

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 2135. A bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL:

S. 2442. A bill to provide the Secretary of Agriculture with alternatives to comply with the Federal Property and Administrative Services Act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENSIGN (for himself and Mr. REID):

S. 2443. A bill to provide for the release of any revisionary interest of the United States in and to certain lands in Reno, Nevada; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mr. BINGAMAN, Mr. KERRY, Mr. KENNEDY, and Mr. DODD):

S. 2444. A bill to direct the Secretary of Education to provide grants to establish and evaluate sustainability programs, charged with developing and implementing integrated environmental, economic, and social sustainability initiatives, and to direct the Secretary of Education to convene a summit of higher education experts in the area of sustainability; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN:

S. 2445. An original bill to provide for the flexibility of certain disaster relief funds, and for improved evacuation and sheltering during disasters and catastrophes; from the Committee on Homeland Security and Governmental Affairs; placed on the calendar.

By Mr. SCHUMER (for himself and Mr. HAGEL):

S. 2446. A bill to provide that the Secretary of Homeland Security may waive certain retirement provisions for reemployed annuitants in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2447. A bill to make a technical correction to section 119 of title 17, United States Code; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. BAUCUS, Mr. TESTER, and Mr. BARRASSO):

S. 2448. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 2449. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2450. A bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 2451. A bill to enhance public safety by improving the reintegration of youth offend-

ers into the families and communities to which they are returning; to the Committee on the Judiciary.

By Mrs. DOLE:

S.J. Res. 27. A joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUE (for himself, Mr. BROWNBACK, Mr. DORGAN, Mr. BINGAMAN, Mrs. CLINTON, Ms. CANTWELL, Mr. COCHRAN, Mr. JOHNSON, Mr. CONRAD, Mr. DOMENICI, Mr. AKAKA, Mrs. BOXER, Mrs. FEINSTEIN, Mr. STEVENS, Mr. BAUCUS, and Mr. TESTER):

S. Res. 400. A resolution to designate Friday, November 23, 2007, as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. COLLINS, Mr. LEAHY, Mr. CORNYN, and Mr. HARKIN):

S. Res. 401. A resolution to provide Internet access to certain Congressional Research Service publications; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 469

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Rhode Island

(Mr. REED) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1394

At the request of Ms. STABENOW, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1910

At the request of Mr. CARDIN, his name was withdrawn as a cosponsor of S. 1910, a bill to amend the Internal Revenue Code of 1986 to provide that amounts derived from Federal grants and State matching funds in connection with revolving funds established in accordance with the Federal Water Pollution Control Act and the Safe Drinking Water Act will not be treated as proceeds or replacement proceeds for purposes of section 148 of such Code.

At the request of Mr. WYDEN, his name was withdrawn as a cosponsor of S. 1910, supra.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2007", and for other purposes.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2140

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2213

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2213, a bill to amend title 18, United States Code, to improve prevention, investigation, and prosecution of cybercrime, and for other purposes.

S. 2257

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 2257, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 2257, *supra*.

S. 2347

At the request of Mr. OBAMA, the names of the Senator from Florida (Mr. NELSON), the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. SNOWE) 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. 2385

At the request of Mr. BROWN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2385, a bill to provide Federal Perkins Loan cancellation to fire fighters.

S. 2400

At the request of Mr. SESSIONS, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of 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.

S. 2425

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2425, a bill to require the Secretary of Transportation and the Secretary of Commerce to submit reports to Congress on the commercial and passenger vehicle traffic at certain points of entry, and for other purposes.

S. 2431

At the request of Mr. BROWN, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2431, a bill to address emergency shortages in food banks.

S.J. RES. 22

At the request of Mr. BAUCUS, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors 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. CON. RES. 53

At the request of Mr. ISAKSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. SNOWE) 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. 398

At the request of Mr. BROWN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 398, a resolution honoring the life and recognizing the accomplishments of Joe Nuxhall, broadcaster for the Cincinnati Reds.

S. RES. 399

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 399, a resolution expressing the sense of the Senate that certain benchmarks must be met before certain restrictions against the Government of North Korea are lifted, and that the United States Government should not provide any financial assistance to North Korea until the Secretary of State makes certain certifications regarding the submission of applications for refugee status.

AMENDMENT NO. 3616

At the request of Mr. SALAZAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 3616 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. 3639

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Alaska (Mr. STEVENS), the Senator from Florida (Mr. NELSON), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 3639 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. 3695

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Nebraska (Mr. NELSON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Montana (Mr. TESTER), the Senator from Illinois (Mr. OBAMA), the Senator from Nebraska (Mr. HAGEL), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 3695 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. 3814

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3814 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. 3822

At the request of Mr. GREGG, the names of the Senator from Maine (Ms. COLLINS), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3822 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. ENZI (for himself, Mr. BAUCUS, Mr. TESTER, and Mr. BARRASSO):

S. 2448. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections; to the Committee on Energy and Natural Resources.

Mr. ENZI. Mr. President, I rise to introduce legislation that is of great importance to my State. Last year a bipartisan coalition of Senators came together to pass the Surface Mining Control and Reclamation Act Amendments of 2007. Since that time, some lawyers and bureaucrats in Washington have taken it upon themselves to misinterpret the law. We need to fix this. The legislation I am introducing will yet again reiterate congressional intent as to how the program should be run. The bill that passed as part of the Tax Relief and Health Care Act 2006, which was a part originally of the pension reform bill, fixed the abandoned mine land trust fund so it would run as Congress originally intended, which was some 30 years earlier. For the first time in years, States were scheduled to receive funding they were promised that would be used to clean up abandoned coal mines where that was needed.

For States that had been certified by the Office of Surface Mining as having completed their coal cleanup work, funding was expected to go to these States to do whatever the State legislators chose to be a priority for that State.

The language is simple and straightforward. It reads:

Payments shall be made in 7 equal annual installments, beginning in fiscal year 2008.

As we passed the legislation, everyone involved knew what that meant. For years, our State's money has been held hostage to pay for other programs. With the passage of the abandoned mine land bill, the money would flow with no strings attached and no diversions to other programs. Congressional intent was very clear. Unfortunately, last week I was told by lawyers and bureaucrats at the Department of Interior that they have decided to ignore the congressional intent and have chosen to send the money to States such as Wyoming in the form of grants. It seems they don't have enough Federal employees because their plan will create an onerous program that will undoubtedly require more hires.

As one of the lead Senators in passing the original legislation, I know what Congress meant when we wrote:

Payments shall be made in 7 equal and annual installments, beginning in fiscal year 2008.

To ensure that no confusion existed, I met with the Office of Surface Mining and with the Office of Management and Budget on numerous occasions to discuss that particular issue. Congress intended for payments to be made. Congress did not expect the agency to create a new grant program. When I realized this egregious misinterpretation of the law was a possibility, I took immediate action. I asked those same lawyers and bureaucrats who did not read the law to provide me with the legislative language that makes it explicitly clear that they should interpret the law the way Congress intended.

That is the bill I am introducing today with my colleague from Montana and the other Senator from Wyoming. Only in the absurd world that is Washington could an agency believe the word "payment" means grant. I look forward to working with my colleagues to swiftly move this forward so the executive branch can finally follow what Congress intended.

I have to tell my colleagues it was quite a shock to find out a whole program was going to be set up so Wyoming could ask for its money piecemeal. We have been begging for 30 years to get this money. The money has been paid in by the coal companies to cover reclamation and then anything that had to do with coal impact. We did the reclamation. We are now handling the coal impact. But the money has been held hostage; \$550 million worth of money has been held over that period.

Last year Congress said: Wyoming and Montana—Montana has \$58 million—deserve their money. So do several other States. We will give it to them.

Now there was a little question about what that did with debt, but we were able to show them that paying off debt with debt wound up with the same amount of debt but wasn't stealing from the States. So we were able to get that confirmed by this body and put into law. It said we would be paid in seven equal annual payments, beginning in the year 2008. Now we find out it could be millions of payments over a number of years under a grant program. They do realize they can't deny any grant request the State has, but each and every transaction would have to go through somebody. We are not about to hire that many people to do what is explicit in the language.

I will ask the rest of my colleagues to help us on this amendment. We will find a place to put it, and we will get it done this year so the intent of the law we passed last year will get done.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 2449. A bill to amend chapter 111 of title 28, United States Code, relating to

protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Sunshine in Litigation Act of 2007, a bill to curb the ongoing abuse of secrecy orders in Federal courts. The result of this abuse, which often comes in the form of sealed settlement agreements, is to keep important health and safety information from the public.

This problem has been recurring for decades, and most often arises in product liability cases. Typically, an individual brings a cause of action against a manufacturer for an injury or death that has resulted from a defect in one of its products. The injured party often faces a large corporation that can spend an unlimited amount of money defending the lawsuit and prolong its resolution. Facing a formidable opponent and mounting medical bills, plaintiffs often have no choice but to settle the litigation. In exchange for the award he or she was seeking, the victim is forced to agree to a provision that prohibits him or her from revealing information disclosed during the litigation.

Plaintiffs get a respectable award, and the defendant is able to keep damaging information from getting out. Because they remain unaware of critical public health and safety information that could potentially save lives, the American public incurs the greatest cost.

This concern for excessive secrecy is warranted by the fact that tobacco companies, automobile manufacturers, and pharmaceutical companies have settled with victims and used the legal system to hide information which, if it became public, could protect the American people. Surely, there are appropriate uses for such orders, like protecting trade secrets and other truly confidential company information. This legislation makes sure such information is protected. But, protective orders are certainly not supposed to be used for the sole purpose of hiding damaging information from the public to protect a company's reputation or profit margin.

One of the most famous cases of abuse involved Bridgestone/Firestone tires. From 1992–2000, tread separations of various Bridgestone and Firestone tires were causing accidents across the country, many resulting in serious injuries and even fatalities. Instead of owning up to their mistakes and acting responsibly,

Bridgestone/Firestone quietly settled dozens of lawsuits, most of which included secrecy agreements. It wasn't until 1999, when a Houston public television station broke the story, that the company acknowledged its wrongdoing and recalled 6.5 million tires. By then, it was too late. More than 250 people had died, and more than 800 were injured as a result of the defective tires.

If the story ended there, and the Bridgestone/Firestone cases were just