providence, and several other cities;

Whereas, at the outset of the Civil War, Greene returned to the defense of the Nation and, at the age of 60, was appointed colonel of the 60th New York Infantry regiment;

Whereas, on April 28, 1862, Greene was promoted to Brigadier General, United States Volunteers;

Whereas, on July 2, 1863, on the 2nd day of the Battle of Gettysburg, Greene led the 3rd Brigade of New Yorkers on Culp's Hill, and his regiment's defense of the Union right flank at Culp's during the battle was a contributing factor in the Union's victory;

Whereas Greene passed away at the age of 97 in 1899 and, in 1907, a monument on Culp's Hill was erected in Greene's honor; and

Whereas the General George Sears Greene monument will be rededicated on September 22, 2007: Now, therefore, be it

Resolved, That the Senate, in honor of the 100th anniversary rededication of the General George Sears Greene monument at Gettysburg, Pennsylvania, commends the lifetime achievements of General Greene, his commitment to public service, and his decisive and heroic defense of Culp's Hill in the crucial Battle of Gettysburg.

MEASURE READ THE FIRST TIME—S. 2070

Mr. DURBIN. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2070) to prevent Government shutdowns.

Mr. DURBIN. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for its second time on the next legislative day.

ORDERS FOR THURSDAY, SEPTEMBER 20, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, September 20; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that there be a period of morning business until 10:30 a.m., with the time equally divided and controlled between the two sides, the majority controlling the first half and the Republicans controlling the final half; that at 10:30 a.m., the Senate then resume consideration of H.R. 1585, the Department of Defense Authorization Act.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Thursday, September 20, 2007, at 9:30 a.m.