

Judge Elrod's fitness for the Fifth Circuit because of her race. One colleague said that we must consider the race of sitting judges as well as judicial nominees as we proceed through the confirmation process.

The implications of this view are troubling, to say the least. This means that no matter what a nominee's qualifications, no matter what her experience or background, no matter what she would bring to the bench, a nominee's race can, and some apparently believe even should, trump her merit.

Appointing judges based on race is an inappropriate standard that I cannot accept.

Like Judge Southwick, Judge Elrod has been nominated to a vacancy open so long that the Administrative Office of the U.S. Courts has designated it a judicial emergency.

Like Judge Southwick, Judge Elrod should be confirmed without further delay.

Evaluating nominees and deciding whether to consent to their appointment is a unique and profound responsibility of this body. As we examine the nomination of Judge Mukasey to be Attorney General or the nominations of Judge Southwick and Judge Elrod to the Fifth Circuit, I urge my colleagues to focus on their qualifications. I urge my colleagues to fulfill our responsibility through a process that respects the separation of powers. I urge my colleagues to reject inappropriate standards such as political litmus tests or race.

Our judiciary is the best and most independent in the world, and I hope we will preserve this tradition in our confirmation actions and decisions in the weeks and months ahead.

EXHIBIT 1

Hon. HARRY REID,
*Majority Leader, U.S. Senate,
Washington, DC.*

Hon. PATRICK LEAHY,
*Chairman, Committee on the Judiciary, U.S.
Senate, Washington, DC.*

Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate,
Washington, DC.*

Hon. ARLEN SPECTER,
*Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.*

DEAR MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, CHAIRMAN LEAHY, and RANKING MEMBER SPECTER: We served as law clerks for the Honorable Michael B. Mukasey, former Chief Judge of the United States District Court for the Southern District of New York and the President's nominee for Attorney General of the United States. Each of us had the privilege of working closely with Judge Mukasey and observing this man of great intellect, integrity, honor, and judgment. We write to express our enthusiastic support for Judge Mukasey's nomination.

Judge Mukasey's reputation as a careful and wise jurist is well deserved. In each of his cases, Judge Mukasey based his decisions—always thoughtful, carefully crafted, and well-reasoned—on the application of governing laws and legal principles to the facts. As a trial judge, he controlled the courtroom through his decisiveness and mastery of the rules of evidence. In the performance of his judicial duties, the Judge taught

us the importance of modesty and humility, for he recognized that with his position came great responsibility that had to be exercised prudently and with care. All who appeared before him were treated with fairness and respect. And as Chief Judge of the district for six years, he managed one of the nation's busiest and most respected courthouses, all the while attending to a full docket of cases.

Because of the close relationship between law clerk and judge, we came to know Judge Mukasey not only as a jurist, but also as a person. The Judge is kind, caring, loyal, ethical, and modest, with a disarming wit and robust sense of humor. He was a wonderful teacher, sharing with us his insights into life, law, and lawyering. Even after leaving our clerkships, the Judge has joined in our significant life events and provided invaluable advice—from attending our weddings, to visiting us following the births of our children, to assisting us with career choices. He remains a true friend and mentor.

Finally, Judge Mukasey is deeply patriotic and has spent most of his career in public service, first as an Assistant United States Attorney—a job he speaks of with great pride even years later—and then as a judge. Notwithstanding the immense imposition on him and his family that resulted from the terrorism cases over which he presided, the Judge proceeded without complaint or hesitation, seeing it as part of his duty to the country he loves.

The President has now asked Judge Mukasey to serve our country again, this time as Attorney General of the United States. We are certain that he will make an outstanding Attorney General. Judge Mukasey's keen intelligence, independence and judgment will bring to the country as a whole and to the Department of Justice in particular strong leadership and integrity.

We urge you to confirm him as Attorney General without delay.

Sincerely,

Steven M. Abramowitz, Clerk for Judge Mukasey, 1990-91; Laura Adams, Clerk for Judge Mukasey, 1992-93; David Altschuler, Clerk for Judge Mukasey, 2005-06; Elisabeth Bassin, Clerk for Judge Mukasey, 1989-90; Matthew Beltramo, Clerk for Judge Mukasey, 1997-98; Heana H. Kutler, Clerk for Judge Mukasey, 1995-96; David Leinwand, Clerk for Judge Mukasey, 1991-92; Justin D. Lerer, Clerk for Judge Mukasey, 2002-03; Russell L. Lippman, Clerk for Judge Mukasey, 2001-02; and Nicole Mariani, Clerk for Judge Mukasey, 2005-06.

Babette Boliek, Clerk for Judge Mukasey, 1998-99; William A. Braverman, Clerk for Judge Mukasey, 1994-95; Gidon M. Caine, Clerk for Judge Mukasey, 1988-89; Andrew J. Ceresney, Clerk for Judge Mukasey, 1996-97; Daniel Park Chung, Clerk for Judge Mukasey, 2004-05; David Cross, Clerk for Judge Mukasey, 2003-04; Thomas Dahdouh, Clerk for Judge Mukasey, 1988-89; Inayat Delawala, Clerk for Judge Mukasey, 2004-05; Anne Osborne Martinson, Clerk for Judge Mukasey, 1990-91; and Zachary S. McGee, Clerk for Judge Mukasey, 1997-98.

Sanjay Mody, Clerk for Judge Mukasey, 2003-04; Shawn Morehead, Clerk for Judge Mukasey, 2000-01; Florence Pan, Clerk for Judge Mukasey, 1993-94; Frank Partnoy, Clerk for Judge Mukasey, 1992-93; Mickey Rathbun, Clerk for Judge Mukasey, 1987-88; Katherine J. Roberts, Clerk for Judge Mukasey, 2001-02; Jenny C. Ellickson, Clerk for Judge Mukasey, 2003-04; Michael Farbiarz, Clerk for Judge Mukasey, 1999-00; Jesse M. Furman, Clerk for Judge Mukasey, 1998-99; and Bruce Goldner, Clerk for Judge Mukasey, 1993-94.

Nola Breglio Heller, Clerk for Judge Mukasey, 2004-05; Mary Holland, Clerk for Judge Mukasey, 1989-90; Michael Jacobsohn,

Clerk for Judge Mukasey, 2005-06; Emil A. Kleinhau, Clerk for Judge Mukasey, 2002-03; Ilissa Rothschild, Clerk for Judge Mukasey, 1987-88; Andrew A. Ruffino, Clerk for Judge Mukasey, 1995-96; Sarah Russell, Clerk for Judge Mukasey, 2002-03; Hattie Ruttenberg, Clerk for Judge Mukasey, 1991-92; Eli Schulman, Clerk for Judge Mukasey, 1999-00; and Ian Shapiro, Clerk for Judge Mukasey, 2000-01.

Paul Spagnoletti, Clerk for Judge Mukasey, 2001-01; Debra Squires-Lee, Clerk for Judge Mukasey, 1996-97; Alisa Jancu Kohn, Clerk for Judge Mukasey, 1994-95; and David B. Toscano, Clerk for Judge Mukasey, 1994.

Mr. HATCH. I personally thank my colleague from Alaska for allowing me to go forth and to make these comments. I am grateful to her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

IRAQ

Ms. MURKOWSKI. Mr. President, we have had a very good, healthy debate in the Senate this week on the subject of the war in Iraq. Sometimes it has been more spirited than usual. At times, it was spirited to the point where some things were said that perhaps did not further a good constructive debate but took the debate a little bit downhill. We in the Senate recognize it is our job to bring forward the issues, to discuss the very difficult considerations that are before us as a Congress, but to always do it in a manner that reflects the level of civility a truly good discourse, a good debate should bring.

I had an opportunity a couple days ago to speak with a general from my home State. I asked him for his comments on what he was seeing as he was watching our debate. He said: Senator, the debate has been good. The debate has been healthy. There clearly are different perspectives that are coming out on the floor, but through it all, no one has foreshown the soldier. He said: That makes me feel good as an American, certainly good as a military leader.

That is important to remember, that in the heat of debate, we not foreshow our military, that we always honor and respect that which they do in such an honorable way.

I personally want to thank Senator WEBB, the junior Senator from Virginia, for bringing forth an issue this week. This was the amendment he introduced that related to the amount of dwell time, the amount of time deployed versus the amount of time a serviceman stays at home. It was important for us to focus on the support side of our military. We know that those who are serving us over in Iraq and Afghanistan, and truly in all parts of the world, where they are separated from their families, are at their best and serving us to their fullest when they are able to focus on their job.

For those families who remain behind, who miss not having dad or mom at home or miss not having their husband or their wife with them, they

wish the circumstances were otherwise. But we know that the families who have stood behind our service men and women, allowing them to serve—it is these families, too, who are serving our country. We need to recognize the sacrifices those families also make. They may not be on the front lines, but there is no shortage of worry and concern and true anxiety over the health and safety of their loved ones. We put our military families through a great deal of stress at a time of war particularly.

Just as we can never adequately tell our service men and women thank you enough, neither can we say thank you enough to the families who provide that support. I thank Senator WEBB for reminding us of the obligation we owe to the military families themselves.

We all have our own stories of the exchanges we have had with the military families in our respective States. A situation that is very clear in my mind, even well over a year later, was an incident that happened in July 2006. This was, specifically, July 27 in Fort Wainwright, AK, near Fairbanks, where it was publicly announced that the men and women of the 172nd Stryker Brigade Combat Team were going to be extended in Iraq for 120 days. There was some uncertainty as to whether it was just 120 days or whether it would go even beyond. This Stryker Brigade had been serving very admirably, honorably in a difficult part of Iraq and had been there for a year. This decision literally pulled the rug out from under the families and the community in Fairbanks. It was a surprise, a shock to the servicemembers and their families.

At the time that extension was announced, some elements of the 172nd had already returned home. They were back in Alaska. There were airplanes that were transporting other elements back home that literally turned around in midair when they got the notice of the extension. Soldiers who had remained behind in Iraq were packing up the unit. They had heard the rumors that they might be extended. Unfortunately, they heard it from their family members back in Fairbanks, who had heard it on the news and then contacted their loved ones over in Iraq. They made some very difficult phone calls confirming that, in fact, the rumors were true.

This was an absolutely unacceptable situation. It is one thing to be prepared for an extension. It is one thing to know this is your commitment. But when your family is anxiously awaiting you, when you are anxiously awaiting your return after a year's service in combat, it was horrible for the families.

I was in Fort Wainwright a couple days after the announcement of the extension. At the front gate of the post they have a chain-link fence that goes for a mile or so. In anticipation of the return of their loved ones, families had pulled together the homemade banners saying, "Welcome home, Daddy. We

miss you, we love you, we can't wait to see you." Those signs, some of them clearly in children's writing, absolutely broke one's heart because those signs were made with great anticipation and then put up on the fence. They were not going to be seeing dad that next day or that next week. They were not going to be seeing their husband as a consequence of the extension. As a consequence of that extension, there were a few who never came home at all.

This was a difficult situation, of course, for the families, for the soldiers. It certainly brought me much closer to many of those military families. It caused me to set in mind a singular goal: that we were going to bring the 172nd Stryker Brigade Combat Team home without any further extension. This was tough enough, this 120-day extension, but we were going to make sure there was no further extension.

To the Army's credit, they stepped up to the plate. They brought a very extensive menu of family support services that we had never seen before.

The Fairbanks community, which has always been extremely welcoming, loving toward our military—gave an outpouring of support. They truly went above and beyond.

The other thing we saw at that time was the strength of the family readiness groups, the women, the wives who had for a year been holding everybody together, encouraging the younger wives who had never gone through deployment. There was a great deal of camaraderie, a great deal of support. The support from those family readiness groups helped them get through the additional 120 days.

In December of last year, the 172nd Stryker Brigade Combat Team came home. There was no further extension. They were able to be home for Christmas. They were able to return because another unit that was ready to go broke dwell and went over early to relieve the 172nd. That speaks volumes about the sacrifices the men and the women of our military and their military families make every day supporting our Nation and supporting each other.

I was at Fort Wainwright in December when the returning soldiers were arriving. I spent one afternoon greeting planeload after planeload of soldiers. We were in a hangar where they were checking in weapons and awaiting transport to greet the families. These soldiers, from the junior enlisted up to the rank of colonel, were extremely positive about the work in Iraq. They told me, absolutely, they were making a difference. They were tired after 16 months of combat. They were absolutely elated to be home. They were very proud of themselves, of their colleagues, as we were proud of them.

As I was standing in line, there was one young man from North Pole, AK, which is not too far from Fort Wainwright. I said: So you are home. What are you going to be doing?

He said: I have a house. My house is going to be kind of the welcome home, the party house, if you will, for all the single guys and all the guys whose girlfriends have left them in the past year, for those guys whose wives are not going to be here.

He got very serious in that conversation.

I said: Do you have a lot of those men who have come home to find that their relationships are no longer intact?

He said: Yes, it is an unfortunate part. But we have been gone for a long time.

He was a young man who was single. But that, too, pulls at your heart, to know that you come home after serving your country and the relationship you had worked so hard to build prior to your departure is now no longer there.

The extension of the 172nd made me angry at that time, very angry, very frustrated—and not necessarily because our soldiers were extended. We know that it is the soldiers' creed that you put your mission before yourself. You never quit.

But I was upset because our soldiers and our families were forced to endure an abrupt reversal of what they had been promised. They had been promised: You are going to be home in a year, and they were not back in a year. Their families had been promised: You have to wait this long, but it turned out not to be true.

I have young kids. The Presiding Officer has young children. The Presiding Officer knows how children wait for something, whether it is a holiday or school to start or school to end. They put it on the calendar, and they count the days down. When the calendar has run out and that much-anticipated episode is supposed to happen and it does not happen, the disappointment of the child is very difficult. It is difficult as an adult to bear it, but we see what our children go through with extensions like this. It does make you angry that we failed to keep our promise.

Now, I have had many opportunities to meet with the spouses of those who are serving, both men and women. I have had an opportunity to meet with the family readiness groups. I think probably the most difficult meeting of any I have had with family members was a sitdown, literally a sitdown on the floor of a classroom at an elementary school on post. Children of the deployed military men and women got together for a counseling session with the school counselor. I was touring the school at the time and was able to meet with the kids and sit down in a circle as they were drawing cards to send to their mostly dads over in Iraq—there were a couple over in Afghanistan—and to talk to these children about their life with their parent gone, and gone for a long time in a child's eyes.

I talked to one little girl. She was 11 years old. Her dad has been deployed seven times. Now, I did not ask her how

long each of those deployments was because when you are 11 years old, seven deployments is a lot of time out of a young girl's life. We have to remember not only—not only—what is happening in the military fight, not only what is happening on the streets of Baghdad, but we need to always keep in mind what our military families are doing in their service to support their loved ones who are serving us. So these were the considerations which were on my mind and wrestling with when we took up the Webb amendment this week.

It is important for people to understand the U.S. Army has a policy that one-to-one dwell time—in other words, 1 day deployed, 1 day home—one-to-one dwell time is the minimum acceptable dwell. This is not only to allow soldiers the opportunity to reset but also to meet the training and force structure needs. It is the minimum necessary to balance reliance on the use of the Active and the Reserve Forces.

I keep saying this is the minimum time. It is not an ideal period. The Army would actually prefer to adhere to its existing policy of 1 year in combat, 2 years out for the Active Forces. But the Army knows it cannot comply with its existing policy and meet the demands of staffing our efforts abroad. The Army discovered it could not comply as soon as this policy was announced.

When you think about that, you say: What does this say? What does this mean as far as our level of preparedness? Being prepared for war is not just making sure you have equipment you need. You have to have that human equipment. When we talk about resetting our equipment, we also need to be talking about resetting the human—the mind, the body, the spirit, and the attitude.

So when the Webb amendment was before us, I reviewed it very carefully. Contrary to some of the assertions made by some on this floor that I was strong-armed by the administration, that was not my situation. I sought out individuals whose judgment I trust. I did talk with several generals to understand the implications of the policy that was suggested—an inflexible policy, a policy that says it will be a one-to-one dwell time but without any flexibility.

I was concerned that in an effort to make sure this administration is paying attention to the military families, making sure we are giving the time we need to reset the soldier, that we were not locking ourselves into something that ties the hands of our generals, ties the hands of our military planners, and, as a consequence, yields unintended consequences that could possibly further jeopardize the safety and the security of those who are serving us in Iraq.

I did have an opportunity to meet with two of the senior military leaders. The senior Senator from Virginia had arranged for a meeting for several of us who had questions about this issue:

Tell us what the implications of this policy are.

I sat down with one general who happens to be an Alaskan by choice, General Lovelace. He served several tours over at Fort Richardson and also with the Alaska Command at Elmendorf Air Force Base which is where I had known him previously. General Lovelace and General Hamm described the consequences our troops on the ground would face if the amendment before us at that time had been adopted. They mentioned a shortage of people to protect our troops from the IEDs, the improvised explosive devices. They talked about a shortage of truck drivers and mechanics, a shortage of infantry, quite possibly a shortage of senior non-commissioned officers and midcareer officers, greater reliance on Reserve and Guard than is presently contemplated, and possibly further extensions of units that are presently in the theater.

I thought about all of those, and while I do not know that all of them would have come true if we had adopted the Webb amendment this week, it concerned me greatly to think that through implementation of this amendment you could have the further extension of the units that are presently in Iraq, operating under an understanding they will be home by X date, and their family is operating under that similar assumption. That caused me great concern.

I made contact with the general who had been at Fort Wainwright at the time the 172nd had been extended. He is now the general at Fort Lewis with that Stryker Brigade unit. I asked him: Walk me through the implications. What would it have meant to the 172nd? What can it mean to your brigade at Fort Lewis? He reiterated several of the things I had learned in my conversations with General Lovelace and General Hamm. He also spoke to the strength of support that comes from the family readiness units that operate as a unit.

One of the concerns that an inflexible policy would bring is you would—in order to get some of these specialists I referred to, either additional infantrymen or additional mechanics, in certain areas or those who are skilled with the IEDs, disabling them—in order to make sure you have enough on the ground, you would have to be plucking from different units.

I thought back to what we learned there at Fort Wainwright. The thing that held those families together when they learned their husband, their brother, their son was not going to be coming home and instead was going to be extended another 120 days was the strength of that family readiness core unit. It had held everybody together.

If you separate those within the unit, you lose some of the strength and support because one of the families that had been a key member of that team has now been pulled to another unit. You lose some of the strength we have

to provide for our soldiers as they are serving us. That is important to remember.

Supporting the troops, supporting their families means, first and foremost, we want to bring our troops home alive. We know military medicine is doing its part to treat those who have been injured, treating them in an expeditious manner. We are saving lives in Iraq today that would have been lost in Vietnam. That is a credit to so many. But still, the best way to come home alive is not to be injured at all.

This is what I had to come to grips with this week as we were debating this issue—whether adoption of an inflexible policy that might tie the hands of our military leaders, whether that would mean there are fewer people who would be watching the backs of the service men and women on the battlefield.

I do believe our current dwell policy must be revisited. For this time, for 2007 and 2008, what we have in place, the 15 months that have been accepted for this 12-month dwell period, it is not a perfect solution at all. I do not like it. I do not think our military leaders like it. They would prefer we were in a better place so we could provide for that equal dwell time. So I think it is important that even though the Webb amendment is no longer before us—it did not achieve the 60 votes—that we do not just kind of move on now, go to another aspect, and say the issue of dwell time is not important to us, is not important to those who are serving and their military families who are providing that support back home.

It has been suggested we could revise this policy as early as next year without causing this chaos which has been described by some of the generals. It is something we should be looking at. When we think about how we support those who are serving us, we have to remember it is unfair to our service men and our service women—who have already encountered personnel policies that turn on a dime, with multiple deployments and extensions—to endure safety risks that directly flow from an inflexible policy that keeps qualified and competent people off the battlefield. I said—and I will repeat—the current rotation may not be ideal. I don't think it is ideal. The military needs to be honest about not pushing people who are not fit for the battlefield into combat, and it needs to be honest in compensating people who have suffered debilitating mental health conditions and not take the easy way out of discharging based upon personality disorders.

The military needs to address these issues on an individual basis, and the Senate should hold them to it. We know the current rotation policy may very well cause some individuals to leave the service prematurely, but it will also cause others to step up and say: I have a great deal more to give, and I am not going to abandon my buddy.

When the Nation goes to war, we promise each and every individual on the battlefield that they will have the best support this Nation can muster. When we take people who are capable of performing off the battlefield, we have the potential to jeopardize the safety of those who remain.

The Presiding Officer was not here when I began my remarks, and I began those remarks by acknowledging what the Presiding Officer, the Senator from Virginia, has done in focusing the Senate's attention on the families of those who serve. I greatly appreciate that. I also appreciate the level of debate, the level of concern, and the level of genuine caring to make sure our policies do right by those who serve this country, not only on the battlefield but for those who are serving at home. I don't believe that debate or this discussion is over by any stretch of the imagination, but as we continue to debate the direction of this war, we should always make sure we are recognizing all who are serving.

I want to take just a very brief moment, as I have had an opportunity to join with my colleague, Senator CASEY from Pennsylvania, in introducing an amendment to the Department of Defense Authorization Act. This amendment calls for a civilian and diplomatic surge in Iraq. We spend a lot of time talking on this floor about the military component, what our force strength is, the relative success or failures in certain parts of Iraq. There has been a lot of focus on that aspect of the war. Yet as we talk to our military leaders, we hear from them that it is not a military solution alone. There must be a political resolve as well, and that political resolve must come about through diplomatic channels and resources and truly on the civilian side.

When General Petraeus was before the Foreign Relations Committee a week or so ago, I asked him at that time if he believed the civilian surge was adequate; did he have the assistance he needed to do the job, to complete the task. He said certain elements of our Government are at war, but not all of the others. We can use help in those areas, whether it is the Ministry of Agriculture or Treasury. There are areas that can be identified. So I have joined with Senator CASEY in calling for an equal push on the diplomatic front and on the civilian side. There is more that we can do and more that we should do so we are able to see the progress that all of us wish to see in the war in Iraq.

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

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONDOLENCES ARE NOT ENOUGH

Mr. LEVIN. Mr. President, in the aftermath of the Virginia Tech massacre, Virginia Governor Tim Kaine commissioned a panel of experts to conduct an independent review of the tragedy and make recommendations regarding improvements to Virginia's laws, policies and procedures. Late last month, the Virginia Tech Review Panel released its report.

The panel was given the difficult task of reviewing the events, assessing the actions taken and not taken, identifying the lessons learned, and proposing alternatives for the future. This included a detailed review of Seung Hui Cho's background and interactions with the mental health and legal systems, as well as the circumstances surrounding his gun purchases. Additionally, they assessed the emergency responses by law enforcement officials, university officials, medical examiners, hospital care providers and the medical examiner. Finally, the panel reviewed the university's approach to helping families, survivors, students and staff as they deal with the mental trauma incurred by the tragedy.

Among other things, the report points to weak enforcement of and gaps in regulations regarding the purchase of guns, as well as holes in State and Federal privacy laws. It talks about the critical need for improved background checks and the inherent danger the presence of firearms can present on college campuses. Tragically, many proponents of gun safety legislation have previously unsuccessfully attempted to enact the very improvements recommended in the panel's report. The tragedy at Virginia Tech underscores the need to strengthen gun safety laws. I urge Congress to wait no longer in taking up and passing sensible gun legislation.

I ask unanimous consent to include the Virginia Tech Review Panel's primary recommendations regarding firearm laws in the RECORD.

VI-1 All states should report information necessary to conduct federal background checks on gun purchases. There should be federal incentives to ensure compliance. This should apply to states whose requirements are different from federal law. States should become fully compliant with federal law that disqualifies persons from purchasing or possessing firearms who have been found by a court or other lawful authority to be a danger to themselves or others as a result of mental illness. Reporting of such information should include not just those who are disqualified because they have been found to be dangerous, but all other categories of disqualification as well. In a society divided on many gun control issues, laws that specify who is prohibited from owning a firearm stand as examples of broad agreement and should be enforced.

VI-2 Virginia should require background checks for all firearms sales, including those at gun shows. In an age of widespread information technology, it should not be too difficult for anyone, including private sellers, to contact the Virginia Firearms Transaction Program for a background check that usually only takes minutes before transferring a firearm. The program already proc-

esses transactions made by registered dealers at gun shows. The practice should be expanded to all sales.

Virginia should also provide an enhanced penalty for guns sold without a background check and later used in a crime.

VI-3 Anyone found to be a danger to themselves or others by a court-ordered review should be entered in the Central Criminal Records Exchange database regardless of whether they voluntarily agreed to treatment. Some people examined for a mental illness and found to be a potential threat to themselves or others are given the choice of agreeing to mental treatment voluntarily to avoid being ordered by the courts to be treated involuntarily. That does not appear on their records, and they are free to purchase guns. Some highly respected people knowledgeable about the interaction of mentally ill people with the mental health system are strongly opposed to requiring voluntary treatment to be entered on the record and be sent to a state database.

Their concern is that it might reduce the incentive to seek treatment voluntarily, which has many advantages to the individuals (e.g., less time in hospital, less stigma, less cost) and to the legal and medical personnel involved (e.g., less time, less paperwork, less cost). However, there still are powerful incentives to take the voluntary path, such as a shorter stay in a hospital and not having a record of mandatory treatment. It does not seem logical to the panel to allow someone found to be dangerous to be able to purchase a firearm.

VI-4 The existing attorney general's opinion regarding the authority of universities and colleges to ban guns on campus should be clarified immediately. The universities in Virginia have received or developed various interpretations of the law. The Commonwealth's attorney general has provided some guidance to universities, but additional clarity is needed from the attorney general or from state legislation regarding guns at universities and colleges.

VI-5 The Virginia General Assembly should adopt legislation in the 2008 session clearly establishing the right of every institution of higher education in the Commonwealth to regulate the possession of firearms on campus if it so desires. The panel recommends that guns be banned on campus grounds and in buildings unless mandated by law.

VI-6 Universities and colleges should make clear in their literature what their policy is regarding weapons on campus. Prospective students and their parents, as well as university staff, should know the policy related to concealed weapons so they can decide whether they prefer an armed or arms-free learning environment.

JUDGE MICHAEL B. MUKASEY

Mr. KYL. Mr. President, I rise in support of the nomination of Judge Michael B. Mukasey to become the Nation's 81st Attorney General.

Judge Mukasey has devoted more than 22 years to public service, 4 as a Federal prosecutor and more than 18 as a Federal district court judge for the Southern District of New York, one of the most prominent Federal district courts in the United States. For 6 years he was the chief judge.