

Whereas it is appropriate to commemorate and honor the recipients of the Medal of Honor and what they represent;

Whereas the people of the United States should always be aware of the significance and meaning of the Medal of Honor;

Whereas the designation of a National Medal of Honor Day would focus the efforts of national, State, and local organizations striving to foster public appreciation and recognition of Medal of Honor recipients; and

Whereas March 25, 2007, would be an appropriate date to observe National Medal of Honor Day: Now, therefore, be it

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

(1) recognizes the heroism and sacrifice of Medal of Honor recipients;

(2) recognizes the educational opportunity that a National Medal of Honor Day would present to the people of the United States; and

(3) supports the goals and ideals of a National Medal of Honor Day to celebrate and honor the contributions of Medal of Honor recipients.

**SENATE CONCURRENT RESOLUTION
13—EXPRESSING THE
SENSE OF CONGRESS THAT THE
PRESIDENT SHOULD NOT INITIATE
MILITARY ACTION
AGAINST IRAN WITHOUT FIRST
OBTAINING AUTHORIZATION
FROM CONGRESS**

Mr. SANDERS submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 13

Whereas article I, section 8 of the United States Constitution grants Congress the power to “declare war”, to “lay and collect taxes”, to “provide for the common defence and general welfare of the United States”, to “raise and support armies”, to “provide and maintain a navy”, to “make rules for the government and regulation of the land and naval forces”, to “provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions”, to “provide for organizing, arming, and disciplining, the militia”, and to “make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof”;

Whereas the Constitution also grants Congress exclusive power over the purse, stating, “No money shall be drawn from the Treasury, but in consequence of appropriations made by law . . .”;

Whereas the sole war power granted to the executive branch through the President can be found in article II, section 2, which states, “The President shall be the Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States . . .”;

Whereas President George W. Bush and his Administration have argued that this “Commander in Chief” clause grants the President wide latitude to engage United States military forces abroad without prior authorization from Congress;

Whereas the President further argues that previous unilateral actions by Presidents of both political parties add credence to this interpretation of the Constitution;

Whereas, in reality, nothing in the history of the “Commander in Chief” clause suggests

that the authors of the provision intended it to grant the executive branch the authority to engage United States forces in military action without any prior authorization from Congress, except to allow the President to repel sudden attacks and immediate threats;

Whereas in the Federalist Paper Number 69, while comparing the lesser war-making power of the President of the United States with the war-making power of the King of Great Britain, Alexander Hamilton wrote, “The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy; while that of the British king extends to the declaring of war, and to the raising and regulating of fleets and armies; all which, by the constitution under consideration, would appertain to the legislature.”;

Whereas James Madison declared that it is necessary to adhere to the “fundamental doctrine of the Constitution that the power to declare war is fully and exclusively vested in the legislature”;

Whereas, in 1793, President George Washington, when considering how to protect inhabitants of the frontier of the United States, instructed his Administration that “no offensive expedition of importance can be undertaken until after [Congress] have deliberated upon the subject, and authorized such a measure”;

Whereas, in 1801, when Thomas Jefferson sent a small squadron of frigates to the Mediterranean to protect against possible attacks by the Barbary powers, he told Congress that he was “unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense”, and further noted that it was up to Congress to authorize “measures of offense also”;

Whereas, according to the most definitive United States intelligence report, Iran is several years away from developing a nuclear weapon, and even the most pessimistic analysis by outside experts predicts that Iran is at least 3 years away from developing a nuclear weapon, assuming Iran suffers no setbacks during development, which would be unprecedented;

Whereas diplomatic efforts involving Iran, the United States, the European Union, Russia, the People’s Republic of China, the International Atomic Energy Agency, and the United Nations Security Council continue; and

Whereas, despite these diplomatic efforts and statements by President Bush and other members of his Administration that diplomacy is the preferred route, there are an increasing number of reports that preparations for war are underway: Now, therefore, be it

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

(1) strongly affirms that initiating military action against Iran without congressional approval does not fall within the President’s “Commander in Chief” powers under the Constitution;

(2) rejects any suggestion that the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note), approved in response to the terrorist attacks of September 11, 2001, explicitly or implicitly extends to authorizing military action against Iran, including over its nuclear program;

(3) rejects any suggestion that the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 50 U.S.C. 1541 note) explicitly or implicitly extends to authorizing military action

against Iran, including over its nuclear program; and

(4) strongly and unequivocally affirms that seeking congressional authority prior to taking military action against Iran is not discretionary, but is a legal and constitutional requirement.

Mr. SANDERS. Mr. President, the issue of American presence in the Middle East is of great importance. We are currently engaged in a war in Iraq from which, according to poll after poll, a majority of the American people believe we should withdraw.

In the face of the momentous elections of this past November, in which the American electorate indicated their dissatisfaction with the President’s policies in Iraq, President Bush has responded with a call for more troops, not less. At this moment, he is escalating the war, not redeploying our brave men and women out of harm’s way. He is sending these troops into the middle of a civil war.

Now there are reports that the President may be considering expanding this tragic war into Iran. The President has no constitutional authority to make war on Iran, nor has he historical precedent. I offer today a resolution “expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress.” It sets forth the constitutional grant of authority to Congress for declaring war and funding any war, which cites Federalist paper number 69 on the intention of the drafters of the Constitution, and which cites Presidents Washington and Jefferson on the power reserved to Congress to authorize war.

The resolution strongly and unequivocally affirms that the President does not have the power to initiate military action against Iran without first obtaining authorization from Congress, that neither of the existing authorizations to use military force in Iraq gives him such authority, and that the President must seek congressional authority prior to taking any military action against Iran.

**AMENDMENTS SUBMITTED AND
PROPOSED**

SA 266. Mr. REID (for Mr. LEVIN (for himself, Mr. BOND, Mr. DORGAN, Mr. GRAHAM, Mr. DURBIN, Ms. MIKULSKI, Mr. CARDIN, Mr. BROWN, Mr. PRYOR, Mr. ISAKSON, and Mr. KENNEDY)) proposed an amendment to the bill S. 487, to amend the National Organ Transplant Act to clarify that kidney paired donations shall not be considered to involve the transfer of a human organ for valuable consideration.

SA 267. Mr. REID (for Mr. SALAZAR) proposed an amendment to the bill S. 188, to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

TEXT OF AMENDMENTS

SA 266. Mr. REID (for Mr. LEVIN (for himself, Mr. BOND, Mr. DORGAN, Mr. GRAHAM, Mr. DURBIN, Ms. MIKULSKI, Mr. CARDIN, Mr. BROWN, Mr. PRYOR,

Mr. ISAKSON, and Mr. KENNEDY)) proposed an amendment to the bill S. 487, to amend the National Organ Transplant Act to clarify that kidney paired donation shall not be considered to involve the transfer of a human organ for valuable consideration; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Living Kidney Organ Donation Clarification Act of 2007".

SEC. 2. AMENDMENT TO THE NATIONAL ORGAN TRANSPLANT ACT.

Section 301(a) of the National Organ Transplant Act (42 U.S.C. 274e(a)) is amended by adding at the end the following: "For purposes of this section, kidney paired donation shall not be considered to involve the transfer of a human organ for valuable consideration."

SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that details the progress made towards understanding the long-term health effects of living organ donation.

SA 267. Mr. REID (for Mr. SALAZAR) proposed an amendment to the bill S. 188, to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; as follows:

On page 2, line 3, strike "and William C. Velásquez" and insert "William C. Velásquez, and Dr. Hector P. Garcia."

On page 2, line 10, strike "and William C. Velásquez" and insert "William C. Velásquez, and Dr. Hector P. Garcia."

On page 2, line 19, strike "and William C. Velásquez" and insert "William C. Velásquez, and Dr. Hector P. Garcia."

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

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

The hearing will be held on Thursday, March 1, 2007, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 380, to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

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

For further information, please contact Scott Miller at 202-224-5488 or Rachel Pasternack at 202-224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 15, 2007, at 9:30 a.m., in open and closed sessions to receive testimony on the current and future readiness of the Army and Marine Corps.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, February 15, 2007, at 9:30 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate the administration's proposal to reauthorize the Federal Aviation Administration.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, February 15, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to consider the President's proposed budget for FY 2008 for the Department of the Interior.

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

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, February 15, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "The Administration's 2007 Trade Agenda."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 15, 2007, at 9:15 a.m. to hold a nomination hearing.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, February 15, 2007, at 9 a.m. for a business meeting to consider pending committee business.

Agenda

Legislation

1. S. 4, Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007;

2. S. 343, a bill to extend the District of Columbia College Access Act of 1999;

3. S. 457, a bill to extend the date on which the National Security Personnel System will first apply to certain defense laboratories;

4. S. 550, a bill to preserve existing judgeships on the Superior Court of the District of Columbia.

Post Office Naming Bills

1. S. 171, to designate the facility of the USPS located at 301 Commerce Street in Commerce, Oklahoma, as the "Mickey Mantle Post Office Building;"

2. S. 194/H.R. 49, to designate the facility of the USPS located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford Jr. Post Office Building;"

3. S. 219/H.R. 335, to designate the facility of the USPS located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office;"

4. S. 303, to designate the facility of the USPS located at 324 Main Street in Grambling, Louisiana, as the "Coach Eddie Robinson Post Office Building;"

5. S. 412/H.R. 521, to designate the facility of the USPS located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building;"

6. H.R. 433, to designate the facility of the USPS located at 1700 Main Street in Little Rock, Arkansas, as the "Scipio A. Jones Post Office Building;"

7. H.R. 514, to designate the facility of the USPS located at 16150 Aviation Loop Drive in Brooksville, Florida, as the "Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office;"

8. H.R. 577, to designate the facility of the USPS located at 3903 South Congress Avenue in Austin, Texas, as the "Sergeant Henry Ybarra III Post Office Building."

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 15, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the President's fiscal year 2008 budget request for tribal programs.

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 15, 2007, at 10 a.m. in room S. 216 of the Capitol Building.

I. Nominations

Beryl Howell, to be a Member of the United States Sentencing Commission.