requirements relating to nondiscrimination on the basis of national origin.

S. 2460

At the request of Mrs. DOLE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. CON. RES. 53

At the request of Mr. ISAKSON, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Florida (Mr. MARTINEZ), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors 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. 396

At the request of Mr. CARDIN, the names of the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Oklahoma (Mr. COBURN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 396, a resolution expressing the sense of the Senate that the hanging of nooses for the purpose of intimidation should be thoroughly investigated by Federal, State, and local law enforcement authorities and that any criminal violations should be vigorously prosecuted.

S. RES. 401

At the request of Mr. LIEBERMAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. Res. 401, a resolution to provide Internet access to certain Congressional Research Service publications.

S. RES. 402

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. Res. 402, a resolution recognizing the life and contributions of Henry John Hyde.

AMENDMENT NO. 3674

At the request of Mr. GREGG, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 3674 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. 3830

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 3830 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. BARRASSO:

S. 2468. A bill to authorize the Secretary of Agriculture (acting through the Chief of the Forest Service) to enter into a cooperative agreement with the State of Wyoming to allow the State of Wyoming to conduct certain forest and watershed restoration services, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BARRASSO. I am proud to introduce the Wyoming Forest and Watershed Restoration Act of 2007. This legislation authorizes cooperative action between the U.S. Forest Service and the State of Wyoming to complete forest health projects on private, State and Federal lands.

Almost half of Wyoming's lands are controlled by Federal agencies. We have over 9 million acres of National Forest lands in Wyoming, including seven National Forests. Our State has a long history of forestry, grazing and multiple use of public lands. Recreation and tourism on our public lands is a pillar of our economy. The people of Wyoming are stewards of our public lands and our State depends on the public lands for our future.

It is my goal to enact common-sense policies that address the needs of Wyoming and sustainable management of our Federal lands. Our forests, like those of all States across the West, are facing management challenges. We have an opportunity to set policies that will encourage forest health.

We face an urgent problem with bark beetle infestation. Forests between Interstate 70 in Colorado and Interstate 80 in Wyoming are being killed by these beetles. We have thousands upon thousands of acres that are dying. On the Medicine-Bow Forest, for instance, over 75,000 acres of trees are infected by bark beetles. Forest Service analysis shows the epidemic could grow to 350,000 acres and cover approximately ⅓ of the forest in the next few years.

We can stem the spread of this infestation and save our forests, with quick action on thousands of acres. That kind of response will take coordinated management among all partners private, State, and Federal. Preventing forest fires, addressing watershed health and conserving wildlife habitat require the same ''big picture'' thinking. We have to address threats like bark beetles by taking on forest health projects on a landscape level.

Resource issues don't stop at fencelines, and neither should our policy.

The Wyoming Forest and Watershed Restoration Act of 2007 would set in place a comprehensive management policy. This act would allow the State of Wyoming to go forward with forest health projects as agreed to by the Forest Service. The agencies can cooperatively pursue projects that address our landscape needs. Private, State, and Federal lands can get the on-the-ground management they desperately need.

I am pleased to introduce this legislation today. It is of great importance to the people of Wyoming. I hope my colleagues will proceed quickly with its passage to enhance our State's response to the growing forest health problems. The people of Wyoming demand on-the-ground results. This legislation can deliver those results. I hope we can pass it expediently.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wyoming Forest and Watershed Restoration Act of 2007''.

SEC. 2. FOREST AND WATERSHED RESTORATION.

(a) DEFINITIONS.—In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land.

(2) STATE.—The term ''State'' means the State of Wyoming.

(b) COOPERATIVE AGREEMENT.—

(1) AUTHORITY OF SECRETARY.—Until September 30, 2017, in accordance with paragraphs (2), (3), and (6), the Secretary may enter into a cooperative agreement or contract (including a sole source contract) with the State to allow the State forester of the State to conduct forest and watershed restoration services on land that is—

(A) under the jurisdiction of the Secretary; and

(B) located in the State.

(2) PROJECT BASIS.—Each restoration service that is the subject of a cooperative agreement or contract described in paragraph (1) shall be—

(A) carried out on a project-to-project basis; or

(B) made ready to be carried out under any existing authority of the Secretary.

(3) AUTHORIZED SERVICES.—In carrying out services in accordance with a cooperative agreement or contract entered into between the Secretary and the State under paragraph (1), the State shall conduct certain appropriate services, including—

(A) the treatment of insect-infected trees;

(B) the reduction of hazardous fuels; and

(C) any other activity designed to restore or improve a forest or watershed (including any fish or wildlife habitat), as determined by the Secretary.

(4) STATE AS AGENT.—

(A) IN GENERAL.—Except as provided in paragraph (6), a cooperative agreement or contract entered into by the Secretary and the State under paragraph (1) may allow the State forester of the State to serve as an agent of the Forest Service in carrying out any service described in paragraph (3).

(B) AUTHORITY TO SUBCONTRACT.—In accordance with the laws of the State, in carrying out any authorized service described in paragraph (3), the State forester of the State may enter into a subcontract with any other entity to carry out the services of the State forester of the State.

(5) APPLICABILITY OF NATIONAL FOREST MANAGEMENT ACT OF 1976.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to any service performed by the State forester of the State in accordance with a cooperative agreement or contract entered into by the Secretary and the State under paragraph (1).

(6) RETENTION OF CERTAIN RESPONSIBILITIES.—With respect to any authorized service described in paragraph (3), the Secretary, through a cooperative agreement or contract entered into by the Secretary and the State under paragraph (1), shall not allow the State to make any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

By Mr. KENNEDY (for himself, Mr. AKAKA, and Mr. OBAMA):

S. 2471. A bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs.

Mr. KENNEDY. Mr. President, since the terrorist attacks of 9/11, more than 1.5 million of our servicemen and women have been sent to Iraq, Afghanistan, and other nations. We have mobilized more than 630,000 members of the National Guard and Reserves, including 92,000 who are on active duty right now.

These service men and women have courageously defended our country overseas, but tens of thousands of them have come home to find that they have lost their employment benefits or even their jobs, and the Government has failed to defend their rights.

Today, Senator Daniel Akaka and I are introducing legislation to guarantee that veterans won't have to wait years for the Government to act to restore their benefits or return to work.

Thirteen years ago, Congress enacted the Uniformed Services Employment and Reemployment Rights Act, specifically to protect our servicemembers when they return home. We understood that, to maintain strong focus and a strong National Guard and Reserves, servicemembers needed confidence that they could return to their civilian jobs when they came home from their tours of duty. That legislation was a clear promise that the Federal Government would step in and defend servicemembers who were wrongly denied their jobs or benefits. We pledged that the Department of Labor would investigate violations of the act, and that if employers refused to follow the law, the Attorney General would take employers to court to protect our servicemembers' rights.

Today, however, the administration has clearly broken that promise to enforce the law and get our veterans back to work.

Last month, during a Senate Committee hearing, I released a Department of Defense survey showing that for tens of thousands of veterans, their service to our country has cost them the salary they deserve, their health care, their pensions, or even their jobs. Among members of the Reserves and National Guard, nearly 11,000 were denied prompt reemployment. More than 22,000 lost seniority and rightful pay. Nearly 20,000 had their pensions reduced. More than 15,000 did not receive the training they needed to resume their former jobs. Nearly 11,000 did not get their health insurance back.

The problem is that employers aren't following the law, and Federal agencies aren't effectively enforcing it. Mr. President, 38 percent of servicemembers who asked the Department of Labor to defend their rights did not receive a prompt response. Servicemembers are forced to wait months or years even to find out whether the Government will agree to represent them and defend their rights. One veteran waited 7 years before the Department of Labor told him whether it would take his case to court. No veteran can afford to wait seven months to return to work or have his health insurance reinstated, let alone wait 7 years.

With these unbelievable delays, it is not surprising that 44 percent of servicemembers who asked the Department of Labor for help said that they were dissatisfied with the assistance they received. When servicemen and women hear about these delays, they ask themselves, ''Why should I even bother to ask for help.''

In fact, the Pentagon tells us that 77 percent of servicemembers whose rights are violated don't contact anyone to defend their rights. They simply give up. Nearly half of them say that they have no confidence that the Government will resolve their problems, or that it is just not worth the effort.

Even worse, a quarter of them don't even know where they can go for help. It is beyond dispute that the administration has broken its promise to help them.

Our veterans deserve better than this. They deserve to know that their Government is working as quickly as possible to get them back to work and restore their benefits.

The current law needs reform as well. It makes no sense to have four different agencies tracking the problems of our servicemembers in four different ways. We also need to know whether disabled veterans are being properly assisted in making their own difficult transition back to work.

It is time for the administration to keep its promise, and end the long delays for veterans who need help in defending their rights. The bill that Senator AKAKA and I are introducing imposes timely and reasonable deadlines on Federal agencies to investigate complaints, to attempt to resolve them, and, if necessary, to refer them for litigation.

The legislation also makes the Federal enforcement of the law more transparent and responsive to the needs of veterans. It assures veterans that they won't have to wait years for an answer about whether they will receive the help they deserve.

By imposing timely deadlines on the Federal agencies, we are also stepping up the pressure on employers that violate the rights of our brave soldiers. With these new deadlines, employers won't be able to drag their heels as the Department of Labor spends months or years investigating violations. They will know that they have to settle each veteran's case quickly and fairly, or else face the U.S. Government in court.

The legislation also implements a number of reforms recommended by the Government Accountability Office—reforms that have received bipartisan support in the House of Representatives. In particular, our bill requires agencies to gather and report information on these cases in a uniform manner, so that we can understand trends and better address the needs of each servicemember. Agencies will also be required to report on cases involving veterans with disabilities, so that we have accurate information on the reemployment problems of our wounded soldiers.

Enacting this legislation alone obviously won't end the job discrimination that too many servicemembers face when they come home. But it will certainly improve the assistance they receive in obtaining the help they have earned and deserve.

Our legislation has the support of the Nation's largest veterans' organization, the American Legion, which emphasizes that the ''enforcement of veterans' employment and reemployment rights . . . can only be achieved through aggressive oversight and timely investigation.'' This legislation, the American Legion says, will ''strengthen veterans' employment and reemployment rights'' by imposing ''timely, realistic deadlines on Federal agencies to process'' their claims. We are proud to have the American Legion's support for this legislation.

We know we can never truly repay our veterans for their immense sacrifices. They have fought hard for our country, and it is up to us to fight just as hard for them when they return home to the heroes' welcome they so justly deserve. An important part of that welcome is keeping the promise that we made to them to protect their employment rights when they return.

That is what this legislation seeks to do, and I urge my colleagues to enact it as soon as possible.

Mr. AKAKA. Mr. President, I am pleased to join with my good friend and distinguished colleague from Massachusetts, Senator KENNEDY, in introducing S. 2471, the proposed USERRA Enforcement Improvement Act of 2007. This measure is intended to make substantial improvements in the manner in which claims made under the Uniformed Services Employment and Reemployment Rights Act of 1994—USERRA—are processed and to help ensure that individuals' complaints are addressed in a prompt and efficient manner.

Our troops are returning home from battle, and many of them seek to return to the jobs that they held prior to their military service, particularly those serving in Guard and Reserve units. USERRA, which is set forth in chapter 43 of title 38, U.S. Code, provides these servicemembers with certain protections. USERRA also sets out certain responsibilities for employers, including to reemploy returning veterans in their previous jobs.

As Chairman of the Senate Veterans' Affairs Committee, I held two hearings earlier this year on issues relating to veterans' employment, including one focusing exclusively on the pilot project for processing USERRA claims in the Federal sector and the jurisdictional questions involving the Department of Labor and the Office of Special Counsel. I must admit to being particularly upset with the volume of USERRA claims related to Federal service. It is simply wrong that individuals who were sent to war by their Government should, upon their return, be put in the position of having to do battle with that same Government in order to regain their jobs and benefits.

Out of those hearings, and an oversight hearing held by the Senate Health, Education, Labor, and Pension Committee, chaired by Senator KENNEDY, we have learned a great deal about the manner in which USERRA claims are investigated, resolved, or referred to other appropriate entities for enforcement actions. By and large, the process is seamless and frequently involves employer education in terms of helping them understand their obligations under the law. Still too often, many claims are quite complicated and involve what are sometimes called ''escalator claims,'' where an individual is seeking to be re-instated in a position with quite complicated benefits, seniority, health care and fiduciary issues. I believe that anytime an individual is denied their USERRA rights is one time too many. However, I understand that the confusion and misunderstanding that can exist for the employer—particularly a small employer or one who may only have one employee who is a member of the Guard or reserve—can be frustrating.

The legislation we are introducing today seeks to establish reasonable time frames for the USERRA process. When veterans turn to the government to protect their employment rights, they deserve solutions, not delays. It is my hope that this legislation will assist the federal government in protecting the employment rights of veterans.

Our legislation would, in brief, require those filing complaints to be notified within 5 days of the establishment of a claim, require that complaints be investigated and a decision made with respect to the need for further referral within 90 days, and require prompt referral to other agencies. The Government Accountability Office would be required to submit quarterly reports on the processing of claims. Finally, data collected by the Employers' Support of the Guard and Reserve, a voluntary organization within the Department of Defense, would be required to be included in the Secretary of Labor's annual report on USERRA. With respect to this ESRG reporting requirement, it should be noted that this provision has already passed both bodies in the context of the pending conference agreement on the National Defense Authorization Act for fiscal year 2008, and it is included here in the event that legislation is not enacted.

I stress that our goal is to improve the current process. We want in no way to place strictures on the program that might result in less than satisfactory consideration and pursuit of claims. I intend to pursue the concerns of all of those involved in these claims—the Departments of Labor, Defense, and Justice, the Office of Personnel Management and the Office of the Special Counsel—through the legislative process in the next session. Should the need for refinements in the measure as it is introduced today become apparent, they will be carefully considered. I know that the Senator from Massachusetts will join me in that endeavor.

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

S. 2472. A bill to amend the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, I am pleased to rise today with my colleague Senator GORDON SMITH to introduce the Global Pediatric HIV/AIDS Prevention and Treatment Act. Millions across the world recently observed the 20th World AIDS Day on December 1, a day of mourning, solidarity, and hope: mourning for the more than 25 million killed already in the AIDS pandemic; solidarity with the 33.2 million living with HIV today; and hope that this plague will be conquered in our time—with an achievable goal of realizing the birth of an HIV-free generation.

In the U.S., we have reached a point where a child living with HIV/AIDS no longer faces certain death. Thanks to anti-retroviral, ARV, therapy, many children born infected with HIV/AIDS now have the opportunity to grow up healthy. However, long-term survival is a dream that eludes most of the 2.5 million HIV-infected children around the world.

Of the more than 2.5 million new HIV infections in 2007, more than 420,000 were in children. But while children account for almost 16 percent of all new HIV infections, they make up only 9 percent of those on treatment under the President's Emergency Plan for AIDS Relief, PEPFAR. Without proper care and treatment, half of these newly-infected children will die before their second birthday and 75 percent will die before their fifth.

Every day, approximately 1,100 children across the globe are infected with HIV, the vast majority through mother-to-child transmission during pregnancy, labor or delivery or soon after through breastfeeding. Approximately 90 percent of these infections occur in Africa. With no medical intervention, HIV-positive mothers have a 25 to 30 percent chance of passing the virus to their babies during pregnancy and childbirth. Yet, a single dose of an ARV drug given once to the mother at the onset of labor and once to the baby during the first three days of life reduces transmission of HIV by approximately 50 percent. Providing the full range of interventions, as is the standard of care in the U.S., can further reduce the rate of mother-to-child transmission of HIV to as little as 2 percent. However, according to UNAIDS, the Joint United Nations Programme on HIV/AIDS, less than 10 percent of pregnant women with HIV in resource-poor countries have access to prevention of mother-to-child transmission, PMTCT, services.

Significant barriers to PMTCT and the equal care and treatment of HIV-infected children continue to exist. Among the barriers to PMTCT services is their poor integration into the healthcare system, the lack of infrastructure and poor quality health facilities, low utilization of pre-natal services, and a high percentage of unattended at-home births. Because children are not just small adults, providing care and treatment presents special challenges such as limited access to reliable HIV testing for the youngest children, a shortage of providers trained in delivering pediatric care, weak linkages between services to prevent mother-to-child transmission and care and treatment programs, and the need for additional, low-cost formulations of HIV/AIDS medications.

The unfortunate reality of current HIV/AIDS treatment programs is that they will become unsustainable in the long-term unless the number of new HIV infections is reduced globally. The importance of PMTCT for the prevention of the spread of HIV cannot be overstated. According to UNAIDS, prevention of mother-to-child HIV transmission requires a comprehensive package of services that includes preventing primary HIV infection in

women, preventing unintended pregnancies in women with HIV infection, preventing transmission from HIV-infected pregnant women to their infants, and providing care, treatment and support for HIV-infected women and their families. A 2003 study found that by adding family planning through PMTCT services in 14 high prevalence countries, more than 150,000 unintended pregnancies were averted, child infections averted nearly doubled, and child deaths averted nearly quadrupled. Studies also show that current levels of contraceptive use in sub-Saharan Africa are already preventing an estimated 22 percent of HIV-positive births.

For many pregnant mothers, PMTCT services may be the only entry point for health care services for themselves and their families. That is why it is essential that PMTCT services be integrated with prevention, care and treatment services. With adequate integration of those services and strategies to ensure successful follow-up and continuity of care, we can significantly improve the outcomes for HIV-affected women and families.

The legislation I am introducing today, the Global Pediatric HIV/AIDS Prevention and Treatment Act, will help prevent thousands of new pediatric HIV infections in the years to come and improve the treatment of children living with HIV/AIDS throughout the world. The legislation will bring our international HIV/AIDS efforts in line with the infection rate of children, by establishing a target that, within 5 years, 15 percent of those receiving care and treatment under PEPFAR should be children.

The legislation establishes another 5-year target to help prevent mother-to-child transmission of HIV. In those countries most affected, 80 percent of pregnant women should receive HIV counseling and testing, with all those testing positive receiving antiretroviral medication for the prevention of mother-to-child transmission of HIV.

Under the legislation, the U.S. comprehensive, 5-year global strategy to combat global HIV/AIDS must also integrate prevention, care and treatment with prevention of mother-to-child transmission programs, as soon as feasible and consistent with the national government policies of the foreign countries of PEPFAR countries in order to improve outcomes for HIV-affected women and families and to promote follow-up and continuity of care.

Lastly, the legislation authorizes the creation of a Prevention of Mother-to-Child Transmission Expert Panel to provide an objective review of PMTCT activities funded under PEPFAR and to provide recommendations to the Office of the Global AIDS Coordinator for scale-up of mother-to-child transmission prevention services under PEPFAR in order to reach the newly-established target for PTMCT. The Panel consists of no more than 15 members, to be appointed by the coordinator, and will terminate once it submits its report containing recommendations, findings and conclusions to the coordinator, Congress, and is made public.

To be clear, this legislation does not establish any earmarks within PEPFAR. It does not dictate how much money should be spent on specific activities. I, for one, oppose the current policy under PEPFAR which dictates that one-third of all prevention funds be reserved for abstinence-until-marriage programs, to the detriment of other more effective programs that are producing better results. Certainly abstinence programs have a role to play in PEPFAR, but they should not draw funding away from other, more effective programs. Therefore, it is my hope that Congress does away with that earmark when it reauthorizes PEPFAR, and instead allows for flexibility within PEPFAR.

Instead, the legislation sets 5-year targets that are focused on those receiving services without specifying how much money any given country should spend on specific services to reach the target. I believe this approach is consistent with the April 2007 Institute of Medicine report on PEPFAR which called on Congress to replace arbitrary budget directives with specific targets accounting for the unique epidemics in specific countries, as well as existing available resources. Removal of budget restrictions and the implementation of program targets, such as those authorized under this legislation, would allow local providers to invest in the services and activities most needed to achieve national goals for prevention, care, and treatment.

The struggle against this disease continues on all fronts. Just recently, a report showed that right here in Washington, D.C., the city is in the grip of a ''modern epidemic,'' with one in 20 residents HIV-infected, a rate ten times the national average. In my own State of Connecticut, the need for care and treatment services is at an all time high, while the funding to meet this increased need has declined.

As we take stock of the HIV/AIDS pandemic and our progress against it, we must bear in mind the special vulnerability of the world's children. With this legislation we can increase the number of children receiving care and treatment under PEPFAR and expand access to PMTCT services in order to prevent thousands of new pediatric HIV infections.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Global Pediatric HIV/AIDS Prevention and Treatment Act''.

SEC. 2. FINDINGS.

Section 2 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (26 U.S.C. 7601) is amended—

(1) in paragraph (3), by adding at the end the following:

''(D) In 2007, the rate at which children accessed treatment failed to keep pace with new pediatric infections. While children account for almost 16 percent of all new HIV infections, they make up only 9 percent of those receiving treatment under this Act.'';

(2) by amending paragraph (16) to read as follows:

''(16) Basic interventions to prevent new HIV infections and to bring care and treatment to people living with AIDS, such as voluntary counseling and testing, are achieving meaningful results and are cost-effective. The challenge is to expand these interventions to a national basis in a coherent and sustainable manner.''; and

(3) by amending paragraph (20) to read as follows:

''(20) With no medical intervention, mothers infected with HIV have a 25 to 30 percent chance of passing the virus to their babies during pregnancy and childbirth. A simple and effective intervention can significantly reduce mother to child transmission of HIV. A single dose of an anti-retroviral drug given once to the mother at the onset of labor, and once to the baby during the first 3 days of life reduces transmission by approximately 50 percent. Other more complex drug regimens can further reduce transmission from mother-to-child. A dramatic expansion of access to prevention of mother-to-child transmission services is critical to preventing thousands of new pediatric HIV infections.''.

SEC. 3. POLICY PLANNING AND COORDINATION.

Section 101(b)(3) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(b)(3)) is amended by adding at the end the following:

''(X) A description of the activities that will be conducted to achieve the targets described in paragraphs (1) and (2) of section 312(b).''.

SEC. 4. BILATERAL EFFORTS.

(a) ASSISTANCE TO COMBAT HIV/AIDS.—Section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2) is amended—

(1) in subsection (d)(1)—

(A) by amending subparagraph (E) to read as follows:

''(E) assistance to—

''(i) achieve the target described in section 312(b)(1) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003; and

''(ii) promote infant feeding options for HIV positive mothers that are consistent with the most recent infant feeding recommendations and guidelines supported by the World Health Organization ;'';

(B) in subparagraph (G), by striking ''and'' at the end;

(C) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(I) assistance to achieve the target described in section 312(b)(2) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.''; and

(2) in subsection (e)(2)(C)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(v) the number of HIV-infected children currently receiving antiretroviral medications in each country under the United

States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.''.

(b) ASSISTANCE TO CHILDREN AND FAMILIES.—Subtitle B of Title III of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7651 et seq.) is amended by striking sections 311 and 312 and inserting the following:

''SEC. 311. FINDINGS.

''Congress makes the following findings:

''(1) Every day, approximately 1,100 children around the world are infected with HIV, the vast majority through mother-to-child transmission during pregnancy, labor or delivery or soon after through breast-feeding. Approximately 90 percent of these infections occur in Africa.

''(2) With no medical intervention, mothers infected with HIV have a 25 to 30 percent chance of passing the virus to their babies during pregnancy and childbirth. A single dose of an anti-retroviral drug given once to the mother at the onset of labor, and once to the baby during the first 3 days of life reduces transmission by approximately 50 percent.

''(3) Providing the full range of interventions, as is the standard of care in the United States, could reduce the rate of mother-to-child transmission of HIV to as little as 2 percent.

''(4) Global coverage of services to prevent transmission from mother-to-child remains unacceptably low. The Joint United Nations Program on HIV/AIDS (UNAIDS) reports that fewer than 10 percent of pregnant women with HIV in resource-poor countries have access to prevention of mother-to-child transmission services.

''(5) Prevention of mother-to-child transmission programs provide health benefits for women and children beyond preventing the vertical transmission of HIV. They serve as an entry point for mothers to access treatment for their own HIV infection, allowing them to stay healthy and to care for their children. Efforts to connect and integrate prevention of mother-to-child transmission and HIV care, treatment and prevention programs are crucial to achieving improved outcomes for HIV-affected and HIV-infected women and families.

''(6) Access to comprehensive HIV prevention services must be drastically scaled-up among pregnant women infected with HIV and pregnant women not infected with HIV to further protect themselves and their partners against the sexual transmission of HIV/AIDS.

''(7) Preventing unintended pregnancy among HIV-infected women is recognized by the World Health Organization and the Office of the United States Global AIDS Coordinator to be an integral component of prevention of mother-to-child transmission programs. To further reduce infection rates, women accessing prevention of mother-to-child transmission services must have access to a range of high-quality family planning and reproductive health care, so they can make informed decisions about future pregnancies and contraception.

''(8) In 2007, the rate at which children were accessing treatment failed to keep pace with new pediatric infections. While children account for almost 16 percent of all new HIV infections, they make up only 9 percent of those on treatment under this Act.

''(9) Of the more than 2,500,000 people who were newly infected with HIV in 2007, more than 420,000 were children.

''(10) Without proper care and treatment, half of newly HIV-infected children will die before they reach 2 years of age, and 75 percent will die before 5 years of age.

''(11) Because children are not just small adults, providing HIV care and treatment presents special challenges, including—

''(A) limited access to reliable HIV testing for the youngest children;

''(B) a shortage of providers trained in delivering pediatric care;

''(C) weak linkages between services to prevent mother-to-child transmission and care and treatment programs; and

''(D) the need for low-cost pediatric formulations of HIV/AIDS medications.

''SEC. 312. POLICY AND REQUIREMENTS.

''(a) POLICY.—

''(1) IN GENERAL.—The United States Government's response to the global HIV/AIDS pandemic should place high priority on—

''(A) the prevention of mother-to-child transmission of HIV/AIDS; and

''(B) the care and treatment of all children affected by HIV/AIDS, including children orphaned by AIDS.

''(2) COLLABORATION.—The United States Government should work in collaboration with foreign governments, donors, the private sector, nongovernmental organizations, and other key stakeholders.

''(b) REQUIREMENTS.—The comprehensive, 5-year, global strategy required under section 101 shall—

''(1) establish a target for prevention of mother-to-child transmission efforts that by 2013, in those countries most affected by HIV—

''(A) 80 percent of pregnant women receive HIV counseling and testing; and

''(B) all of the pregnant women receiving HIV counseling and testing who test positive for HIV receive anti-retroviral medications for prevention of mother-to-child transmission of HIV;

''(2) establish a target requiring that by 2013, children account for at least 15 percent of those receiving treatment under this Act;

''(3) integrate prevention, care, and treatment with prevention of mother-to-child transmission programs, as soon as feasible and consistent with the national government policies of the foreign countries in which programs under this Act are administered, to improve outcomes for HIV-affected women and families and to promote follow-up and continuity of care;

''(4) expand programs designed to care for children orphaned by AIDS; and

''(5) develop a time line for expanding access to more effective mother-to-child transmission prevention regimens, consistent with the national government policies of the foreign countries in which programs under this Act are administered and the goal of moving towards universal use of such regimens as rapidly as possible.

''(c) APPLICATION OF REQUIREMENTS.—All strategic planning documents and bilateral funding agreements developed under the authority of the Office of the United States Global AIDS Coordinator, including country operating plans and any subsequent mechanisms through which funding under this Act is obligated, shall be consistent with, and in furtherance of, the requirements under subsection (b).

''(d) PREVENTION OF MOTHER-TO-CHILD TRANSMISSION EXPERT PANEL.—

''(1) ESTABLISHMENT.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally (referred to in this section as the 'Coordinator') shall establish a panel of experts to be known as the Prevention of Mother to Child Transmission Panel (referred to in this section as the 'Panel') to—

''(A) provide an objective review of activities to prevent mother-to-child transmission of HIV that receive financial assistance under this Act; and

''(B) provide recommendations to the Coordinator and to the appropriate committees of Congress for scale-up of mother-to-child transmission prevention services under this Act in order to achieve the target established in subsection (b)(1).

''(2) MEMBERSHIP.—The Panel shall be convened and chaired by the Coordinator, who shall serve as a nonvoting member. The Panel shall consist of not more than 15 members (excluding the Coordinator), to be appointed by the Coordinator not later than 60 days after the date of the enactment of this Act, including—

''(A) 2 members from the Department of Health and Human Services with expertise relating to the prevention of mother-to-child transmission activities;

''(B) 2 members from the United States Agency for International Development with expertise relating to the prevention of mother-to-child transmission activities;

''(C) 2 representatives from among health ministers of national governments of foreign countries in which programs under this Act are administered;

''(D) 3 members representing organizations implementing prevention of mother-to-child transmission activities under this Act;

''(E) 2 health care researchers with expertise relating to global HIV/AIDS activities; and

''(F) representatives from among patient advocate groups, health care professionals, persons living with HIV/AIDS, and non-governmental organizations with expertise relating to the prevention of mother-to-child transmission activities, giving priority to individuals in foreign countries in which programs under this Act are administered.

''(3) DUTIES OF PANEL.—The Panel shall—

''(A) review activities receiving financial assistance under this Act to prevent mother-to-child transmission of HIV and assess the effectiveness of current activities in reaching the target described in subsection (b)(1);

''(B) review scientific evidence related to the provision of mother-to-child transmission prevention services, including programmatic data and data from clinical trials;

''(C) review and assess ways in which the Office of the United States Global AIDS Coordinator and programs funded under this Act collaborate with international and multilateral entities on efforts to prevent mother-to-child transmission of HIV in affected countries;

''(D) identify barriers and challenges to increasing access to mother-to-child transmission prevention services and evaluate potential mechanisms to alleviate those barriers and challenges;

''(E) identify the extent to which stigma has hindered pregnant women from obtaining HIV counseling and testing or returning for results, and provide recommendations to address such stigma and its effects;

''(F) identify opportunities to improve linkages between mother-to-child transmission prevention services and care and treatment programs;

''(G) evaluate the adequacy of financial assistance provided under this Act for mother-to-child transmission of HIV prevention services; and

''(H) recommend levels of financial assistance and specific activities to facilitate reaching the target described in subsection (b)(1).

''(4) REPORT.—

''(A) IN GENERAL.—Not later than 14 months after the date of the enactment of this Act, the Panel shall submit a report containing a detailed statement of the recommendations, findings, and conclusions of the Panel to the appropriate congressional committees.

''(B) AVAILABILITY.—The report submitted under subparagraph (A) shall be made available to the public.

''(C) CONSIDERATION BY COORDINATOR.—The Coordinator shall—

''(i) consider any recommendations contained in the report submitted under subparagraph (A); and

''(ii) include in the annual report required under section 104A(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(e)) a description of the activities conducted in response to the recommendations made by the Panel and an explanation of any recommendations not implemented at the time of the report.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Panel such sums as may be necessary for each of the fiscal years 2009 through 2011 to carry out this section.

''(6) TERMINATION.—The Panel shall terminate on the date that is 60 days after the date on which the Panel submits the report to Congress under paragraph (4).''.

(c) ANNUAL REPORT ELEMENTS.—Section 313(b)(2) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7653(b)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(E) coordination and collaboration with governments, donors, the private sector, nongovernmental organizations, and other key stakeholders to achieve the target described in section 312(b)(1); and

''(F) the number of women offered and receiving the 4 components of a comprehensive strategy to prevent mother-to-child transmission of HIV, as recommended by the World Health Organization.''.

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

S. 2473. A bill to amend the Employee Retirement Income Security Act of 1974 to provide special reporting and disclosure rules for individual account plans and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am here today to introduce, along with Senator KOHL, the Defined Contribution Fee Disclosure Act. This legislation is designed to address what may seem at first glance like a small issue, but in fact has a dramatic impact on the retirement security of millions of Americans who have 401(k) plans. Not many people realize this, but the Employee Retirement Income Security act, ERISA, does not require plan sponsors to provide participants with information on the level of fees that participants are charged by the various plans they have to choose between.

The number of people participating in defined contribution plans grows every year, and unfortunately, these plans are a bigger part of their nest egg as employers freeze their defined benefit plans. One of the key challenges as we move away from guaranteed benefits is making sure people have all the relevant information to help them decide which plan will best serve their needs. Recently, AARP conducted a survey in which it asked individuals with 401(k) plans if they even knew what they paid each year in fees. Only 17 percent of people asked said that they know what their fee levels were.

This is far from an academic matter. In fact, this could be disastrous for folks when they reach retirement. One person—who wishes to remain anonymous—recently shared with me a story that highlights what's at stake. She noticed one day that her 401(k) wasn't actually earning anything at all. After some examination, she found that the agent who set up the plan for the company received a fee of 2 percent annually for the first five years, reduced to .25 percent after that, paid by the employees and not the company. The investment firm charged a fee of 1.25 percent which they said was standard for companies with under $1 million in their 401ks. So, last year, she was paying 3.25 percent in fees and earning less than 4 percent from her money market fund. She didn't have a clue about the fees until she inquired after she realized she wasn't making any money on the fund.

So looking back at this AARP survey, of those 17 percent who said they knew what their fees were, 33 percent thought they weren't being charged any fees at all. Some companies will even tell people they are not being charged fees. While it is true that in some cases, employers pay fees, that is hardly the norm. And investment managers don't do their jobs for charity. These fees that people don't know about can have a big effect on what they end up with at retirement.

The U.S. Government Accountability Office recently estimated that a 45 year old with $20,000 in his 401(k) would have $70,555 at age 65 for his retirement, assuming he was getting a 6.5 percent return and only paying 0.5 percent in fees. But that figure decreases dramatically if the fees are increased by just a single percentage point, to 1.5 percent. At that figure the same individual, investing the same amount of money, would have only $58,400 for his retirement, or more than $12,000 less.

AARP took the GAO assumptions and created some additional examples. Consider this case: if a 35 year old invested $20,000 in a 401(k) plan over 30 years, paying 0.5 percent in fees, that individual would have $132,287 for retirement. But increase the fees to 1.5 percent, and the amount available for retirement is only $99,679—that is a 25 percent reduction in the account balance. Even if the fee only increased from 0.5 percent to 1 percent, the value of the retirement account would be reduced by $17,417, or a little over 13 percent over the 30-year period.

If you awoke one day to find that your bank account, or your retirement account, had declined in value by 25 percent, you would understandably be alarmed, and you would act quickly to fix the problem. But with high 401(k) fees, the reduction in benefits isn't immediately obvious. It happens slowly, over time, and often flies under people's radar screens because they are not told the level of fees they are paying, or they don't understand that some 401(k) plans charge far lower fees for providing the same amount of services. It is that problem—that information gap—that the Defined Contribution Fee Disclosure Act is designed to fix.

My bill would provide participants with easily understandable information about the fees that they are paying. This information will be provided to them before they pick which plans they want to invest in, and again, regularly, on their quarterly statements.

In addition, this bill does something even more important: it would require companies to disclose more information to plan sponsors. Right now, if you provide your workers with a 401(k) plan, you are required to act prudently and in their sole interest in your fiduciary duties. However, there are hidden fees that are sometimes not disclosed even to plan sponsors, and sometimes those sponsors also are not told about business arrangements between service providers to steer participants into investment options in which they have a stake, a classic conflict of interest.

To fix this, the bill would require 401(k) plan providers to disclose all fees and relationships between service providers to the people selecting the plan a company will ultimately offer. The bottom line is that we want to create a situation where companies are picking several good options for their employees that all have decent reliable returns and fair fees.

One thing my bill does not do is set a limit on fees that can be charged. As I have noted, high fees can make a real difference in account balances at retirement, but so can high returns, in a more positive direction, obviously. Sometimes, it is well worth paying higher fees if a small increase in fees will have a big effect on returns. In addition, some people want to purchase insurance products so that every month, they are buying a more secure piece of retirement. That is just fine, and my bill doesn't touch that. People who fully understand the real cost of a guaranteed return at retirement are the kind of people who appreciate, and will push for, more defined benefit plans. But they can't do that if they don't know what it costs.

The bottom line is that people need to be investing more, and more confidently, in the 401(k) plans they are being offered. This is especially critical in a world where defined benefit plans are increasingly being slashed and frozen. For a growing number of workers, their only source of retirement income is their 401(k).

Congress needs to focus more squarely on how we get workers to participate in the plans they have available, and what we can do to make sure the savings they grow in them are adequate. When people know they are being given all the facts in an easy-to-understand manner, they are more likely to contribute. And when the fiduciaries who are supposed to be looking out for them make sure all of their

options are good, they end up saving more money at the end of the day.

This bill is a win for companies who want to provide their workers with a secure retirement, it is a win for 401(k) providers who have been providing reasonable fees all along, and it is a win for every American who has one of these plans. My colleagues and I introducing this measure have worked with interested parties on every side of this issue to make sure we're taking into account everyone's views. We also intend to work closely with the Department of Labor on their proposed regulations on this issue. While we believe that Congress has an obligation to address this issue, if we can all work together to develop regulations that address this issue in a way that will truly help participants and beneficiaries get a good deal, I am certainly not opposed to getting this done administratively. I strongly encourage my colleagues to cosponsor this measure.

Mr. KOHL. Mr. President, I rise today to bring attention to the hidden fees associated with 401(k) plans, an important issue affecting the retirement security of millions of Americans. These fees, currently not disclosed to plan participants, can have a drastic effect on one's retirement savings.

More and more Americans are relying on defined contribution plans, such as 401(k) plans, to provide their retirement income. Although these plans have only been in existence since the 1980s, they now cover over 50 million people and exceed $2.5 trillion in total assets. Of those private sector workers with any type of retirement benefit; two thirds have only their 401(k) savings to secure their financial wellbeing in retirement.

Although 401(k)s have become the primary pension fund for most Americans, there are few requirements for fee disclosure to fund managers, and there are absolutely no regulations requiring that plan participants be notified about how much they are paying in fees. Most fees are either absent or obscured in participant statements and investment reports. Not surprisingly, studies have shown that fewer than one in five participants know the fees they are paying. Unfortunately, this lack of disclosure and lack of understanding can have serious consequences on an individual's retirement savings.

The slightest difference in fees can translate into a staggering depletion in savings, greatly affecting one's ability to build a secure retirement. According to the Congressional Research Service, families who save their retirement funds in high-fee accounts could have one-quarter less in retirement than those who work for employers who offer low-fee accounts. For couples who save over their entire lifetime, the CRS study found that an annual fee of 2 percent could reduce savings by nearly $130,000, compared to a more reasonable fee of 0.4 percent.

Today, Senators HARKIN and I are introducing the Defined Contribution Fee Disclosure Act of 2007. We believe consumers have the right to clearly know how much products and services are costing them. Our bill will help shed some light on these fees by requiring complete transparency to both employers and participants. This will allow employers to negotiate with pension fund managers, in order to get the lowest possible fees for their employees. Participants will be able to make informed choices between investment options and potentially increase their retirement savings by thousands of dollars. Ultimately, this legislation will help lower costs for everyone by fostering competition among pension managers.

I strongly encourage my colleagues to cosponsor this measure.

By Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. INHOFE):

S. 2475. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide an exception for certain States with respect to the distribution of amounts by the Secretary of the Interior from the Abandoned Mine Reclamation Fund; to the Committee on Energy and Natural Resources.

Mr. ROBERTS. Mr. President, I rise today to offer legislation to allow seven States to more aggressively address the health and safety issues that threaten the citizens in their State, and do so immediately. I commend my fellow Kansas colleague, Congresswoman NANCY BOYDA, for introducing similar legislation in the House.

Last December, Congress passed amendments to the Surface Mining Control and Reclamation Act in the Tax Relief and Health Care Act of 2006 to extend the Abandoned Mines Land Trust Fund for 15 additional years. These amendments established a new distribution formula that works through a 4 year,program that phases in funding. Unfortunately, there are currently seven States that do not meet the active mining threshold to meet the minimum funding threshold. Today, I offer legislation that would allow ''minimum program states'' like Kansas to receive their full funding levels of $3 million starting in the fiscal year 2008, instead of requiring the minimum States to follow the percentage distribution formula. This legislation will assist several other States including Missouri, Iowa, Arkansas, Oklahoma, Alaska, and Maryland. With this funding, States can begin to protect their residents from the dangers of abandoned mines sooner rather than later.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. 2478. A bill to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office''; to the Committee on Homeland Security and Governmental Affairs.

Mr. SUNUNU. Mr. President, on behalf of Hampstead, NH, middle school students, school board officials, board of selectmen, and residents, I rise to honor a fallen hero, U.S. Army Ranger CAPT Jonathan David Grassbaugh, by introducing a bill to designate the United States Postal Service facility at 59 Colby Corner in East Hampstead, NH, as the Captain Jonathan D. Grassbaugh Post Office.

Jon, as he was called by his family and friends, moved to East Hampstead, NH, from St. Marys, OH, in 1989. He attended Hampstead Central Elementary School and Hampstead Middle School, where his mother, Patricia, is principal.

Jon graduated high school from Phillips Exeter Academy, in Exeter, NH, where he was a 4-year honor student in the Class of 1999. Jon left a remarkable impression on the Phillips Exeter community; remembered for his manifestation of the motto ''Non Sibi'' or ''Not for Oneself,'' a Latin phrase inscribed on the Academy's seal. Jon exemplified his passion for life through his persistent dedication to his studies, tireless volunteer efforts in school and the local community, commitment to the academy's radio station, Grainger Observatory, and the school's Washington internship program.

Jon's illustrious high school years were prologue to a promising future, full of infinite potential. Jon enrolled at Johns Hopkins University, where he graduated in 2003, earning a bachelors degree in computer science from the renowned Whiting School of Engineering.

At a young age, Jon's family instilled in him the importance of volunteerism and service to the U.S. Jon's father, Mark, proudly served 3½ years as an Army Ranger during Vietnam, and his older brother, West Point alum and Dartmouth Medical School graduate, Army Captain Dr. Jason Grassbaugh, is currently serving as an orthopedic surgeon in Fort Lewis, WA. Jon continued this family tradition of service, joining the Johns Hopkins Army ROTC program, and eventually becoming battalion commander his senior year. He also became a proud member of the Pershing Rifles fraternal organization, captained the Ranger Challenge Team, and won the national two-man duet drill team competition.

In a storybook setting, Jon met Jenna Parkinson, a freshman ROTC cadet from Boxborough MA, during his senior year. Jon and Jenna slowly grew closer, watching movies together during spring break, sharing flights to and from school, and attending the military ball. A few short years later, Jon proposed to Jenna on April 30, 2005, and the young couple subsequently married on June 9, 2006, in a Cape Cod ceremony. Prior to their wedding day, Jon and Jenna filled out a questionnaire for their officiate, which asked, ''Where is a sacred spot, a place where you feel most connected, most at peace and most inspired?'' Jon's answer came in three loving words: ''With my wife.''

Following graduation, Jon completed U.S. Army Ranger School in April 2004 and served his country both at home and abroad. He was assigned to the 7th Cavalry in the Republic of South Korea and served as a member of the Army Hurricane Katrina Relief Team. Later, Jon was assigned to the 5th Squadron, 73rd Cavalry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division in Fort Bragg, NC, where he and the now U.S. Army 2nd Lieutenant Jenna Grassbaugh would reside.

Shortly after Jon and Jenna were married, he was deployed for a second tour of duty, in Iraq. Tragically, on April 7, 2007, Jon was one of four soldiers who died while conducting a combat logistics patrol in Zaganiyah, Iraq. Throughout Jon's distinguished military service, he received a number of accolades and commendations, including: the Bronze Star Medal, Purple Heart Medal, Meritorious Service Medal, Army Commendation Medal, Joint Service Achievement Medal, Army Achievement Medal, National Defense Service Medal, Iraqi Campaign Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Humanitarian Service Medal, Army Service Ribbon, Ranger Tab, Combat Action Badge, and Parachutist Badge.

Jon is remembered as a confident and mentally strong leader, whose poise under pressure, intelligence, compassion, and love for God, country and family transcends his passing. His valor on the field of battle was equally as impressive as his undying loyalty to and love for his squadron. One well-known anecdote recalls a combat operation in which Jon had pizza flown by helicopter from 100 kilometers away to where his troops were conducting combat operations in an effort to lift morale. Jon left a legacy that continues to inspire our Nation's future leaders from Hampstead and Exeter, NH, Johns Hopkins, and those he proudly served beside in Iraq.

On a deep and personal note, for those who had the sincere privilege and honor to meet Jon, it was evident his exuberance for life and new experiences, ingenuity, and academic acumen destined him for greatness. By the time of his death, Jon had achieved more than most individuals do in a lifetime, a testimonial to his family's love and guidance through his young life, and Jenna's warmth and support as he fought for our Nation.

Today, Jonathan Grassbaugh rests in peace at one of our Nation's most hallowed and sacred grounds, Arlington National Cemetery—his rightful place among generations of brave Americans who sacrificed their lives in defense of this country. His loved ones will forever remember him as a loving husband, son, brother, and friend. Let it be known, the citizens of New Hampshire and our Nation are eternally in debt to Jonathan David Grassbaugh, an honorable son of New Hampshire, an American Patriot, and a guardian of liberty.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the Record, as follows:

TOWN OF HAMPSTEAD,
OFFICE OF THE SELECTMEN,
Hampstead, NH, December, 2007.

Re Petition of dedication.

Office of U.S. Senator JOHN E. SUNUNU,
Elm Street,
Manchester, NH.

DEAR SENATOR SUNUNU, Students of the Hampstead Middle: School prepared a petition to support honoring Captain Jonathan Grassbaugh, who gave his life for our country. The petition seeks to honor him by dedicating the East Hampstead, NH, 03826 Post Office in his name.

The petition was presented to the Hampstead Board of Selectmen on Monday, December 10, 2007.

The Board of Selectmen accepted the petition and voted unanimously to support the project.

Please find enclosed the petition along with the signatures of 526 individuals.

Thank you for your help in moving this project forward.

Very Truly Yours,

RICHARD H. HARTUNG,
Chairman.
PRISCILLA R. LINDQUIST,
Selectman.
JIM STEWART,
Selectman.

BY Mr. BROWN (for himself and Mr. CORNYN):

S. 2479. A bill to catalyze change in the care and treatment of diabetes in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, today, I am introducing, along with Senator CORNYN, an important bill—the Catalyst for Better Diabetes Care Act—that will enhance and better coordinate our Nation's fight against diabetes.

It is estimated that one out of every three Americans born after the year 2000 will develop diabetes in their lifetime. This startling statistic should be reason enough for this body to act swiftly and decisively on this issue. We must increase our investment into this deadly and costly disease before the epidemic reaches overwhelming proportions. The Catalyst for Better Diabetes Care Act marks an important step in this effort by focusing the government's attention on specific areas in diabetes care that can and must be improved.

First, we must ensure that all Americans are aware of the importance and availability of diabetes screening. Like any preventable and manageable disease, early diagnosis of diabetes is key. Yet millions of Americans—nearly a third of the 20-plus million Americans with diabetes—have diabetes but don't know it. Recognizing the enormity of this problem, many of us in Congress fought hard in recent years to include a diabetes screening benefit in Medicare, a program that already spends a third of its total budget on diabetes patients. Now the challenge is to ensure that Americans are fully utilizing this and other screening opportunities, which is exactly what this bill aims to do. By establishing a collaboration and outreach program within the Department of Health and Human Services, HHS, this act would help reduce the number of Americans with diabetes who remain undiagnosed.

The private sector also has a role to play in this fight. Thankfully, many companies have already started investing in employee wellness programs that reward pro-active, preventative care. With chronic diseases like diabetes driving up health insurance costs for individuals and employers, it is critical that new, pre-emptive approaches to health care are encouraged. This bill would create an advisory group in HHS to determine which wellness programs work and which do not, information that will encourage employers to provide effective diabetes prevention programs.

It is also critical to carefully monitor our effectiveness in combating diabetes and the impact of this disabling and deadly condition on our nation. With that information in hand, we will be far better equipped to determine the nature and scope of diabetes prevention and treatment strategies. The bill includes two key provisions to address this need. It would create a National Diabetes Report Card that provides crucial information on diabetes' impact on the nation. The report card would be published every 2 years. It would also take steps to ensure accurate data on diabetes morbidity and mortality. Diabetes is often not listed anywhere on death certificates as a cause of death. This bill would ensure the training of physicians on properly completing birth and death certificates and improving the collection of diabetes data.

Finally, this act would commission an Institute of Medicine study on diabetes medical education to ensure that physician training—which currently requires less than four hours of diabetes education—is keeping pace with the growing threat diabetes poses to the public's health. The study would make a recommendation as to the appropriate level of diabetes medical education that should be required prior to licensure, board certification, and board recertification.

Our country faces a tremendously challenging fight against diabetes, but it is one we can and will win. The Catalyst for Better Diabetes Care Act is a targeted and cost-effective bill that will push us toward victory. Let us act quickly and pass this bill.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DURBIN, Ms. STABENOW, Mr. DODD, Ms. MIKULSKI, Mr. KERRY, Mrs. CLINTON, Ms. CANTWELL, Mr. OBAMA, Mr. MENENDEZ, Mr. BROWN, and Mr. CARDIN):

S. 2481. A bill to prohibit racial profiling; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will introduce the End Racial Profiling Act of 2007.

Ending racial profiling in America has been a priority for me for many years. I worked with the senior Senator from New Jersey, Senator LAUTENBERG, back in 1999 on a bill to collect statistics on traffic stops, which is where the problem of racial profiling was first revealed. Many studies from around the country now confirm that racial profiling is indeed a real problem that wastes police resources and diminishes trust between police departments and the communities they protect.

In 2001, in his first State of the Union address, President Bush told the American people that ''racial profiling is wrong and we will end it in America.'' He asked the Attorney General to implement a policy to end racial profiling. The Department of Justice released a Fact Sheet and Policy Guidance addressing racial profiling in 2003, stating that racial profiling is wrong and ineffective and perpetuates negative racial stereotypes in our country. Though these guidelines are helpful, they do not end racial profiling and they do not have the force of law. Unfortunately, more than 6 years after the President's promise to the country, we have not yet ended racial profiling in this country.

The End Racial Profiling Act of 2007 will do what the President promised; it will help America achieve the goal of bringing an end to racial profiling. This bill bans racial profiling and requires Federal, State, and local law enforcement officers to take steps to end this practice.

Racial profiling is the practice by which some law enforcement agents treat differently African Americans, Latinos, Asian Americans, Arab Americans and others simply because of their race, ethnicity, national origin, or perceived religion. I have the utmost respect for law enforcement agents, and I believe that most of them do not engage in this practice. Nonetheless, reports in States from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups were stopped by some police far more often than their share of the population and the crime rates for those racial categories.

Passing this bill is even more urgent after 9/11, as we have seen racial profiling used against Arab and Muslim Americans or Americans perceived to be Arab or Muslim. The 9/11 attacks were horrific, and I share the determination of many Americans that finding those responsible and preventing future attacks should be this Nation's top priority. This is a challenge that our country can and must meet. But to do that we need improved intelligence and law enforcement. Making assumptions based on racial, ethnic, or religious stereotypes will not protect our nation from crime or from future terrorist attacks.

A report released in May by the Department of Justice's Bureau of Justice Statistics, covering 2005 data, found that while an African American person is now almost equally likely to be stopped as a white person, he or she is more than two and a half times more likely to be searched, more than twice as likely to be arrested, and more than three and a half times more likely to experience the use of force. Yet, according to studies from multiple police jurisdictions, these encounters with law enforcement are less likely to reveal criminal activity on the part of African Americans than whites. The flagrancy of this flawed and irrational practice has led Harvard Law School professor Charles Ogletree to observe, ''If I'm dressed in a knit cap and hooded jacket, I'm probable cause.''

The disparities outlined above, which also apply to other ethnic groups, have led the International Association of Chiefs of Police to call for an end to racial profiling. In addition, police departments around the country have independently developed programs and policies to prevent racial profiling and comply with the Department of Justice's policy guidance. In my own State of Wisconsin, law enforcement officials have taken steps to train police officers, improve academy training, establish model policies prohibiting racial profiling, and improve relations with our State's diverse communities. I applaud the efforts of Wisconsin law enforcement. This is excellent progress and shows widespread recognition that racial profiling harms our society. But like the DOJ policy guidance, local programs don't have the force of law behind them. The Federal government must step up, as President Bush promised. It must play a vital role in protecting civil rights and acting as a model for State and local law enforcement.

Now, perhaps more than ever before, our Nation cannot afford to waste precious law enforcement resources or alienate Americans by tolerating discriminatory practices. The mass detention of hundreds of Middle Eastern and Arab men on minor violations after 9/11, for example, resulted in not a single terrorism charge. These detentions did, however, shatter the lives of many people with no connection to terrorism whatsoever through lengthy disappearances, detentions, and deportations.

Similarly, when the Federal Government required the registration of individuals from Arab or Muslim countries in 2002, between 500 and 1,000 registrants who voluntarily complied were detained in the Los Angeles/Orange County area alone. Such heavy-handed tactics do not help us in fighting terrorism—they shut off dialogue and make good people unwilling to risk interaction with their Government. Treating sympathetic communities as suspicious ones is counterproductive, and it is wrong.

It is past time for Congress and the President to enact comprehensive Federal legislation that will end racial profiling once and for all. In clear language, the End Racial Profiling Act of 2007 bans racial profiling. It defines racial profiling in terms that are consistent with the Department of Justice's Policy Guidance. But this bill does more than prohibit and define racial profiling—it gives law enforcement agencies and officers the tools necessary to end the harmful practice. For that reason, the End Racial Profiling Act of 2007 is a pro-law enforcement bill.

This bill would allow the Justice Department or individuals to enforce the prohibition by filing a suit for injunctive relief. The bill would also require Federal, State, and local law enforcement agencies to adopt policies prohibiting racial profiling, implement effective complaint procedures or create independent auditor programs, implement disciplinary procedures for officers who engage in the practice, and collect data on routine and spontaneous investigatory activities. In addition, it requires the Attorney General to report to Congress so Congress and the American people can monitor whether the steps outlined in the bill to prevent and end racial profiling have been effective.

This bill also authorizes the Attorney General to provide incentive grants to help law enforcement comply with the ban on racial profiling, including funds to conduct training of police officers or purchase in-car video cameras.

Like the bill I introduced in 2005, this year's bill contains a significant improvement over previous versions. In some early proposals, DOJ grants for State and local law enforcement agencies were tied to the agency having some kind of procedure for handling complaints of racial profiling. At the suggestion of experts in the field, the bill now requires law enforcement agencies to adopt either an administrative complaint procedure or an independent auditor program to be eligible for DOJ grants. The Attorney General must promulgate regulations that set out the types of procedures and audit programs that will be sufficient. We believe that the independent auditor option will be preferable for many local law enforcement agencies, and such programs have proven to be an effective way to discourage racial profiling. Also, the Attorney General is required to conduct a 2-year demonstration project to help law enforcement agencies with data collection.

Let me emphasize that local, State, and Federal law enforcement agents play a vital role in protecting the public from crime and protecting the Nation from terrorism. The vast majority of law enforcement agents nationwide discharge their duties professionally and without bias and we are all indebted to them for their courage and dedication. This bill should not be misinterpreted as a criticism of those who

put their lives on the line for the rest of us each and every day. Rather, it is a statement that the use of race, ethnicity, religion, or national origin in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is wrong and ineffective, except where there is specific information linking persons of a particular race, ethnicity, religion, or national origin to a crime.

The provisions in this bill will help restore the trust and confidence of the communities that our law enforcement have pledged to serve and protect. That confidence is crucial to our success in stopping crime and in stopping terrorism. The End Racial Profiling Act of 2007 is good for law enforcement and good for America.

I urge the President to make good on his pledge to end racial profiling, and I urge my colleagues to join me in supporting the End Racial Profiling Act of 2007.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''End Racial Profiling Act of 2007'' or ''ERPA''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS, PURPOSES, AND INTENT.

(a) FINDINGS.—Congress finds the following:

(1) Federal, State, and local law enforcement agents play a vital role in protecting the public from crime and protecting the Nation from terrorism. The vast majority of law enforcement agents nationwide discharge their duties professionally and without bias.

(2) The use by police officers of race, ethnicity, national origin, or religion in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is improper.

(3) In his address to a joint session of Congress on February 27, 2001, President George W. Bush declared that ''racial profiling is wrong and we will end it in America.''. He directed the Attorney General to implement this policy.

(4) In June 2003, the Department of Justice issued a Policy Guidance regarding racial profiling by Federal law enforcement agencies which stated: ''Racial profiling in law enforcement is not merely wrong, but also ineffective. Race-based assumptions in law enforcement perpetuate negative racial stereotypes that are harmful to our rich and diverse democracy, and materially impair our efforts to maintain a fair and just society.''.

(5) The Department of Justice Guidance is a useful first step, but does not achieve the President's stated goal of ending racial profiling in America, as—

(A) it does not apply to State and local law enforcement agencies;

(B) it does not contain a meaningful enforcement mechanism;

(C) it does not require data collection; and

(D) it contains an overbroad exception for immigration and national security matters.

(6) Current efforts by State and local governments to eradicate racial profiling and redress the harms it causes, while also laudable, have been limited in scope and insufficient to address this national problem. Therefore, Federal legislation is needed.

(7) Statistical evidence from across the country demonstrates that racial profiling is a real and measurable phenomenon.

(8) As of November 15, 2000, the Department of Justice had 14 publicly noticed, ongoing, pattern or practice investigations involving allegations of racial profiling and had filed 5 pattern or practice lawsuits involving allegations of racial profiling, with 4 of those cases resolved through consent decrees.

(9) A large majority of individuals subjected to stops and other enforcement activities based on race, ethnicity, national origin, or religion are found to be law abiding and therefore racial profiling is not an effective means to uncover criminal activity.

(10) A 2001 Department of Justice report on citizen-police contacts that occurred in 1999, found that, although Blacks and Hispanics were more likely to be stopped and searched, they were less likely to be in possession of contraband. On average, searches and seizures of Black drivers yielded evidence only 8 percent of the time, searches and seizures of Hispanic drivers yielded evidence only 10 percent of the time, and searches and seizures of White drivers yielded evidence 17 percent of the time.

(11) A 2000 General Accounting Office report on the activities of the United States Customs Service during fiscal year 1998 found that—

(A) Black women who were United States citizens were 9 times more likely than White women who were United States citizens to be x-rayed after being frisked or patted down;

(B) Black women who were United States citizens were less than half as likely as White women who were United States citizens to be found carrying contraband; and

(C) in general, the patterns used to select passengers for more intrusive searches resulted in women and minorities being selected at rates that were not consistent with the rates of finding contraband.

(12) A 2005 report of the Bureau of Justice Statistics of the Department of Justice on citizen-police contacts that occurred in 2002, found that, although Whites, Blacks, and Hispanics were stopped by the police at the same rate—

(A) Blacks and Hispanics were much more likely to be arrested than Whites;

(B) Hispanics were much more likely to be ticketed than Blacks or Whites;

(C) Blacks and Hispanics were much more likely to report the use or threatened use of force by a police officer;

(D) Blacks and Hispanics were much more likely to be handcuffed than Whites; and

(E) Blacks and Hispanics were much more likely to have their vehicles searched than Whites.

(13) In some jurisdictions, local law enforcement practices, such as ticket and arrest quotas and similar management practices, may have the unintended effect of encouraging law enforcement agents to engage in racial profiling.

(14) Racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects. By discouraging individuals from traveling freely, racial profiling impairs both interstate and intrastate commerce.

(15) Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and the criminal law.

(16) In the wake of the September 11, 2001, terrorist attacks, many Arabs, Muslims, Central and South Asians, and Sikhs, as well as other immigrants and Americans of foreign descent, were treated with generalized suspicion and subjected to searches and seizures based upon religion and national origin, without trustworthy information linking specific individuals to criminal conduct. Such profiling has failed to produce tangible benefits, yet has created a fear and mistrust of law enforcement agencies in these communities.

(17) Racial profiling violates the equal protection clause of the fourteenth amendment to the Constitution of the United States. Using race, ethnicity, religion, or national origin as a proxy for criminal suspicion violates the constitutional requirement that police and other government officials accord to all citizens the equal protection of the law. Batson v. Kentucky, 476 U.S. 79 (1986); Palmore v. Sidoti, 466 U.S. 429 (1984).

(18) Racial profiling is not adequately addressed through suppression motions in criminal cases for 2 reasons. First, the Supreme Court held, in Whren v. United States, 517 U.S. 806 (1996), that the racially discriminatory motive of a police officer in making an otherwise valid traffic stop does not warrant the suppression of evidence under the fourth amendment to the Constitution of the United States. Second, since most stops do not result in the discovery of contraband, there is no criminal prosecution and no evidence to suppress.

(19) A comprehensive national solution is needed to address racial profiling at the Federal, State, and local levels. Federal support is needed to combat racial profiling through specialized training of law enforcement agents, improved management systems, and the acquisition of technology such as in-car video cameras.

(b) PURPOSES.—The purposes of this Act are—

(1) to enforce the constitutional right to equal protection of the laws, pursuant to the fifth amendment and section 5 of the fourteenth amendment to the Constitution of the United States;

(2) to enforce the constitutional right to protection against unreasonable searches and seizures, pursuant to the fourteenth amendment to the Constitution of the United States;

(3) to enforce the constitutional right to interstate travel, pursuant to section 2 of article IV of the Constitution of the United States; and

(4) to regulate interstate commerce, pursuant to clause 3 of section 8 of article I of the Constitution of the United States.

(c) INTENT.—This Act is not intended to and should not impede the ability of Federal, State, and local law enforcement to protect the country and its people from any threat, be it foreign or domestic.

SEC. 3. DEFINITIONS.

In this Act:

(1) COVERED PROGRAM.—The term ''covered program'' means any program or activity funded in whole or in part with funds made available under—

(A) the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)); and

(B) the ''Cops on the Beat'' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), but not including any program, project, or other activity specified in section 1701(b)(13) of that Act (42 U.S.C. 3796dd(b)(13)).

(2) GOVERNMENTAL BODY.—The term ''governmental body'' means any department, agency, special purpose district, or other instrumentality of Federal, State, local, or Indian tribal government.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603)).

(4) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means any Federal, State, local, or Indian tribal public agency engaged in the prevention, detection, or investigation of violations of criminal, immigration, or customs laws.

(5) LAW ENFORCEMENT AGENT.—The term ''law enforcement agent'' means any Federal, State, local, or Indian tribal official responsible for enforcing criminal, immigration, or customs laws, including police officers and other agents of a law enforcement agency.

(6) RACIAL PROFILING.—The term ''racial profiling'' means the practice of a law enforcement agent or agency relying, to any degree, on race, ethnicity, national origin, or religion in selecting which individual to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, or religion to an identified criminal incident or scheme.

(7) ROUTINE OR SPONTANEOUS INVESTIGATORY ACTIVITIES.—The term ''routine or spontaneous investigatory activities'' means the following activities by a law enforcement agent:

(A) Interviews.

(B) Traffic stops.

(C) Pedestrian stops.

(D) Frisks and other types of body searches.

(E) Consensual or nonconsensual searches of the persons or possessions (including vehicles) of motorists or pedestrians.

(F) Inspections and interviews of entrants into the United States that are more extensive than those customarily carried out.

(G) Immigration related workplace investigations.

(H) Such other types of law enforcement encounters compiled by the Federal Bureau of Investigation and the Justice Departments Bureau of Justice Statistics.

(8) REASONABLE REQUEST.—The term ''reasonable request'' means all requests for information, except for those that—

(A) are immaterial to the investigation;

(B) would result in the unnecessary exposure of personal information; or

(C) would place a severe burden on the resources of the law enforcement agency given its size.

(9) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means—

(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority to, in a manner independent of other State entities, establish a budget and impose taxes;

(C) any Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

(i) the District of Columbia; or

(ii) any Trust Territory of the United States.

TITLE I—PROHIBITION OF RACIAL PROFILING

SEC. 101. PROHIBITION.

No law enforcement agent or law enforcement agency shall engage in racial profiling.

SEC. 102. ENFORCEMENT.

(a) REMEDY.—The United States, or an individual injured by racial profiling, may enforce this title in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a district court of the United States.

(b) PARTIES.—In any action brought under this title, relief may be obtained against—

(1) any governmental body that employed any law enforcement agent who engaged in racial profiling;

(2) any agent of such body who engaged in racial profiling; and

(3) any person with supervisory authority over such agent.

(c) NATURE OF PROOF.—Proof that the routine or spontaneous investigatory activities of law enforcement agents in a jurisdiction have had a disparate impact on racial, ethnic, or religious minorities shall constitute prima facie evidence of a violation of this title.

(d) ATTORNEY'S FEES.—In any action or proceeding to enforce this title against any governmental unit, the court may allow a prevailing plaintiff, other than the United States, reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fee.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 201. POLICIES TO ELIMINATE RACIAL PROFILING.

(a) IN GENERAL.—Federal law enforcement agencies shall—

(1) maintain adequate policies and procedures designed to eliminate racial profiling; and

(2) cease existing practices that permit racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

(2) training on racial profiling issues as part of Federal law enforcement training;

(3) the collection of data in accordance with the regulations issued by the Attorney General under section 401;

(4) procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents;

(5) policies requiring that corrective action be taken when law enforcement agents are determined to have engaged in racial profiling; and

(6) such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE, LOCAL, AND INDIAN TRIBAL LAW ENFORCEMENT AGENCIES

SEC. 301. POLICIES REQUIRED FOR GRANTS.

(a) IN GENERAL.—An application by a State, a unit of local government, or a State, local, or Indian tribal law enforcement agency for funding under a covered program shall include a certification that such State, unit of local government, or law enforcement agency, and any law enforcement agency to which it will distribute funds—

(1) maintains adequate policies and procedures designed to eliminate racial profiling; and

(2) has eliminated any existing practices that permit or encourage racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

(2) training on racial profiling issues as part of law enforcement training;

(3) the collection of data in accordance with the regulations issued by the Attorney General under section 401;

(4) participation in an administrative complaint procedure or independent auditor program that meets the requirements of section 302;

(5) policies requiring that corrective action be taken when law enforcement agents are determined to have engaged in racial profiling; and

(6) such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

(c) EFFECTIVE DATE.—This section shall take effect 12 months after the date of enactment of this Act.

SEC. 302. ADMINISTRATIVE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM REQUIRED FOR GRANTS.

(a) ESTABLISHMENT OF ADMINISTRATIVE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM.—An application by a State or unit of local government for funding under a covered program shall include a certification that the applicant has established and is maintaining, for each law enforcement agency of the applicant, either—

(1) an administrative complaint procedure that meets the requirements of subsection (b); or

(2) an independent auditor program that meets the requirements of subsection (c).

(b) REQUIREMENTS FOR ADMINISTRATIVE COMPLAINT PROCEDURE.—To meet the requirements of this subsection, an administrative complaint procedure shall—

(1) allow any person who believes there has been a violation of section 101 to file a complaint;

(2) allow a complaint to be made—
(A) in writing or orally;
(B) in person or by mail, telephone, facsimile, or electronic mail; and
(C) anonymously or through a third party;
(3) require that the complaint be investigated and heard by an independent review board that—
(A) is located outside of any law enforcement agency or the law office of the State or unit of local government;
(B) includes, as at least a majority of its members, individuals who are not employees of the State or unit of local government;
(C) does not include as a member any individual who is then serving as a law enforcement agent;
(D) possesses the power to request all relevant information from a law enforcement agency; and
(E) possesses staff and resources sufficient to perform the duties assigned to the independent review board under this subsection;
(4) provide that the law enforcement agency shall comply with all reasonable requests for information in a timely manner;
(5) require the review board to inform the Attorney General when a law enforcement agency fails to comply with a request for information under this subsection;
(6) provide that a hearing be held, on the record, at the request of the complainant;
(7) provide for an appropriate remedy, and publication of the results of the inquiry by the review board, if the review board determines that a violation of section 101 has occurred;
(8) provide that the review board shall dismiss the complaint and publish the results of the inquiry by the review board, if the review board determines that no violation has occurred;
(9) provide that the review board shall make a final determination with respect to a complaint in a reasonably timely manner;
(10) provide that a record of all complaints and proceedings be sent to the Civil Rights Division and the Bureau of Justice Statistics of the Department of Justice;
(11) provide that no published information shall reveal the identity of the law enforcement officer, the complainant, or any other individual who is involved in a detention; and
(12) otherwise operate in a manner consistent with regulations promulgated by the Attorney General under section 303.

(c) REQUIREMENTS FOR INDEPENDENT AUDITOR PROGRAM.—To meet the requirements of this subsection, an independent auditor program shall—
(1) provide for the appointment of an independent auditor who is not a sworn officer or employee of a law enforcement agency;
(2) provide that the independent auditor be given staff and resources sufficient to perform the duties of the independent auditor program under this section;
(3) provide that the independent auditor be given full access to all relevant documents and data of a law enforcement agency;
(4) require the independent auditor to inform the Attorney General when a law enforcement agency fails to comply with a request for information under this subsection;
(5) require the independent auditor to issue a public report each year that—
(A) addresses the efforts of each law enforcement agency of the State or unit of local government to combat racial profiling; and
(B) recommends any necessary changes to the policies and procedures of any law enforcement agency;
(6) require that each law enforcement agency issue a public response to each report issued by the auditor under paragraph (5);
(7) provide that the independent auditor, upon determining that a law enforcement agency is not in compliance with this Act, shall forward the public report directly to the Attorney General;
(8) provide that the independent auditor shall engage in community outreach on racial profiling issues; and
(9) otherwise operate in a manner consistent with regulations promulgated by the Attorney General under section 303.

(d) LOCAL USE OF STATE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM.—
(1) IN GENERAL.—A State shall permit a unit of local government within its borders to use the administrative complaint procedure or independent auditor program it establishes under this section.
(2) EFFECT OF USE.—A unit of local government shall be deemed to have established and maintained an administrative complaint procedure or independent auditor program for purposes of this section if the unit of local government uses the administrative complaint procedure or independent auditor program of either the State in which it is located, or another unit of local government in the State in which it is located.
(e) EFFECTIVE DATE.—This section shall go into effect 12 months after the date of enactment of this Act.

SEC. 303. INVOLVEMENT OF ATTORNEY GENERAL.

(a) REGULATIONS.—
(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act and in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, the Attorney General shall issue regulations for the operation of the administrative complaint procedures and independent auditor programs required under subsections (b) and (c) of section 302.
(2) GUIDELINES.—The regulations issued under paragraph (1) shall contain guidelines that ensure the fairness, effectiveness, and independence of the administrative complaint procedures and independent auditor programs.
(b) NONCOMPLIANCE.—If the Attorney General determines that the recipient of any covered grant is not in compliance with the requirements of section 301 or 302 or the regulations issued under subsection (a), the Attorney General shall withhold, in whole or in part, funds for 1 or more covered grants, until the grantee establishes compliance.
(c) PRIVATE PARTIES.—The Attorney General shall provide notice and an opportunity for private parties to present evidence to the Attorney General that a grantee is not in compliance with the requirements of this title.

SEC. 304. DATA COLLECTION DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Attorney General shall, through competitive grants or contracts, carry out a 2-year demonstration project for the purpose of developing and implementing data collection on hit rates for stops and searches. The data shall be disaggregated by race, ethnicity, national origin, and religion.
(b) COMPETITIVE AWARDS.—The Attorney General shall provide not more than 5 grants or contracts to police departments that—
(1) are not already collecting data voluntarily or otherwise; and
(2) serve communities where there is a significant concentration of racial or ethnic minorities.
(c) REQUIRED ACTIVITIES.—Activities carried out under subsection (b) shall include—
(1) developing a data collection tool;
(2) training of law enforcement personnel on data collection;
(3) collecting data on hit rates for stops and searches; and
(4) reporting the compiled data to the Attorney General.
(d) EVALUATION.—Not later than 3 years after the date of enactment of this Act, the Attorney General shall enter into a contract with an institution of higher education to analyze the data collected by each of the 5 sites funded under this section.
(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out activities under this section—
(1) $5,000,000, over a 2-year period for a demonstration project on 5 sites; and
(2) $500,000 to carry out the evaluation in subsection (d).

SEC. 305. BEST PRACTICES DEVELOPMENT GRANTS.

(a) GRANT AUTHORIZATION.—The Attorney General, through the Bureau of Justice Assistance, may make grants to States, law enforcement agencies, and units of local government to develop and implement best practice devices and systems to eliminate racial profiling.
(b) USE OF FUNDS.—The funds provided under subsection (a) may be used for—
(1) the development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public;
(2) the acquisition and use of technology to facilitate the collection of data regarding routine investigatory activities sufficient to permit an analysis of these activities by race, ethnicity, national origin, and religion;
(3) the analysis of data collected by law enforcement agencies to determine whether the data indicate the existence of racial profiling;
(4) the acquisition and use of technology to verify the accuracy of data collection, including in-car video cameras and portable computer systems;
(5) the development and acquisition of early warning systems and other feedback systems that help identify officers or units of officers engaged in, or at risk of engaging in, racial profiling or other misconduct, including the technology to support such systems;
(6) the establishment or improvement of systems and procedures for receiving, investigating, and responding meaningfully to complaints alleging racial, ethnic, or religious bias by law enforcement agents;
(7) the establishment or improvement of management systems to ensure that supervisors are held accountable for the conduct of their subordinates; and
(8) the establishment and maintenance of an administrative complaint procedure or independent auditor program under section 302.
(c) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants under this section are awarded in a manner that reserves an equitable share of funding for small and rural law enforcement agencies.
(d) APPLICATION.—Each State, local law enforcement agency, or unit of local government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IV—DATA COLLECTION

SEC. 401. ATTORNEY GENERAL TO ISSUE REGULATIONS.

(a) REGULATIONS.—Not later than 6 months after the enactment of this Act, the Attorney General, in consultation with stakeholders, including Federal, State, and local

law enforcement agencies and community, professional, research, and civil rights organizations, shall issue regulations for the collection and compilation of data under sections 201 and 301.

(b) REQUIREMENTS.—The regulations issued under subsection (a) shall—

(1) provide for the collection of data on all routine or spontaneous investigatory activities;

(2) provide that the data collected shall—

(A) be collected by race, ethnicity, national origin, gender, and religion, as perceived by the law enforcement officer;

(B) include the date, time, and location of the investigatory activities; and

(C) include detail sufficient to permit an analysis of whether a law enforcement agency is engaging in racial profiling;

(3) provide that a standardized form shall be made available to law enforcement agencies for the submission of collected data to the Department of Justice;

(4) provide that law enforcement agencies shall compile data on the standardized form created under paragraph (3), and submit the form to the Civil Rights Division and the Bureau of Justice Statistics of the Department of Justice;

(5) provide that law enforcement agencies shall maintain all data collected under this Act for not less than 4 years;

(6) include guidelines for setting comparative benchmarks, consistent with best practices, against which collected data shall be measured; and

(7) provide that the Bureau of Justice Statistics shall—

(A) analyze the data for any statistically significant disparities, including—

(i) disparities in the percentage of drivers or pedestrians stopped relative to the proportion of the population passing through the neighborhood;

(ii) disparities in the percentage of false stops relative to the percentage of drivers or pedestrians stopped; and

(iii) disparities in the frequency of searches performed on minority drivers and the frequency of searches performed on nonminority drivers; and

(B) not later than 3 years after the date of enactment of this Act, and annually thereafter, prepare a report regarding the findings of the analysis conducted under subparagraph (A) and provide the report to Congress and make the report available to the public, including on a website of the Department of Justice.

SEC. 402. PUBLICATION OF DATA.

The Bureau of Justice Statistics shall provide to Congress and make available to the public, together with each annual report described in section 401, the data collected pursuant to this Act.

SEC. 403. LIMITATIONS ON PUBLICATION OF DATA.

The name or identifying information of a law enforcement officer, complainant, or any other individual involved in any activity for which data is collected and compiled under this Act shall not be—

(1) released to the public;

(2) disclosed to any person, except for such disclosures as are necessary to comply with this Act;

(3) subject to disclosure under section 552 of title 5, United States Code (commonly know as the Freedom of Information Act).

TITLE V—DEPARTMENT OF JUSTICE REGULATIONS AND REPORTS ON RACIAL PROFILING IN THE UNITED STATES

SEC. 501. ATTORNEY GENERAL TO ISSUE REGULATIONS AND REPORTS.

(a) REGULATIONS.—In addition to the regulations required under sections 303 and 401, the Attorney General shall issue such other regulations as the Attorney General determines are necessary to implement this Act.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report on racial profiling by law enforcement agencies.

(2) SCOPE.—Each report submitted under paragraph (1) shall include—

(A) a summary of data collected under sections 201(b)(3) and 301(b)(1)(C) and from any other reliable source of information regarding racial profiling in the United States;

(B) a discussion of the findings in the most recent report prepared by the Bureau of Justice Statistics under section 401(a)(8);

(C) the status of the adoption and implementation of policies and procedures by Federal law enforcement agencies under section 201;

(D) the status of the adoption and implementation of policies and procedures by State and local law enforcement agencies under sections 301 and 302; and

(E) a description of any other policies and procedures that the Attorney General believes would facilitate the elimination of racial profiling.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provisions of this Act to any person or circumstance shall not be affected thereby.

SEC. 602. SAVINGS CLAUSE.

Nothing in this Act shall be construed to limit legal or administrative remedies under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14141), the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

By Mr. BINGAMAN:

S. 2483. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; read the first time.

Mr. BINGAMAN. Mr. President, today I am introducing the National Forests, Parks, Public Land, and Reclamation Project Authorization Act of 2007, a collection of approximately 50 individual bills under the jurisdiction of the Committee on Energy and Natural Resources. All of the individual provisions included in this bill have been passed by the House of Representatives, and most have also been favorably reported from the Energy and Natural Resources Committee. I believe everything included within this bill is non-controversial and it is my hope that the Senate will pass this bill expeditiously.

Mr. President, I ask unanimous consent that a table listing the various measures included in this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREST SERVICE AUTHORIZATIONS

Sec. 101 Wild Sky wilderness (H.R. 886/S. 520)

Sec. 102 Jim Weaver trail (H.R. 247)

BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Sec. 201 Piedras Blancas Historic Light Station (H.R. 276)

Sec. 202 Nevada National Guard land conveyance (H.R. 815/S. 1608)

NATIONAL PARK SERVICE AUTHORIZATIONS

Sec. 301 National Park Service cooperative agreements (H.R. 658/S. 241)

Sec. 311 Carl Sandburg NHS boundary adjustment (H.R. 1100/S. 488)

Sec. 312 Lowell NHP boundary adjustment (H.R. 299/S. 867)

Sec. 313 Mesa Verde NP boundary adjustment (H.R. 783/S. 126)

Sec. 321 Newtonia Civil War battlefields study (H.R. 376)

Sec. 322 Soldiers' Memorial Military Museum study (H.R. 1047)

Sec. 323 Wolf House study (H.R. 3998/S. 1941)

Sec. 324 Space Shuttle Columbia study (H.R. 807)

Sec. 325 Cesar Chavez study (H.R. 359/S. 327)

Sec. 326 Taunton, MA study (H.R. 1021/S. 1184)

Sec. 331 Francis Marion Commemorative Work (H.R. 497/S. 312)

Sec. 332 Eisenhower Memorial Commission (H.R. 2094/S. 890)

Sec. 333 American Latino museum commission (H.R. 512/S. 500)

Sec. 334 Hudson-Fulton Champlain commissions (H.R. 1520/S. 1148)

Sec. 335 National Museum of Wildlife Art (H. Con. Res. 116/S. Con. Res. 6)

Sec. 336 Ellis Island Library redesignation (H.R. 759)

Sec. 341 Star-Spangled Banner National Historic Trail (H.R. 1388/S. 797)

Sec. 342 Lewis & Clark NHT visitor center conveyance (H.R. 761/S. 471)

Sec. 343 Lewis & Clark NHT study of Eastern States (H.R. 3998/S. 1991)

Sec. 344 Eightmile River Wild & Scenic River designation (H.R. 986/ S. 553)

Sec. 351 Denali National Park Exchange with Alaska Railroad (H.R. 830/ S. 1808)

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Sec. 371 Grand Canyon National Park Subcontractors (H.R. 1191)

NATIONAL HERITAGE AREAS

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Subtitle B Niagara Falls National Heritage Area (H.R. 1483/S. 800)

Subtitle C Abraham Lincoln National Heritage Area (H.R. 1483/S. 955)

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Sec. 473 South Carolina NHA addition (H.R. 1483/S. 817)

Sec. 474 Ohio and Erie Canal NHA amendments (H.R. 1483/S. 817)

Sec. 475 New Jersey Coastal Heritage Trail (H.R. 1483/S. 1039)

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Sec. 508 A&B Irrigation District contract repayment (H.R. 467/S. 220)
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Sec. 510 Republican River Basin study (H.R. 1025)
Sec. 511 Eastern Municipal Water District (H.R. 30)
Sec. 512 Inland Empire recycling projects (H.R. 122/S. 1054)
Sec. 513 Bay Area regional recycling program (H.R. 1526/S. 1475)
Sec. 514 Bureau of Reclamation site security (H.R. 1662/S. 1258)

DEPARTMENT OF ENERGY AUTHORIZATIONS

Sec. 601 Energy technology transfer (H.R. 85)
Sec. 602 Steel & Aluminum Act amendments (H.R. 1126)
Title VII Commonwealth of the Northern Mariana Islands (H.R. 3079/ S. 1634)
Title VIII Compact of Free Association Amendments (H.R. 2705/S. 283)

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 404—CONGRATULATING ALL MEMBER STATES OF THE INTERNATIONAL COMMISSION FOR THE INTERNATIONAL TRACING SERVICE (ITS) ON RATIFYING THE MAY 2006 PROTOCOL GRANTING OPEN ACCESS TO A VAST ARCHIVES ON THE HOLOCAUST AND OTHER WORLD WAR II MATERIALS, LOCATED AT BAD AROLSEN, GERMANY

Mrs. CLINTON (for herself and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 404

Whereas, for the past 62 years, until November 28, 2007, the International Tracing Service (ITS) archives located in Bad Arolsen, Germany remained the largest closed Holocaust-era archives in the world;

Whereas, while Holocaust survivors and their descendants have had limited access to individual records, reports suggest that they faced long delays, incomplete information, and even unresponsiveness when they tried to access the materials in the archives;

Whereas the 1955 Bonn Accords established the International Commission (on which 11 member nations sit: Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, and the United States) responsible for overseeing the administration of the ITS Holocaust archives, which includes 17,500,000 individual names and 50,000,000 documents;

Whereas, until ITC received the ratification of the 2006 amendments to the Bonn Accords from the last remaining member nation on November 28, 2007, the materials remained inaccessible to researchers and research institutions;

Whereas the International Committee of the Red Cross (ICRC) and the Director of the ITS, who is an ICRC employee, oversee the day-to-day operations of the ITS and report to the International Commission for the ITS at its annual meetings;

Whereas the new International Committee of the Red Cross leadership at the ITS should be commended for their commitment to providing expedited and comprehensive responses to Holocaust survivor requests for information, and for their efforts to complete the digitization of all archives as soon as possible;

Whereas, since the inception of the ITS, the Government of Germany has financed its operations;

Whereas, beginning in the late 1990s, the United States Holocaust Memorial Museum (Holocaust Museum), Holocaust survivor organizations, and others began exerting pressure on International Commission members to allow unfettered access to the ITS archives;

Whereas, following years of delay, in May 2006 in Luxembourg the International Commission of the ITS agreed upon amendments to the Bonn Accords which would grant researchers access to the archives and would allow each Commission member country to receive a digitized copy of the archives and make them available to researchers, consistent with their own country's respective archival and privacy laws and practices;

Whereas the first 3 Commission member states to ratify the amendments were the United States, Israel, and Poland, all 3 of which are home to hundreds of thousands of survivors of Nazi brutality;

Whereas the Holocaust Museum has worked assiduously for years to ensure the timely release of the archives to survivors and the public;

Whereas the Department of State has been engaged in diplomatic efforts with other Commission member nations to provide open access to the archives;

Whereas the House of Representatives unanimously passed H. Res. 240 on April 25, 2007, and the United States Senate passed S. Res. 141 on May 1, 2007, urging all member countries of the International Commission of the ITS who have yet to ratify the May 2006 amendments to the 1955 Bonn Accords to expedite the ratification process, to allow for open access to the archives;

Whereas, on May 15, 2007, the International Commission voted in favor of a United States proposal to allow immediate transfer of a digital copy of archived materials to any of the 11 member states that have adopted the May 2006 amendments to the Bonn Accords, and thereafter, transfer of materials to both the Holocaust Museum and to Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, was initiated;

Whereas, while it is not possible to fully compensate Holocaust survivors for the pain, suffering, and loss of loved ones they have experienced, it is a moral and justifiable imperative for Holocaust survivors and their families to be offered expedited open access to these archives;

Whereas time is of the essence in order for Holocaust researchers to access the archives while eyewitnesses to the horrific atrocities of Nazi Germany are still alive;

Whereas opening the historic record is a vital contribution to the world's collective memory and understanding of the Holocaust and ensures that unchecked anti-Semitism and complete disrespect for the value of human life—including the crimes committed against non-Jewish victims—which made such horrors possible are never again permitted to take hold;

Whereas, despite overwhelming international recognition of the unconscionable horrors of the Holocaust and its devastating impact on world Jewry, there has been a sharp increase in anti-Semitism and Holocaust denial across the globe in recent years; and

Whereas it is critical that the international community continue to heed the lessons of the Holocaust, one of the darkest periods in the history of humankind, and take immediate and decisive measures to combat the scourge of anti-Semitism: Now, therefore, be it

Resolved, That the Senate—

(1) commends in the strongest terms all nations that worked expeditiously to ratify the amendments to the Bonn Accords to allow for open access to the Holocaust Archives located at Bad Arolsen, Germany;

(2) congratulates the dedication, commitment, and collaborative efforts of the United States Holocaust Memorial Museum, the Department of State, and the International Committee of the Red Cross to open the archives;

(3) encourages the United States Holocaust Memorial Museum and the International Committee of the Red Cross to act with all possible urgency to create appropriate conditions to ensure that survivors, their families, and researchers have direct access to the archives and are offered effective assistance in navigating and interpreting these archives;

(4) remembers and pays tribute to the murder of 6,000,000 innocent Jews and more than 5,000,000 other innocent victims during the Holocaust by Nazi perpetrators and their collaborators; and

(5) must remain vigilant in combating global anti-Semitism, intolerance, and bigotry.

SENATE RESOLUTION 405—RECOGNIZING THE LIFE AND CONTRIBUTIONS OF HENRY JOHN HYDE

Mr. GRASSLEY (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. CORNYN, Mr. DEMINT, Mr. HATCH, Mr. ROBERTS, Mr. SUNUNU, Mrs. DOLE, Mr. ALLARD, Mr. BUNNING, Ms. SNOWE, Mr. DOMENICI, Mr. MARTINEZ, Mr. ENSIGN, Mr. COLEMAN, Mr. VITTER, Mr. HAGEL, Mr. SHELBY, Mr. THUNE, Mr. BENNETT, Mr. CRAPO, Mr. CRAIG, Mr. SESSIONS, Mr. KYL, Mr. SMITH, Mr. GRAHAM, Mr. INHOFE, and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

S. RES. 405

Whereas Representative Henry John Hyde of Illinois was born in Chicago, Cook County, Illinois, on April 18, 1924;

Whereas Henry Hyde excelled as a student both at Georgetown University, at which he helped take the Hoyas basketball team to the National Collegiate Athletic Association semifinals in 1943 and from which he graduated with a bachelor of science degree in 1947, and at Loyola University Chicago School of Law, from which he graduated in 1949;

Whereas Henry Hyde served his country for his entire adult life, as an officer of the United States Navy from 1944 to 1946, where he served in combat in the Philippines during World War II, in the United States Navy Reserve from 1946 to 1968, from which he retired at the rank of Commander, as a member of the Illinois House of Representatives from 1967 to 1974 and Majority Leader of that body from 1971 to 1972, as a delegate to the Illinois Republican State Conventions from 1958 to 1974, and as a Republican Member of the United States House of Representatives for 16 Congresses, over 3 decades from January 3, 1975, to January 3, 2007;

Whereas Henry Hyde served as the Ranking Member on the Select Committee on Intelligence of the House of Representatives from 1985 to 1991, in the 99th through 101st