

The new legislation which I introduced in July, with Senator CLINTON, Senator OBAMA, and Senator STABENOW, S. 1792, will close these loopholes and provide the tools necessary for the enforcement of the rules.

The legislation gives the Labor Department the authority to take civil action for violations, as well as giving authority to State attorneys general if the Labor Secretary fails to act within 6 months. So if the Labor Secretary today refuses to act, if this happens in Zanesville or Lima, Attorney General Marc Dann of Ohio may take action.

The legislation reduces the closing plant threshold from the current number 50, which is gamed all too often, to 25 employees. It recalculates the mass layoff figure. The current mass layoff figure is calculated from at least one-third of the employees, or 50. FOREWARN sets the number at 100 in all events, or one-third of employees if there are between 50 and 100 employees.

Our legislation, S. 1792, reduces the employer size to 50 employees and lengthens the notification period from 60 calendar days to 90 calendar days. It requires employers to provide written notification to the Labor Secretary, as well as local stakeholders, including early warning networks and mayors. It increases penalties for violations of the WARN Act from back pay to double back pay.

Mr. President, I know you have had this problem in the State of Pennsylvania, the problem of lost manufacturing, and you know that the worst thing a community can face is a major plant closing or major reduction of workforce in a plant. And you know that as bad as that is, there are some things employers can do to make it better, and many do. But you also know that the law passed 20 years ago has not always made sure that the transition from losing their job to going back into the community and getting work, getting their family through the hardest times, getting the community through the hardest times—the law has not always addressed the best way to do that, and I think this legislation, S. 1792, does that very well.

I ask my colleagues to consider this legislation. It is time to update the 20-year law, the WARN Act, which passed and was approved by President Reagan. I think this legislation will help ease the lost-job problems. We need to do much more. We need to train differently, we need new trade law, different tax laws, and all the different kinds of things the Presiding Officer and I have worked on already in our time in the Senate, but the FOREWARN Act will matter for communities such as Steubenville, Portsmouth, and Chillicothe, and it will matter for families who have suffered the indignities and the tragedies and the hardship of lost jobs and plant closings.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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 (Mr. BROWN). Without objection, it is so ordered.

#### COMMISSION ON WARTIME CONTRACTING

Mr. CASEY. Mr. President, I rise to deliver tonight some brief remarks about a matter that a group of freshmen Democrats in this body have worked on together, and that is a bipartisan commission on wartime contracting and to expand the authority of the existing oversight mechanisms to help make sure our taxpayer dollars are spent properly and wisely in Iraq and Afghanistan.

I, like the Presiding Officer from the State of Ohio, joined Senators WEBB and McCASKILL and 23 other Members in cosponsoring this amendment and encourage the full Senate to approve it when it comes to a vote tomorrow. As a former auditor general in Pennsylvania, I know firsthand the need to aggressively root out waste in government. But it is especially egregious to discover waste and abuse and the loss of taxpayer dollars when our troops are in harm's way.

I also know that the oversight required to monitor potential abuse is a full-time job. That is why this amendment takes the extraordinary step of creating a new commission, evenly divided between the political parties, to investigate contractor abuses in a thorough manner. Some have argued we should leave this task to our existing committees in the Senate. I and my cosponsors, respectfully disagree with that assessment. As the distinguished Senator from Michigan said earlier today on the floor, our existing committees in the Senate, if they have this responsibility, would grind to a halt if any of those committees had to undertake a full investigation of contractor abuses in Iraq and Afghanistan. The commission we propose is deliberately patterned after the Truman Commission—named, of course, after a former President, but at the time the Truman Commission was named for his work in the Senate.

The Truman Commission consisted of a group of patriotic Americans that was charged with the mission of studying all financial and military transactions related to the execution of our war effort during World War II. This Commission recognized that it was not only American military might that would win the war in the struggle against the axis powers, but that every dollar saved, every dollar and every resource rescued would materially contribute to the war effort and enable the American Nation to focus its power and its energy on our common enemy at that time.

The wars in Afghanistan and Iraq are very different from World War II, we know that, but the same principles apply when it comes to rooting out waste, fraud, and abuse. Every day we read the horror stories about the lack of body armor for our troops. We see that the military has failed to order enough mine resistant ambush protective—so-called MRAP—vehicles to secure all of our troops. We hear our military stock is in need of urgent replenishment. The United States is a wealthy nation, we know that, but we are not a nation of infinite riches and resources. We have to prioritize our spending and make hard choices. That is why it is so important to crack down on contractor abuses in Iraq and Afghanistan. We cannot afford to let companies doing business there profit—profit—from fraud and abuse at the same time we need those very dollars for real priorities—our men and women in uniform.

In 2005, the Special Inspector General for Iraq Reconstruction reported that \$9 billion spent on Iraq's reconstruction was missing—unaccounted for—due to inefficiencies and bad management. When I say missing, I literally mean the special inspector general's office was unable to find out what happened to this money. Only last week, the Pentagon disclosed that it is auditing \$88 billion in contracts and programs for financial irregularities. Let me repeat that number—\$88 billion. This is not a case of a few inappropriate cost overruns in contracts or sloppy bookkeeping in other contracts. Here we know that 40 individuals—40 individuals—and private companies have already been suspended, debarred, or are proposed for debarment. Another 30 investigations await prosecution at the Department of Justice.

Contractor abuse in Iraq and Afghanistan is a national scandal. It is an embarrassment. I think it also represents a taking. Every dollar wasted there is a dollar taken away from our troops and our ability to fight the enemy. Most of us supporting this amendment today were elected last year on the promise to change the culture in Washington and to no longer take for granted this type of crass corruption. We shouldn't accept it. We should root it out and do everything possible to make it almost impossible to commit this kind of crime.

This legislation establishes an independent commission to comprehensively vet Federal agency contracting for reconstruction, logistical support of coalition forces, and security and intelligence functions in Iraq and Afghanistan. What we are talking about is an independent and bipartisan commission to provide real credibility and real authority in cracking down on waste, fraud, and abuse.

This amendment also provides significant new powers to the already existing Special Inspector General for Iraq Reconstruction to expand his important work and coordinate with this

new commission. I had the chance earlier this month to meet with Stuart Bowen, who is that inspector general and in that position. We discussed this amendment, and he agreed it was a good proposal, one that deserved to be implemented to enhance the ability to uncover and prosecute gross abuses of the public trust.

No matter where one stands on the war in Iraq, I would hope we could agree on the need to eliminate all waste and fraud and prosecute those who facilitate such fraud and such waste. These actions bring dishonor to our Nation and, in a word, are unpatriotic. We should do everything we can to root out such abuses, and this amendment is an important first step to do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### SCHIP

Mr. REID. Mr. President, I came to the floor earlier today and spoke very favorably of my friend, CHARLES GRASSLEY from Iowa, and he deserved that attention that I gave him, those accolades that I extended to him.

I also want to extend my appreciation to Senator HATCH, who has worked on this. He is a member of the Finance Committee. He did an outstanding job and helped us get to the point where we are now. We are going to talk more about SCHIP tomorrow. I do not want those who worked so hard on this side to think that I have forgotten about them just because I said so many nice things about Senator GRASSLEY.

Senator BAUCUS, the chairman of the committee, has been a champion from the very beginning. He worked hard to try to explain to everyone that we could not do everything the House wanted to do, even though he and I wanted to do that.

The same applies to Senator ROCKEFELLER, who is the subcommittee chair who worked on this. He did a wonderful job. He attended meetings with the House when his presence was extremely important.

I want to make sure that everyone understands the great work done by Senators BAUCUS, GRASSLEY, HATCH, and ROCKEFELLER as members of the Finance Committee to get us to a point where tomorrow sometime we will finish our work on SCHIP.

#### HATE CRIMES

Mr. REID. Mr. President, Matthew Shepard was a 21-year-old student at the University of Wyoming when he was savagely beaten on October 6, 1998.

Why? Because he was a homosexual; he was gay. Two men who had offered him a ride home robbed and pistol whipped him, beat him so severely they smashed his skull. If that wasn't enough for these demons, they tied him to a fence with a rope in the cold of winter, lonely—you can appreciate it if you spent a few of them in Wyoming—and left him to die. And he did die. He died of severe head injuries less than a week after the beating that was given.

What happened to Matthew was a tragedy for this young man, of course for his family, for other gay men and women who were and have been terrorized by this awful crime. It was certainly a tragedy for our Nation. The men who murdered Matthew Shepard were not charged with committing a hate crime because crimes of violence committed on the basis of sexual orientation were not prosecutable as hate crimes under Wyoming or Federal law. This is still the case today. The Matthew Shepard Local Law Enforcement Enhancement Act would strengthen the ability of Federal, State, and local governments to investigate and prosecute hate crimes.

This amendment would remove the current limitation on Federal jurisdiction that allows Federal involvement only in cases in which the assailant intended to prevent the victim from being engaged in a "federally protected activity," such as voting. This amendment would expand the groups protected under current law to include all hate crimes, including those based on disability, gender, sexual orientation, gender identity—including race and ethnicity. This amendment would provide the Department of Justice the authority to assist State and local jurisdictions in prosecuting violent hate crimes or taking the lead in such prosecutions where local authorities are unwilling or unable to act.

Unfortunately, some of these crimes of hate-motivated violence have been directed to our men and women in uniform.

Just a few years ago, Alan Schindler, a sailor in the Navy, was stomped to death by a fellow serviceman because of his sexual orientation.

A short time after that, PFC Barry Winchell, an infantry soldier in the Army, was beaten to death with a baseball bat because his attackers believed he was gay. They didn't know—they believed he was gay. To them he acted gay, whatever that means.

In December of 1995, two paratroopers who were members of a group of neo-Nazi skinheads at Fort Bragg shot an African-American couple in a random, racially motivated double murder that led to a major investigation of extremism in our military. These killers and 19 other members of this division were dishonorably discharged for neo-Nazi gang activities.

According to a recent Southern Poverty Law Center report, the problem is only going to get worse as members of hate groups have been entering our

military, which is increasingly desperate for new recruits. In fact, it used to be if you had committed a crime, any type of crime, the military wouldn't take you. You had to have a high school education and you certainly couldn't be a member of a gang. They are so desperate for military members because of this war we are involved in in Iraq, they are taking just about anybody. There are no background checks with these new recruits.

We have to make it clear that crimes of hate in our military will not be tolerated, and this amendment does just that. It strengthens the Defense authorization bill by sending a clear message that such crimes will be punished to the fullest extent of the law.

Is there a better place to have this amendment than on the Defense bill? I think not. We have had it on it before. If we have our military around the world fighting terror—and that is what they are doing—shouldn't we be able to protect our own troops from the terror? Shouldn't we be able to protect our own people in this country against being terrorized because of their sexual orientation? the color of their skin? their religion? The answer, of course, is we should be able to do that. They should be able to be protected.

We have to make it clear that crimes of hate in our military will not be tolerated. I repeat that. As we hold ourselves up as a model for the ideals of equality, tolerance, and mutual understanding abroad, we have a special responsibility to combat hate-motivated violence right here at home. Our troops are on the front lines of Iraq, Afghanistan, and elsewhere fighting against evil and hate. We owe it to them to uphold these same principles at home.

The Matthew Shepherd Act was introduced this spring at a ceremony attended by his parents, Judy and Dennis. I hope that tomorrow we will honor the memory of this young man by passing this important legislation which is named after him.

We all remember the brutal killing of James Byrd a few years ago, in Texas. This young man, at nighttime, was walking down a street in his own hometown when he was seen by some white men. They beat him severely, tied him to the back of their car, and dragged him through the streets until he was dead.

We need only look to the recent events in Jena, LA, to see for all the progress, racial tensions continue across our country. This legislation honors the commitment to justice that is woven deep within the fabric of our Nation.

I certainly urge all of our colleagues to join me in voting for this matter in the morning. It is important. It is the least we can do for Matthew Shepard and his family.

#### THE DREAM ACT

Mr. REID. Mr. President, I was disappointed earlier this year when the