

were added as cosponsors of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2348

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2348, a bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

S. 2351

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2351, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for medical research related to developing qualified infectious disease products.

S. 2355

At the request of Ms. CANTWELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2355, a bill to amend the National Climate Program Act to enhance the ability of the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2378

At the request of Mr. ROBERTS, the name of the Senator from Ohio (Mr. BROWNBACK) was added as a cosponsor of S. 2378, a bill to authorize the voluntary purchase of certain properties in Treece, Kansas, endangered by the Cherokee County National Priorities List Site, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 273

At the request of Ms. MIKULSKI, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

AMENDMENT NO. 3769

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3769 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3770

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3770 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mrs. CLINTON, Mr. MCCAIN, Mr. CASEY, Mr. MARTINEZ, Mr. SANDERS, Mr. LAUTENBERG, Mr. DORGAN, and Mr. WEBB):

S. 2400. A bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes; to the Committee on Armed Services.

Mr. SESSIONS. Mr. President, I am pleased today to offer a bipartisan bill to fix a serious loophole in the law that has prevented some of our wounded warriors from Iraq and Afghanistan from receiving their full enlistment bonuses when they are discharged as the result of wounds they receive in combat. The Wounded Warrior Bonus Equity Act reflects the hard work of several Members of Congress, who put partisanship aside to address this serious matter. The men and women of our magnificent armed forces serve with incredible courage and bravery. In return, the U.S. makes a commitment to them, and the Government must fulfill its end of the bargain.

By Mr. SPECTER:

S. 2402. A bill to provide for the substitution of the United States in certain civil actions; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce The Foreign Intelligence Surveillance Substitution Act of 2007, to substitute the Federal Government for the telephone companies in litigation challenging the so-called Terrorist Surveillance Program.

This is a very complex issue, and I have been discussing it at length with my colleagues on the Judiciary Committee. It does raise some very important questions, and I begin my analysis by acknowledging the good citizenship of the telephone companies for whatever it is that they have done. We still don't know all of what that is. But I do not believe that it is appropriate to grant what is called "retroactive immunity" because of what has occurred here.

The legislation substitutes the U.S. in place of any electronic communication service company which provided communications in connection with an intelligence activity that was authorized by the President between September 11, 2001, and January 17, 2007, and designed to detect or prevent a terrorist attack against the U.S.

In order for substitution to apply, the electronic communications service provider must have received a written request from the Attorney General or the head of an element of the intelligence community indicating that the activity was authorized by the President and determined to be lawful. If the provider assisted the Government beyond what was requested in writing, this legislation will leave the provider on the hook for any surplus assistance. On the other hand, the Government will be substituted if the Attorney General certifies that the electronic communications service provider did only what the Government asked. Once substitution occurs, Federal and State courts are directed to dismiss the providers from the action.

This legislation provides that plaintiffs in these cases may continue to send third-party discovery requests such as Rule 45 subpoenas to the electronic communications service providers after they have been dismissed. Moreover, the bill provides that plaintiffs may also deem provider admissions as Government admissions in their case against the Government. My legislation provides that the Government will not have sovereign immunity in the 40 or so cases currently pending in the California Multi-District Litigation.

This bill provides authority for the U.S. to remove actions from State court to Federal court. Notably, the legislation is intended to ensure that the Government can only assert those defenses the electronic communications companies may assert under current law. On the other hand, nothing in the bill is designed to increase or diminish the ability of the Government to assert the States Secret privilege. The legislation is carefully crafted so as not to disturb plaintiffs' standing to bring their claims against the Government.

Now, recognizing the telephone companies are good citizens, I am prepared to see their involvement held to the minimum. We hear concerns about them being involved in litigation. Well, I don't know if there's much litigation

for them to be involved in once the Federal Government is substituted. Some express dismay over the continued burden of discovery. I am not convinced there will be much further discovery here. Some have expressed a reticence to having their service technicians, in-house counsel, and other employees called as witnesses. Yet, I don't know that they are necessarily going to be witnesses. We can't judge that now.

I believe there are very important—perhaps even constitutional—privacy issues here that ought to be subjected to judicial review. We know that important litigation in the Federal court in San Francisco, Judge Walker has declined to dismiss a challenge to the Terrorist Surveillance Program on State secrets grounds.

I don't think Congress can stand by, and in the face of what has happened, give carte blanche, a free ticket, grant retroactive immunity to suggest to future administrations that they can ignore separation of powers and they can ignore Congressional oversight and just run roughshod over the entire process without being held accountable. The better practice is to allow judicial proceedings to take their course and let the courts make their own determinations.

I strongly encourage all of my colleagues, Republicans and Democrats alike, to carefully consider this bill as we begin to debate the related FISA Amendments Act of 2007.

By Mr. WARNER (for himself and Mr. WEBB):

S. 2403. A bill to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the “Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse”; to the Committee on Environment and Public Works.

Mr. WARNER. Mr. President, I rise today to offer a bill to name the new Richmond courthouse for two distinguished Virginia jurists, Judge Spottswood W. Robinson III and Judge Robert Merhige, Jr.

Since the selection of the College of William and Mary as the site for the Nation's first law school, Virginia's contribution to the field of law is arguably without equal. Virginia practitioners such as George Wythe, Thomas Jefferson, John Marshall, James Monroe and Henry Clay have all profoundly shaped and molded our country's legal traditions.

Continuing in that rich tradition, Judge Spottswood W. Robinson, III, and Judge Robert Merhige, Jr. were lawyers who throughout their careers adhered to the principles of “equal justice under law.”

Spottswood William Robinson, III was born in Richmond, Virginia on July 26, 1916. He attended Virginia Union University and then Howard University School of Law, graduating first in his class in 1939 and serving as member of the faculty until 1947.

Judge Robinson was one of the core attorneys of the NAACP Legal Defense and Educational Fund from 1948 to 1960, achieving national prominence in the legal community with his representation of the Virginia plaintiffs in the 1954 landmark U.S. Supreme Court case *Brown v. Board of Education* that declared “separate but equal” schools unconstitutional.

In 1964, Judge Robinson became the first African-American to be appointed to the United States District Court for the District of Columbia. In 1966, President Johnson appointed Judge Robinson the first African-American to the United States Court of Appeals for the District of Columbia Circuit. On May 7, 1981, Judge Robinson became the first African-American to serve as Chief Judge of the District of Columbia Circuit.

Judge Merhige was born in New York in 1919 and attended High Point College in North Carolina. Later, he earned his law degree from T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942.

From 1942 to 1945, Judge Merhige served in the United States Air Force and then practiced law in Richmond from 1945 until 1967. While practicing in Richmond, Judge Merhige established himself as a formidable trial lawyer representing a wide variety of clients. In August of 1967, Judge Merhige was appointed U.S. District Court Judge for the Eastern District of Virginia, Richmond Division by President Lyndon B. Johnson, where he served for over 30 years.

While on the Federal bench, Judge Merhige presided over some of the most important and complicated litigation in U.S. history. In 1970, he ordered the University of Virginia to admit women, and 2 years later he ordered the desegregation of dozens of Virginia school districts. As evidence of Judge Merhige's groundbreaking decisions, he was given 24-hour protection by Federal marshals, due to repeated threats of violence against him and his family. His courage in the face of the significant opposition of the times is a testimony to his dedication to the rule of law.

I have been down to Richmond to see the new courthouse, and I can tell you it is a magnificent structure, and as such, I carefully took this responsibility in naming the U.S. Federal courthouse in Richmond. No name is more fitting for this important structure than naming it after two legal giants—both jurists—the Robinson-Merhige Federal Courthouse.

I thank the Senate for the consideration of this bill and look forward to working with my colleagues seeking its passage.

Mr. WEBB. Mr. President, I am honored to speak on behalf of a bill I have cosponsored with my distinguished colleague, the senior senator from Virginia.

It is altogether appropriate that the new Federal courthouse in Richmond,

our Commonwealth's capital and a city that played a pivotal role in our Nation's civil rights debate, be named in honor of two of Virginia's most distinguished citizens, Judge Spottswood Robinson, III, and Judge Robert Merhige, Jr. Both of these men are considered consummate Federal jurists, and both will be remembered as fierce defenders of the Constitution and the rule of law.

Judge Robinson was born in Richmond on July 26, 1916 and passed away at his home in Virginia on October 11, 1998. Judge Robinson attended Virginia Union University and achieved a number of “firsts.” He graduated first in his class from Howard University's School of Law. He was the first African-American to be appointed to the U.S. District Court for the District of Columbia. Also, he was the first African-American to be appointed to the Circuit Court of Appeals for the District of Columbia and the first African-American to serve as chief justice of that court. Judge Robinson served on the U.S. Commission on Civil Rights and as dean of Howard University Law School. Of his long and distinguished career, one of his most notable accomplishments was serving as counsel for the NAACP Legal Defense and Educational Fund, and acting as one of the principal attorneys in *Brown v. The Board of Education*, arguably the most important civil rights case of the twentieth century.

Professor Jack Greenberg of Columbia University Law School, an authority on civil rights law stated, “[Judge Robinson] was an exceptionally capable lawyer. He was good with judges and juries. He knew the law. He knew some of the esoteric, technical, sort of obscure parts of legal history.” Considering Judge Robinson's arguments before the Supreme Court, Professor Greenberg said, “He was very calm and just absolutely brimming with facts and information and legal doctrine.”

Judge Merhige was born February 5, 1919, in New York, and after 31 years on the bench, passed away in Richmond on February 18, 2005. Judge Merhige presided over the U.S. District Court for the Eastern District of Virginia from 1967 until 1998. Judge Merhige received his law degree from the University of Richmond's T.C. Williams School of Law. In 1972, Judge Merhige courageously ordered the desegregation of dozens of Virginia school districts. Despite numerous threats and receiving 24-hour protection by Federal authorities, Judge Merhige remained faithful to the Constitution and the rule of law. Judge Merhige ordered the University of Virginia to admit women in 1970 and rejected appeals by defendants in the Watergate case.

A friend of many years, Governor Gerald Baliles, once stated Judge Merhige was, “a man of civility and courage, a gentle but vibrant force of the legal realm. . . . [Judge Merhige] was a master of wit and could puncture the pomposity of lawyers as well as engage in acts of self-deprecation.”

These two men were bold enough to recognize and fight to ensure that the rights guaranteed under the U.S. Constitution are enjoyed by everyone, and not just the privileged or members of a certain race, religion, or socio-economic group.

The names of Judge Robinson and Judge Merhige will be etched on the walls of this courthouse. I am committed to ensuring that their legacy of equality and fundamental fairness persists in the hearts of all Virginians.

#### SUBMITTED RESOLUTIONS

#### SENATE CONCURRENT RESOLUTION 57—HONORING PROFESSIONAL SURVEYORS AND RECOGNIZING THEIR CONTRIBUTIONS TO SOCIETY

Mr. STEVENS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 57

Whereas there are over 45,000 professional surveyors in the United States;

Whereas the nature of surveying has changed dramatically since 1785, as it is no longer limited to the description and location of land boundaries;

Whereas hydrographic surveys are important to the use of all bodies of water;

Whereas engineering surveys are utilized in the study and selection of sites and methods for engineering and construction projects;

Whereas geodetic surveys determine precise global positioning for such activities as aircraft and missile navigation;

Whereas cartographic surveys are used for mapping and charting, as well as photogrammetry, the science of using aerial photographs for measurement and map production;

Whereas many services are provided through the use of sophisticated surveying equipment and techniques, including satellite-borne remote sensing devices and automated positioning, measuring, recording, and plotting equipment;

Whereas the role of the surveyor has been, and remains, of vital importance in the development of the United States;

Whereas, since the colonial days of this Nation, surveyors have been leaders in the community, statesmen, influential citizens, and shapers of cultural standards;

Whereas former surveyors include George Washington, Thomas Jefferson, and Abraham Lincoln;

Whereas it was the work of the surveyor that determined the boundaries of land, the greatest economic asset in the colonies that became the United States;

Whereas Thomas Jefferson chaired a committee in 1784 to devise a plan for disposing of lands west of the 13 original colonies;

Whereas Thomas Jefferson argued that surveying before sale was necessary to prevent overlapping claims and to simplify deeds and registers;

Whereas Thomas Jefferson reportedly wrote a plan, which was debated in Congress and in modified form was adopted as the Land Ordinance of May 20, 1785, establishing the Public Land Survey System ("PLSS"), the rectangular system that continues today in 30 midwestern and western States; and

Whereas the establishment of the 3rd week of March as "National Surveyors Week"

would be a fitting tribute to all surveyors: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recommends the establishment of National Surveyors Week;

(2) requests that the President issue a proclamation calling on the people of the United States to observe National Surveyors Week each year with appropriate ceremonies and activities paying tribute to professional surveyors and their contribution to society; and

(3) invites the people of the United States to look back at the historic contributions of surveying and look ahead to the new technologies which are constantly modernizing this honored and learned profession.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3802. Mr. SALAZAR (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 238, to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

#### TEXT OF AMENDMENTS

SA 3802. Mr. SALAZAR (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 238, to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; as follows:

At the end of the bill, add the following:

#### SEC. 2. URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading, by striking "2007" and inserting "2009";

(2) in subparagraph (A), by striking "2007" and inserting "2009"; and

(3) by adding at the end the following:

"(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002."

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be

held on December 11, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 2156 (SECURE Water Act), a bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water-related data to assess the long-term availability of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, December 13, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on Reform of the Mining Law of 1872.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Senate Committee on Energy and Natural Resources.

The hearing will be held on Thursday, December 13, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony regarding forest restoration and hazardous fuels reduction efforts in the forests of Oregon and Washington.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

##### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of