

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.

During his tenure on the bench, Judge Mukasey handled some of the most challenging cases in recent history. In 1995, he presided over the terrorism trial of the “blind Sheik” Omar Abdel Rahman and nine other defendants accused of plotting terrorist attacks on various sites in New York City. Rahman was also one of the terrorist masterminds of the 1993 World Trade Center bombing.

While presiding over the case of Jose Padilla—an American citizen who was later convicted of, among other things, conspiring to provide material support to al-Qaida—Mukasey issued key rulings that helped set judicial precedent in the war against terrorists. And in the wake of September 11, 2001, he presided over the difficult litigation of World Trade Center—related insurance claims.

During these cases and throughout his career, Judge Mukasey’s knowledge, integrity, and consummate fairness have won him the respect of his colleagues, the attorneys who appeared before him, and many others. In its opinion upholding the verdicts in the 1995 terrorism case, the U.S. Court of Appeals for the Second Circuit in an unusual public commendation praised Mukasey’s “extraordinary skill and patience, assuring fairness to the prosecution and to each defendant and helpfulness to the jury.” The court added, “[h]is was an outstanding achievement in the face of challenges far beyond those normally endured by a trial judge.”

Judge Mukasey’s career has been characterized by his commitment to upholding the rule of law. He has never served in a political role, and his nomination should be considered above the partisan fray.

According to the Justice Department’s mission statement, the Attorney General’s first allegiance should be to “the fair and impartial administration of justice for all Americans,” not to any individual or political party. Indeed, Judge Mukasey’s reputation for fairness and impartiality is so well-known and respected that the senior Senator from New York, Senator SCHUMER, even recommended him to be a Supreme Court justice.

It is unfortunate, however, that despite the nonpolitical character of Mukasey’s nomination, some Democrats may attempt to hold his nomination hostage in exchange for documents related to the firing of U.S. attorneys. Leaving aside the fact that Congress has no right to these documents, which are covered by executive privilege, Judge Mukasey’s nomination has nothing to do with the firing of these U.S. attorneys.

The President has nominated a distinguished and nonpolitical candidate. The Senate should reciprocate by using the confirmation process not to settle old scores or politicize the nomination, but to examine the qualifications of the nominee fairly.

Since the Carter administration, attorney general nominees have been

confirmed, on average, in approximately 3 weeks, with some being confirmed even more quickly. The Senate should immediately move to consider Judge Mukasey’s nomination and confirm him before Columbus Day.

The Justice Department needs an Attorney General with the foresight, experience, and resolve to lead the Nation’s top law enforcement agency and tackle the difficult challenges presented by the post-9/11 world. I believe the qualities and background of Judge Michael Mukasey, combined with his extensive experience in national security and terrorism cases, commends him to serve as attorney general in these troubled times.

#### TRAILS ACT TECHNICAL CORRECTION ACT

Mr. BOND. Mr. President, today I rise with my colleague from Missouri, Senator CLAIRE McCASKILL, to correct a small but important injustice in the National Trails System Act. The Trails Act Technical Correction Act of 2007 is a Senate companion to a bipartisan House bill sponsored by Representatives CARNAHAN, AKIN, CLAY, EMERSON, and GRAVES. Our bipartisan bill will ensure that property owners are compensated for land taken from them as Congress intended.

In 1992, the Federal Government confiscated property owned by 102 St. Louis County residents through the Federal Rails-to-Trails Act. The taking imposed an easement on their property for a public recreational hiking/biking trail. A trail easement was established on their property on December 20, 1992. After 12 years of bureaucratic fighting and delay, the Justice Department admitted the government’s takings liability and agreed to pay the property owners a total of \$2,385,000.85 for their property, interest and legal fees.

However, 2 days before the U.S. Court of Claims was scheduled to approve the agreement, the Federal circuit issued the Caldwell decision regarding a Rails-to-Trails takings case in Georgia. That decision interpreted the statute of limitations for a taking in this program as beginning with a notice of interim trail use, not the commonly understood later date the trail easement was legally imposed on the property. Under the new date, the statute of limitations on the St. Louis County takings claim had expired. The Justice Department accordingly sought dismissal of the claims without payment and the court of claims judge agreed.

Our bill clarifies in statute that the statute of limitations for a takings claim under the Trails Act begins on the date an interest is conveyed and allows for reconsideration of past claims dismissed because of this issue. This technical clarification—the takings statute of limitations starts upon the taking—makes the most sense. It also corrects a past injustice that deprived landowners of their rightful compensation. It makes no change to the sub-

stance of the Rails-to-Trails program and is supported on a bipartisan basis. I urge my colleagues to agree to its passage.

#### INTERNATIONAL DAY OF PEACE

Mr. HARKIN. Mr. President, I want to take some time to remind our colleagues, and indeed all Americans, that today, September 21, 2007, is the International Day of Peace. The United Nations and its member states unanimously established an International Day of Peace in 1981. However it was not until 2001 that September 21 was agreed to as the permanent date. According to the U.N. resolution, the International Day of Peace should be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples. I applaud Governor Chet Culver for his proclamation affirming Iowa’s observance of International Peace Day. And, at this time, I would like to do my own part to mark this day, especially on the behalf of the many Iowans who are committed to the ideals of peace.

Unfortunately, this may be International Peace Day, but this is hardly a day of peace. The United States is in the fifth year of a devastating war in Iraq, a war of choice that was launched preemptively by the current U.S. administration. The Middle East is marked by conflict and bloodshed from Lebanon to Israel to the Palestinian territories to Iraq and Afghanistan. The genocide in Darfur continues to rage. Militias continue to prey on innocent women in Eastern Congo. In Guatemala, there is an increase in violence against women and against those fighting for the rights of the indigenous population as a result of the most recent elections. HIV/AIDS continues to ravage the continent of Africa. Millions of children are forced to work in abusive conditions—in many cases, as outright slaves—and are denied an education.

Historically, the mixture of strength and a preference for peaceful relations with the rest of the world is what has given the United States its moral standing. In the past, it was our willingness to come to the aid of those who could not defend themselves, and a commitment to resolving conflicts peacefully, if at all possible, that made us the beacon of hope for a better world.

But a true commitment to peace is not measured by a proclamation or by high-minded speeches on one day of the year. It takes more than good intentions and high ideals. What it takes is the hard work of diplomacy, people-to-people exchanges, and active, assertive peace movements in each country. It takes a sustained effort to understand our adversaries and, if at all possible, to resolve our differences peacefully.

I have long been committed to finding peaceful solutions to conflicts. That is why I was present at the creation of the U.S. Institute of Peace.