

Bush's own Inspector General for Iraq Reconstruction.

According to the first report—released by Oxfam, an international aid organization, and the NGO Coordination Committee network in Iraq—8 million Iraqis are in need of immediate emergency aid. So according to this first report, 8 million Iraqis are in need of immediate emergency aid. That is probably more than a third of the population. It means they are desperately lacking basic daily necessities such as food, water, and sanitation.

Even more troubling, these conditions are worse now than before the war started. Before the war, 19 percent of Iraqi children were malnourished. Today, that is 28 percent. And 50 percent lacked adequate water supplies before the war; that is now 70 percent. So 70 percent of all Iraqis live without clean water.

With awful and deteriorating conditions such as these, it is no wonder a recent poll of the Iraqi people showed 70 percent of the Iraqi people believe the American presence is making them less safe.

Our troops are certainly not to blame for these failures to make the Iraqi people safer or healthier. In the war's 4-plus years, they have accomplished everything they have been asked to do. They took down the Iraqi dictator. They have heroically battled those who seek to destabilize Iraq and the region. They have provided time for Iraqi factions to come together and negotiate a peaceful settlement of their differences which, unfortunately, these factions have not taken advantage of.

These failures lie with the President, who took us to war without a plan for peace, and the Defense Department generally, which has not managed to administer a strategy for success, and the Iraqi Government, which hasn't taken responsibility for their country's own future.

The second new report, from the Inspector General's Office for Iraq Reconstruction, sheds new light on how thoroughly our efforts in that area have failed to help Iraqis and how dearly that failure is costing American taxpayers.

This inspector general's report tells us Iraq's central government has refused to take responsibility for more than 2,300 reconstruction projects America has already paid close to \$20 billion to construct.

The result is many projects are lapsing or continue to rely on American funds only.

I say this in the background of the Iraqi people having arguably the largest oil reserve in the world. When I met those in the first Iraqi Government, along with Senator Frist, one of the Iraqis proudly said of the governing body: People say we have the second largest oil reserves in the world, but we have the largest oil reserves in the world.

I don't know whether it is first or second, but they have a lot of oil,

which translates to money, and they are not helping at all with these projects.

Not a single project has been turned over to the Iraqi Government in more than a year. Even among those few that have been turned over, many, if not most, are now failing.

As a result, our almost \$6 billion investment in Iraq reconstruction is largely being wasted. What would happen in America? We would not tolerate \$6 billion being wasted in taxpayer dollars, and we should not stand for it in Iraq—especially when it is our taxpayers' money that is being wasted.

As long as we continue our open-ended commitment of troops, the Iraqi Government has no incentive to step up. As long as we continue financing projects that they let lapse, they will continue to let our troops and taxpayers shoulder the burden.

The father of a soldier from Nevada wrote me recently to tell me how that burden is affecting his son and his son's fellow soldiers. He gave me permission to read this when I called and asked him after reading this heartfelt letter. He asked me not to mention his son's name, so I am not going to do that. I will not mention the man's name who wrote the letter. If anybody has a question, I will be happy to show them the letter in my office.

He wrote:

Our son is a 20-year-old cavalry scout in the Army. He and his best friend quit college their first semester to "make a difference." We are a close-knit family and although we only get to speak to Mike once every 3-4 weeks, the conditions, morale and circumstances he deals with are like nothing we read about in the press.

I have always supported our troops but cannot support the war anymore, particularly when I continue to receive information from my son that is upsetting to me. He has not had a day off since his deployment in early January. He has had his hummer blown up and narrowly escaped death, seen his close friend blown to pieces 30 yards away, had a suicide bomber blow up a hummer in his unit 50 yards away, and the stories go on.

My concern is no days off, 7 days a week in combat, 4 hours of sleep per night and no days off in sight for the future. I have to buy a good deal of equipment for him to send over to Iraq . . .

I am a successful local businessman and a very patriotic person . . . but we feel helpless and do not know who to speak to . . . What do our soldiers have to look forward to except fighting every day, looking death in the eye daily, no days off, strategy that changes daily, 125 degree weather, [and] little communication with the outside world . . .

The Presiding Officer, from firsthand experience, knows what this man is talking about. Most of us don't.

This young man from Nevada, fighting with bravery far beyond his 20 years, deserves better.

As his father said, he signed up for the Armed Forces to "make a difference." There are challenges facing America in nearly every corner of the globe—real dangers that will affect our security for generations to come. This young soldier should be helping us wage a real war on terrorism that goes

after those who attacked us. He should be involved in peacekeeping missions to stop genocide and spread peace. Instead, he is stuck in an endless war that even President Bush's own military experts admit has no military solution.

It is long past time to end this preoccupation with Iraq. It is time to rebuild our overburdened military, so this young soldier from Nevada, and 160,000 more just like him, have the rest and care they need to do their job effectively.

As we work this week to make life better for millions of Americans at home—especially children—we continue to think of our troops and the Iraqi people who suffer abroad, and we will continue to work every day to bring about the new course our troops and all Americans deserve.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Maryland is recognized.

Mr. CARDIN. I thank the CHAIR.

(The remarks of Mr. CARDIN pertaining to the introduction of S. 1899 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CARDIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

#### AMERICANS WITH DISABILITIES RESTORATION ACT

Mr. HARKIN. Mr. President, last Thursday, July 26, 2007, was the 17th anniversary of the signing of the Americans with Disabilities Act. On that day in 1990, thousands of people gathered on the south lawn of the White House. It was the largest gathering at least to that date—it may still be—for the signing of legislation. It was a beautiful sunny day. President Bush signed the Americans with Disabilities Act into law. That bill had taken a long time to develop, years to develop. A lot of hard work and effort went into it.

As the chief Senate sponsor of that bill, getting that bill passed was the proudest day in my life, having been raised with a brother who was disabled. Seeing how he was discriminated against all his life compelled me when

I first came to the House and then to the Senate to work on these issues, the issues of the discrimination against Americans with disabilities and how people with disabilities had been kept out of the mainstream of American life, how they had been shunted aside, warehoused, categorized in ways that demean their personhood in ways that prevented them from contributing all they could to our American society.

So the Americans with Disabilities Act was a major civil rights act—a major civil rights act—to ban discrimination, just as we did against people of color, against women, national origin, sex, for example. We now include people with disabilities under a broad civil rights umbrella.

We have made great advances since that time. It is all over. One can see it wherever one goes—curb cuts, accessible buses, accessible trains, widened doors. Every building now built in the United States of America is fully accessible. Architecture has changed. I have a nephew who is an architect, and he said when that bill became law in the 1990s, architecture school started teaching different subjects, architecture firms started designing buildings differently for universal accessibility. We have come to accept that situation.

There is a problem, and the problem has come about through some Supreme Court decisions of late. That is why last Thursday on the 17th anniversary of the signing of the Americans with Disabilities Act, I joined with Senator SPECTER of Pennsylvania, with House majority leader STENY HOYER, and the ranking member of the House Judiciary Committee, Congressman JIM SENBRENNER, in introducing a bipartisan measure called the ADA Restoration Act of 2007.

As I will explain in more detail shortly, this bill offers a modest, reasonable legislative fix in response to court decisions that have misconstrued the original legislative intent of the Americans with Disabilities Act, which I will refer to now on as the ADA.

Again, what is remarkable about this legislation is that it was done in a spirit of genuine bipartisanship, with Members of both parties coming together to do the right thing for millions of Americans with disabilities. But that is the way we developed the first ADA in 1990. It was a truly overwhelming bipartisan effort. As I said, as I was the chief sponsor in the Senate, I worked very closely with then-Senator Bob Dole who had been the majority leader and then was the ranking minority member in the Senate. We had invaluable support, of course, from the White House. President George Bush, Bush 41, George Herbert Walker Bush, was very helpful; Key members of the administration—I especially want to note for the record Boyden Gray, White House counsel, without whose support and intervention the law probably would never have been passed; Attorney General Richard Thornburgh, again a key player in getting the ADA passed in

1990; Sam Skinner, then Transportation Secretary, also was very much involved.

The introduction of the ADA Restoration Act last Thursday and the reaction to it has been a breath of fresh air amidst all the going back and forth politically in Washington, very much in the same spirit we had in 1990 when members of both parties embraced the legislation as something that can and should be done and should be beyond partisanship. There was a sense that on this one measure, we could put partisanship aside and come together as a unified body and make a real difference in the lives of our fellow citizens who have disabilities.

The fact is, we all take pride in the progress we have made in the last 17 years. Nobody wants to go backward. The ADA, as I said, is one of the great landmark civil rights legislation of the 20th century, a long overdue emancipation proclamation for millions of Americans with disabilities.

Again, we removed most physical barriers. We have required employers to provide reasonable accommodations so that people with disabilities can get jobs and have equal opportunity in the workplace.

There were four goals of the ADA, four pillars, so to speak: equality of opportunity, full participation, independent living, and economic self-sufficiency.

The reach of the ADA revolution struck me some time ago in Washington. I attended a downtown convention of several hundred disability rights advocates, many with very severe impairments. They arrived in Washington on trains and planes and buses built to accommodate people in wheelchairs. They came to the hotel on the Metro and in regular buses all seamlessly accessible by wheelchair. They navigated city streets equipped with curb cuts and ramps. The hotel where the convention took place was equipped in countless ways to accommodate people with disabilities. There were sign language interpreters on the dias so people with hearing disabilities could be full participants.

For those of us able-bodied, these many changes are all but invisible, but for a person in a wheelchair, for a person without sight, for a person with deafness, they are transforming and liberating.

So our provisions in ADA outlawed discrimination against qualified individuals with disabilities in the workplace and required employers to provide reasonable accommodations. But, as I said, a problem has arisen.

In recent years, the courts have ignored Congress's clear intent as to who is to be covered by the ADA. The courts have narrowed the definition of who qualifies as an individual with a disability. As a consequence, millions of people whom we intended to be covered by the ADA, including people with epilepsy, diabetes, yes, even cancer, are not protected anymore. In a ruling this

spring, the Eleventh Circuit Court even concluded that a person with mental retardation was not disabled under the ADA.

Looking back to the legislative history, it is abundantly clear that we in Congress intended that the protections of the Americans with Disabilities Act apply to all persons without regard to mitigating circumstances, such as taking medicine or using an assistive device.

Nonetheless, in a series of cases, the Supreme Court has all but ignored congressional intent. Together, these Supreme Court cases have created an absurd and unintended catch 22-type situation. People with serious health conditions, such as epilepsy or diabetes or seeing problems, who are fortunate to find treatments that make them more capable and independent and, thus, more able to work may find they are no longer protected by the ADA. If these individuals are no longer covered by the ADA, then their request for reasonable accommodations in the workplace can be ignored, denied, or they can be fired. On the other hand, if they stop taking their medication or stop using an assistive device, they will be considered a person with a disability under the ADA but they won't be qualified for the job.

Think about what kind of a position this puts a person in. Let's say you have epilepsy and you take medication to control it. That makes you able to work. But under the Court decisions, if you take a job and the employer finds out you have epilepsy, they can fire you. And guess what. You are not covered by the ADA. On the other hand, if I have epilepsy, I don't take my medication, and I have seizures, I will never get the job. This is absurd. It is absurd, and it is wrong. It flies in the face of clear, unambiguous congressional intent.

I often tell people that when we write laws here, we don't write every little thing into the law. That is why we have hearings, that is why we have committee prints, and that is why we have report language that goes with the laws we pass. It is very clear and it was common agreement at that time, on both sides of the aisle and with the White House, that the law was designed to protect any individual who is treated less favorably because of current, past, or a perceived disability—a perceived disability.

Listen to the report language. Here is the report language we had in the Senate report accompanying the bill:

Whether a person has a disability should be assessed without regard to the availability of mitigating measures, such as reasonable accommodations or auxiliary aids.

The House report says the same thing and goes on to say:

For example, a person who is hard of hearing is substantially limited in the major life activity of hearing, even though the loss may be corrected through the use of a hearing aid. Likewise, persons with impairments, such as epilepsy or diabetes, which substantially limit a major life activity, are covered

under the definition of disability, even if the effects of the impairment are controlled by medication.

This is important because if an individual, I repeat, is not considered to be disabled under the ADA, then they do not have the protections of the Americans with Disabilities Act. For example, as I said, they are not entitled to reasonable accommodation on the job and they can be fired for any reason—let's say not being able to do the job without an accommodation. So if you are a person with a disability and you have an assistive device, you get the job and you need a reasonable accommodation so you can do the job, but the employer says: I am not going to do it, well, guess what. They do not have to because the individual is no longer considered disabled. But if they didn't have the assistive device, they wouldn't get the job in the first place.

This is what has happened, and it has created consternation among people with disabilities who want to use assistive devices and take medication and do things—they want to work. But if they do that, they are no longer protected by the ADA.

So that is why we have introduced the ADA restoration bill, to again overcome the hurdles the Supreme Court has pronounced in three or four cases—I won't get into those now—and so that we get to the original intent of the ADA, which is to say you are covered if you have a past disability, a present disability, or you are perceived to have a disability.

Again, I repeat, we have a supreme absurdity confronting people with disabilities now. People with serious health conditions, such as epilepsy or diabetes, who are fortunate to find treatments that make them more capable and independent, more able to work, may now find they are no longer covered by the ADA.

One last thing. In another Supreme Court case, the Court held there must be "a demanding standard for qualifying as disabled." This, too, has resulted in a much more restrictive requirement than Congress intended and has had the effect of excluding countless individuals with disabilities from the protections of the law.

So the situation cries out for a modest, reasonable legislative fix, and that is exactly what Senator SPECTER and Congressmen HOYER and SENSENBRENNER and I and many other cosponsors propose to do with the ADA Restoration Act of 2007. Our bill amends the definition of disability so that people Congress originally intended to be protected are covered under the ADA.

Mr. President, 17 years ago, the Americans with Disabilities Act passed with overwhelming bipartisan support. Likewise, today, we are building a strong bicameral, bipartisan majority to support ADA restoration. As I said, the companion bill was introduced in the House last week. Now, as with the ADA in 1990, it will take some time. We have to have hearings. It has been re-

ferred to four committees in the House and referred to the HELP Committee here in the Senate. But I am grateful for the bipartisan spirit with which we are approaching this legislation.

We have said all along, going clear back to the 1980s, that the Americans with Disabilities Act is supremely nonpartisan. There is nothing Republican, Democratic, liberal, conservative, or anything else about this. It is simply doing the right thing. As we look back over the last 17 years, we can take pride in what we have done, particularly when you see the curb cuts all over America or you go into movie theaters now and you see places where people with wheelchairs can come in or you go into restaurants now and see families taking out somebody who maybe has a seeing-eye dog or a companion dog. We have even made the Capitol of the United States fully accessible to people with disabilities. As I said, every place all over America, even sports stadiums, has been transformed.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired, and the time of the majority has also expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for 1 more minute.

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

Mr. HARKIN. Again, we have come to the point where we have to go back and put into law what it is we originally intended and to cover people now who are caught in this absurd catch-22 situation. We have an opportunity again to come together as Republicans and Democrats. We have a chance to come together for millions of Americans with disabilities.

I look forward to working with colleagues on both sides of the aisle to restore Congress's original intent, to ensure that Americans with disabilities are protected from discrimination. So on behalf of Senator SPECTER and myself, the Senate bill is S. 1881, and we encourage Senators to take a look at it. We hope we can get good bipartisan support, have our hearings on it this fall, and get this enacted as soon as possible, probably early next year sometime.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### SMALL BUSINESS TAX RELIEF ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to the consideration of H.R. 976, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, the psalmist sang:

Out of the mouths of children and infants, You have ordained strength.

Today we begin debate on a bill to renew and add strength to a program that helps children and infants, the State Children's Health Insurance Program, known as SCHIP. CHIP works. Since the plan began 10 years ago, CHIP, or the Children's Health Insurance Program, has cut the number of children without health insurance by more than a third, more than a third over the last 10 years.

Health insurance matters. Children with health coverage are more likely to get the care they need when they need it; that is, if they have health coverage. Because of SCHIP, millions of children get checkups. They see doctors when they are sick. They get the prescriptive medicines they need.

Uninsured children suffer. Uninsured kids are less likely to get care for sore throats, for earaches, and asthma. When care is delayed, small problems can become big problems. Nearly half of uninsured children have not had a checkup in the past year. Uninsured children are twice as likely to miss out on doctor visits or a checkup.

I think of a single mother from my home town of Helena, MT, who learned that her son had epilepsy. When did she find out? She found out right after her son lost private health coverage. She checked into other health care plans but none covered the expensive medication her son needed. Plans called her son's epilepsy a preexisting condition.

Then a friend told her about CHIP. She applied, and she found out her son was eligible. Thanks to CHIP, this young man got the medications he needed, and his mother got the peace of mind she deserved.

CHIP, again known as Children's Health Insurance Program, makes sense as an investment. A child who is healthy can go to school. A child who is healthy in school is more likely to do well. A child who does well in school is more likely to get a job. And people with jobs are less likely to end up in jail or on public assistance.

Thus, CHIP helps Americans to compete. Ensuring that kids can have health insurance is an investment in America's future.

CHIP helps. CHIP helps more than 6 million children whose parents work