women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 1027

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1027, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1183

At the request of Mr. HARKIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1213

At the request of Mr. LUGAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1213, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State Children's Health Insurance Programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1257

At the request of Mr. LIEBERMAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1312

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1312, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1340

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1363

At the request of Mrs. CLINTON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1363, a bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. SANDERS), the Senator from Idaho (Mr. CRAIG) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. CON. RES. 26

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of ''National Purple Heart Recognition Day''.

S. RES. 205

At the request of Ms. MURKOWSKI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 205, a resolution designating June 2007 as ''National Internet Safety Month''.

S. RES. 210

At the request of Mr. LIEBERMAN, the names of the Senator from Nevada (Mr. REID) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. Res. 210, a resolution honoring the accomplishments of Stephen Joel Trachtenberg as president of the George Washington University in Washington, D.C., in recognition of his upcoming retirement in July 2007.

AMENDMENT NO. 1139

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1139 intended to be proposed to H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 1433. A bill to amend the Alaska National Interest Lands Conservation Act to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, last year, as we approached the beginning of National Police Week 2006, our Nation was saddened by the tragic loss of two Fairfax County, VA, police officers, Detective Vicki Armel and Master Police Officer Michael Gambarino, in an ambush at the Sully District Police Station. Once again, as National Police Week 2007 drew to a close, the Nation found itself in mourning at the loss of an officer who was ambushed over the weekend. I am referring to Moscow, ID, Police Officer Lee Newbill, a husband and a father of three who was fatally shot on Saturday night. We do not remember our fallen law enforcement officers for the way they gave their lives but for the way they lived them. The people of the State of Alaska extend our condolences to Officer Newbill's wife and three children. We are also thinking about Brannon Jordan, a Latah County sheriff s deputy who was shot in the incident, but who is expected to recover, according to media reports.

I would like to take this opportunity once again to speak about the life and accomplishments of the late Thomas P. O'Hara, a National Park Service protection ranger and pilot who gave his life in the line of duty, an Alaskan hero.

Thomas P. O'Hara was assigned to the Katmai National Park and Preserve in the Bristol Bay region of western Alaska. On December 19, 2002, Ranger O'Hara and his passenger, a Fish and Wildlife Service employee, were on a mission in the Alaska Peninsula National Wildlife Refuge. Their plane went down on the tundra.

When the plane was reported overdue, a rescue effort consisting of 14 single-engine aircraft, an Alaska Air National Guard plane, and a Coast Guard helicopter quickly mobilized. Many of the single-engine aircraft were piloted by Torn's friends. The wreckage was located late in the afternoon of December 20. The passenger survived the crash, but Ranger Torn did not.

Tom O'Hara was an experienced pilot with 11,000 hours as a pilot-in-command. He was active in the communities of Naknek and King Salmon where he grew up, flying children to Bible camp and coaching young wrestlers. Tom provided a strong link between the residents of Bristol Bay and the National Park Service.

Although Tom O'Hara was a most valued employee of the National Park Service, he did not enjoy the same status as National Park Service employees with competitive career status. Tom was hired under a special hiring authority established under the Alaska National Interest Lands Conservation Act, ANILCA, which permits land management agencies like the National Park Service to hire, on a noncompetitive basis, Alaskans who by reason of having lived or worked in or near public lands in Alaska, have special knowledge or expertise concerning the natural or cultural resources of public lands and the management thereof.

Tom O'Hara possessed this knowledge and offered it freely to the National Park Service. But because he was hired under this special authority, his opportunities for transfer and promotion within the Park Service were limited, even though his service was exemplary.

As a lasting memorial to Tom O'Hara's exemplary career, I am introducing legislation today that will grant competitive status to ANILCA local hire employees who hold permanent appointments with the Federal land management agencies after the completion of 2 years of satisfactory service. In Tom's honor, the short title of this legislation is the Thomas P. O'Hara Public Land Career Opportunity Act of 2007.

It is my sincere hope that the enactment of this legislation will encourage other Alaskans, particularly Alaska Natives, to follow in Tom O'Hara's footsteps and seek lifelong careers with the Federal land management agencies.

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. 1440

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 ''Thomas P. O'Hara Public Land Career Opportunity Act of 2007''.

SEC. 2. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) COMPETITIVE STATUS.—An individual appointed to a permanent position under subsection (a) shall be converted to competitive status after—

''(1) if the appointment is full time, the completion of 2 years of competitive and satisfactory full time service; or

''(2) if the appointment is less than full time, the period that is equivalent to 2 years of competitive and satisfactory full time service.''.

By Mr. COCHRAN:

S. 1435. A bill to amend the Energy Policy and Conservation Act to increase the capacity of the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. COCHRAN. Mr. President, in 1975, the Strategic Petroleum Reserve was established, after the Arab oil embargo, to lessen the impact of future severe energy supply disruptions. Since 1975, the Strategic Petroleum Reserve, SPR, has served as our Nation's energy insurance policy.

The legislation I offer today expands the capacity of the SPR from 1 billion barrels, as authorized in the Energy Policy and Conservation Act, to 1.5 billion barrels.

Memorial day marks the beginning of the summer vacation season, and this summer all of our constituents are facing escalating gasoline prices. Expanding our domestic supplies of oil, gas, and petroleum has become crucial.

Increasingly, internationally traded oil originates from unstable regions of the world. The United States' economic security is threatened by vulnerability to disruptions in world oil supply and volatile oil prices. The Nation's transportation sector, major industries, and military are dependent upon petroleum, and so it is crucial that we do what we can to minimize disruptions in the world oil supply.

The existing inventory in the SPR represents only 56 days of net imports. The United States' obligation to the member countries of the International Energy Agency requires it to maintain the equivalent of 90 days of net petroleum imports. Though the inclusion of private inventories allows the U.S. to satisfy the IEA obligation, increasing the authorized capacity of the SPR to 1.5 billion barrels will help ensure the United States meets its international obligations, regardless of commercial inventory trends.

In December of 2006, the Department of Energy chose the salt domes in Richton, Mississippi as their preferred site for the construction of a new Strategic Petroleum Reserve facility to lead the expansion efforts. I am proud that Mississippi was chosen to lead the efforts of such an important program, and I know that the community of Richton, which suffered in the wake of Hurricane Katrina, is thrilled to begin construction on a project that will strengthen its economic development. Current SPR sites in Texas and Louisiana will also gain reserves.

I urge the Senate to support this bill. The entire country's energy security and stability depends on a combination of efforts to increase domestic supplies of oil, gas, and petroleum. I am pleased that my colleagues in the Senate are promoting new renewable energy technologies through legislation, and it is through a combination of these efforts that we might finally reduce our dependence upon foreign oil.

By Ms. STABENOW (for herself, Mr. OBAMA, Mr. BROWN, Mr. REID, Mrs. BOXER, Mr. LIEBERMAN, Mr. KERRY, Mr. CARDIN, Mr. DURBIN, Mr. MENENDEZ, Mrs. FEINSTEIN, and Ms. LANDRIEU):

S. 1437. A bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964; to the Committee on Banking, Housing, and Urban Affairs.

Ms. STABENOW. Mr. President, I rise today in strong support of a bill that directs the Treasury Department to mint 350,000 $1 coins marking the semi-centennial of the passage of the Civil Rights Act of 1964.

The Civil Rights Act of 1964 greatly expanded civil rights protections by outlawing racial discrimination and segregation in public places and places of public accommodation, in federally funded programs and employment, and encouraging desegregation in public schools, and has served as a model for subsequent antidiscrimination laws.

This landmark legislation once implemented, had effects that were far reaching and that, clearly from its inception to today, fundamentally changed the course of our Nation.

Equality and access to education were two of the hallmarks of the civil rights movement.

The United Negro College Fund, UNCF, is the Nation's largest, oldest, most successful and comprehensive minority higher education assistance organization. UNCF provides operating funds and technology enhancement services for 39 member historically black colleges and universities, HBCUs, scholarships and internships for students at about 900 institutions and faculty and administrative professional training.

Since its inception in 1943, the UNCF has raised more than $2 billion to help a total of more than 350,000 students attend college and has distributed more funds to help minorities attend school than any entity outside of the government.

Besides being a noble tribute, this commemorative coin will assist the UNCF provide scholarships and internships for minority students and assist

with technology enhancement services for historically black colleges and universities.

In Michigan, the on-time graduation rate for African American students is less than half that of the overall rate for high school students. Moreover, the percentage of Michigan high school freshmen enrolling in college within 4 years is just 38 percent, the rate for the top States is 53 percent. These statistics are astounding. Michigan currently is working to invest more State dollars into improving high school education and reforming graduation requirements to some of the most rigorous in the Nation. If we make scholarships like this one available to students, and organizations like the UNCF helping African Americans get into colleges and stay in colleges, not just historically black colleges and universities, these statistics will improve. I am confident this coin bill is a step toward improving the state of college attendance and graduation rates for African American students.

I urge my colleagues to support this legislation.

By Mr. SPECTER (for himself, Mr. ROCKEFELLER, and Mr. CASEY):

S. 1440. A bill to provide for judicial determination of injury in certain cases involving dumped and subsidized merchandise imported into the United States, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Unfair Foreign Competition Act of 2007, legislation providing a private right of action for domestic manufacturers injured by the illegal subsidization and dumping of foreign products into U.S. markets. These unfair, and illegal, trade practices steal jobs from our workers, profits from our companies, and economic growth from our economy.

Dumping occurs when a foreign producer sells a product in the United States at a price that is below that producer's sales price in its home market, or at a price that is lower than its cost of production. Subsidizing occurs when a foreign government provides financial assistance to benefit the production, manufacture, or exportation of a good. Under current law, the International Trade Commission, ITC, and the Department of Commerce conduct antidumping and countervailing duty investigations and 5-year reviews under title VII of the Tariff Act of 1930. U.S. industries may petition the ITC and Commerce for relief from dumped and subsidized imports. If Commerce finds that an imported product is dumped or subsidized and the ITC finds that the petitioning U.S. industry is materially injured or threatened with material injury, an antidumping duty order or countervailing duty order will be imposed to offset the dumping or subsidies.

However, since current administrative remedies are not consistently and effectively enforced, I am introducing private right of action legislation to enforce the law. My legislation allows petitioners to choose between the ITC and their local U.S. district court for the injury determination phase of their investigation. Doing so gives our injured domestic producers the opportunity to display their vigor as private plaintiffs in seeking enforcement of our trade laws. If injury is found, U.S. Customs and Border Protection would then assess duties on future importation of the article in question. The legal standard for determining dumping margins which is established by the Commerce Department would remain unchanged.

I believe that introduction of this legislation will have an important deterrent effect on the practices of China and our other trading partners. Aggressive policy measures such as this legislation are necessary to prevent China, in particular, from causing a major crisis in the near future for our domestic steel industry. China has a well-documented history of engaging in unfair trade practices, as evidenced by the 61 antidumping orders in place with respect to various products as of October 23, 2006. The statistics on China's steel output are staggering. In 2005, China made more steel than the next four largest producers combined and data show that China continues to become more export-oriented. Through the first 10 months of 2006, China's steel tonnage exports to the U.S. market more than doubled over 2005. In total, Chinese steel output grew 26 percent or more than 71 million metric tons in 2005. The explosive growth of Chinese steel over the past decade would not have been possible without the support of the Chinese Government.

This legislation is similar to legislation which I have introduced as far back as 1982 where I originally sought injunctive relief. Since its last introduction in the 106th Congress, several relevant statutes have been challenged at the World Trade Organization, WTO, prompting further modification to its current form. In each case, the United States has taken action to comply and avoid retaliatory actions by protesting WTO member countries. The United States took action in December 2004 to comply with WTO rulings on the Antidumping Act of 1916, which provided a private cause of action and criminal penalties for dumping, by prospectively repealing the act. Also, the United States took action in February 2006 to comply with WTO rulings on the Continued Dumping and Subsidy Offset Act, CDSOA, which required the distribution of collected antidumping and countervailing duties to petitioners and interested parties in the underlying trade proceedings. In both cases, the WTO panel found that U.S. law allowed an impermissible specific action against dumping and subsidization. The legislation I introduce today adapts to these changes in law and allows for a determination of injury in accordance with our international obligations.

We have too long sacrificed American industry and American jobs because the executive branch, whether it is a Democratic administration or a Republican administration, has made concessions for foreign policy and defense interests. For many years, foreign policy and defense policy have superseded basic fairness on trade policy. I received a comprehensive education on this subject back in 1984 when there was a favorable ruling by the ITC for the American steel industry, but it was subject to review by the President. At that time my colleague Senator Heinz and I visited every one of the Cabinet officers in an effort to get support to see to it that the International Trade Commission ruling in favor of the American steel industry was upheld. Then-Secretary of Commerce Malcolm Baldrige was favorable, and International Trade Representative Bill Brock was favorable. We received a favorable hearing in all quarters until we spoke with then-Secretary of State Shultz and then-Secretary of Defense Weinberger who were absolutely opposed to the ITC ruling. President Reagan decided to overrule the ITC, and U.S. trade policy and workers again took second place to foreign policy concerns.

I was reminded of this reality again in 2005 when I testified on behalf of the domestic pipe and tube industry in a section 421 safeguard case against China. This safeguard provision was inserted as a protective measure when unique and permanent trade status was granted to China, a measure which I opposed. It seemed to me that based upon the record that China had, that normal relations could not exist because they have a record of not observing the law. With these concerns in mind, Congress inserted the section 421 safeguard provision. The ITC agreed with the overwhelming evidence supporting the claim that a surge of imports from China were creating a market disruption. However, President Bush decided not to uphold the ITC's ruling. Since that time, jobs in my state have been lost. The Section 421 provision was included to provide protection for our domestic manufacturing base. Yet, none of the five petitions previously filed had been granted either. It is difficult to understand how safeguards for situations where China's conduct is excessive and unfair could be ignored, especially after giving special consideration by way of trade.

While it is my hope that the administration, whether Democrat or Republican, would take a more objective look at trade remedies for our injured domestic manufacturers, I introduce this legislation today to provide a valuable tool for domestic industry. Strict enforcement of our trade laws is critical to ensuring that our domestic manufacturers have a fair shot at competing with foreign steel. In the current environment, I believe that it is necessary

for an injured industry to have an opportunity to go into Federal court and seek reliable enforcement of America's trade laws, which are currently not being enforced adequately.

I ask my colleagues to join me now in supporting this legislation. I believe in free trade. But the essence of free trade is selling goods at a price equal to the cost of production and a reasonable profit. Where you have dumping or subsidization, it is the antithesis of free trade. The significant advances made by our manufacturers are insufficient to compete in the face of illegal trade practices such as dumping and subsidies. Our steel industry is made up of some of the most innovative, skilled, and efficient producers in the world. Our industry can compete if the playing field is level, but if foreign exporters are not held accountable, and can freely undercut American producers with dumped goods and government subsidies, the future of our steel industry will be at risk.

By Mr. CRAIG:

S. 1441. A bill to amend title 38, United States Code, to modify authorities for the Secretary of Veterans Affairs to accept new applications for grants for State home construction projects to authorize the Secretary to award grants for construction of facilities used in non-institutional care programs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I rise today to introduce legislation to make, what I believe to be, vital and necessary changes to one of the most successful Federal-State partnership programs in the Nation today. I am speaking of the State Veterans Home Program at the Department of Veterans Affairs.

For those of my colleagues who do not know very much about this great program, the Federal-State partnership known as the State Home Program dates back nearly 120 years. It was August 7, 1888, when a $100 check from the Federal government helped the State of Connecticut offset the financial burden of caring for aging Civil War veterans. Since that time, of course, the program has greatly matured. And it has grown into the largest institutional provider of long-term care services for our Nation's aging veterans.

Today, the grant part of the program receives an annual appropriation of about $100 million. VA uses the money to pay for two-thirds of the costs of constructing State home beds pursuant to applications submitted by the States. After a home is built, the State operates the nursing facility and maintains the property for the benefit of veterans. VA, in turn, pays a daily stipend to the State of approximately $60 for each veteran in the home. The States then support the rest of the cost of care either by collecting some money from the veterans or through direct appropriation from the State legislature.

I realize that my description of this program may have some of my colleagues scratching their heads trying to find out why I believe the program needs to change and modernize. Let me explain.

As many of you know, during the 107th Congress, I served as chairman of the Senate Special Committee on Aging. I did a lot of work on long-term care issues and held many hearings on the topic. What I learned is that there is a big shift across the country from the traditional institutional care to a less restrictive, family oriented, home and community based approach to care.

When I became chairman of the Senate Committee on Veterans' Affairs, I found that VA's system is strongly biased toward institutional care. We spend most of our long-term care budget on institutional beds.

I realize that nursing homes are sometimes the best place for a sick, aging person to be properly cared for. Therefore, clearly VA needs to provide that service. But, let's face it. All of us would prefer that we never end up in a nursing home. We would do everything within our power to remain in the comfort and safety of our homes and with our families.

The interesting thing about our human desire to remain in our own homes and out of nursing homes is that our human desire is also a positive financial desire. Noninstitutional long-term care services are much more cost-effective than care provided in an institutional setting. Providing people with long-term care options and the opportunity to remain in their homes for as long as possible is exactly what my legislation is about.

There is an old saying that goes ''when all you have is a hammer, the whole world looks like nails.'' Essentially what that means is, we use the tools we have to solve whatever problem arises, even if a different tool might be more appropriate.

For nearly 120 years, with little exception, the only tool available through the State Veterans Home Program has been a bed: an institutional nursing home bed. So, whenever a veteran in a local community has independent living challenges, the State home program has a tool to help them: it has a bed. My Legislation would give the State homes additional tools to offer our veterans.

My bill would establish a noninstitutional care State home grant program. The premise of the new program would be the same as the current institutional program. States would submit an application to construct a building or renovate part of an existing state home to offer noninstitutional services to veterans. The State would have to provide one-third of the cost for construction and then take ownership and operational responsibility for the building and the care after the facility opens.

Similar to the payment structure today, VA would provide a daily payment for each veteran who receives services from the facility.

My legislation would also make some changes in the state home grant program that would help it transition into a more modern care delivery system.

As my colleagues may be aware, under the current program, States submit applications to VA to receive construction assistance. If the State can demonstrate that the project meets VA's requirements for quality; that its use will be primarily for veterans; and that the State has its one-third matching funds, then VA approves the project and places it on list according to a statutory priority.

My bill would create a 2-year window, starting with the date of enactment, for States to submit their new bed applications. Similarly, it would create a 2-year window for any State to come up with matching funds for any approved application that currently lacks the required match. After the 2-year window, VA would be prohibited from accepting any new applications for new bed construction.

I believe the reason we need this change is simple. For fiscal year 2007, there are $808 million in grant proposals on VA's approved list. Approximately $490 million in project proposals are in priority one status, meaning that the States have provided the required one-third matching funds.

At the rate of $100 million per year provided by Congress to fund these grants, it will take nearly 9 more years for Congress to fund all of the current projects on the list. That, of course, is assuming that no new projects will be added to it. And construction of all of those projects would probably not be completed until about 15 years from now.

All of that may sound like long-term planning for future care needs. However, as I mentioned earlier, the Nation as a whole is moving away from institutionalizing the elderly.

Our aging years are supposed to be our golden years. We conjure up images of sitting on a porch, sipping tea with our spouse of 50 plus years watching the sun set. The reality, unfortunately, is that in many cases those years are spent separated from one another as one spouse is no longer able to fully care for the other. And the only option available for assistance is institutionalization. We can do better. And this bill will move us in that direction for our veterans.

I ask all of us to consider why we have a policy at VA that encourages spending nearly $1 billion building 5,300 more new beds in a system that already has about 20,000 beds when we as a nation are trying to move in a direction that provides home and community based care programs that keep the elderly in their homes and out of long-term care institutions. I think VA and the States should change course for the betterment of our Nation's heroes.

I believe that by phasing out the current institutional bias and focusing the

energy and finances of the program on noninstitutional alternatives, VA and the States will serve more veterans and keep those veterans in their homes, where they want to be, for a much longer time.

I realize that we will still probably fund 5 or 6 thousand more new beds in the State home program just because of the 2-year window. But I recognize that Senators and Representatives will strongly support the institutional grants so long as their State has an application pending. I do not blame the Members. I would do the same thing if Idaho had submitted an application. So, I want to give everyone's State a fair chance to participate in the program.

But, I also believe that we need to transition beyond beds. And if we fail to set out the transition soon, I believe we will find ourselves 20 years from now undertaking a painful study on what to do with 15,000 empty nursing home beds in all of our States. Noninstitutional service is simply the direction of long-term care and health care today because families want to be together and home is where they want to be.

VA's partnership with the States to provide long-term care to our Nation's veterans is an unmitigated success. We must continue to support the 20,000 beds we currently have. And we will. They provide the most compassionate, cost-effective institutional care in the Nation. But, we also must modernize the program.

We must keep up with the trends in health care that are pointing us in the direction of home and community-based services and away from institutions. We must change to find a way to serve more veterans with the same amount of resources. But, most importantly, we must modernize because it is the humane and right thing to do in responding to the wishes of our constituents to stay home in their later years and grow old with the people they love.

I urge all of my colleagues to join in this effort by cosponsoring this legislation.

By Mr. LEAHY:

S.J. Res. 13. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a joint resolution that would grant the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding, IEMAMOU compact. This joint resolution would formally approve of the IEMAMOU compact, a mutual emergency assistance agreement entered into by the New England States, including my home State of Vermont and several Canadian Provinces, who are our neighbors to the north. This mutual assistance compact, which has been agreed to and operating in principle for more than 5 years, allows for cooperation between emergency responders in the United States and Canada during natural disasters and other serious emergencies. This compact is an extraordinary example of the international cooperation and good will which makes our countries more secure and our citizens safer. Congress should pass this joint resolution to give this vital compact the full force of law.

We must all do our best to prepare for the most serious emergencies that can harm our communities. These crises may arise from natural or manmade disasters, or from technological hazards or civil emergencies. As those who live in the Northeast know, extreme weather is not uncommon in New England, or in the eastern Provinces of Canada. Together with our Canadian neighbors, we have endured catastrophic blizzards and ice storms over the years that have closed roads and highways, shut down power for extended periods, and stranded travelers and rural residents for days, or longer. At times, we have also suffered the misfortune of responding to serious accidents, such as train or plane crashes. Of course, our concerns for safety surrounding nuclear powerplants and other industrial sites warrants extensive planning and preparedness for even the possibility of technological disasters. During these events, we turn to our first responders and our emergency management professionals to provide assistance and secure public safety no matter how grave the danger, and no matter how challenging the task.

The IEMMOU compact was created in response to the devastating ice storm of 1998. In January of that year, an unprecedented 3-day ice storm paralyzed portions of the northern New England States and the adjacent Canadian Provinces causing massive damage to the electrical and transportation infrastructure. Millions were left in the dark for days and even weeks, leaving more than 30 dead and shutting down normal activities in large cities like Montreal and Ottawa. Following this devastation, the governors and premiers of those regions affected recognized the need for greater cross-border emergency cooperation, and they directed their emergency management leaders to develop and create a memorandum of understanding on these issues that benefit all parties north and south of the border. The IEMAMOU compact was the result of this collaborative, international process, and now stands as a model compact for cross-border mutual emergency assistance.

The compact allows for international sharing of resources and expertise in times of extreme emergency or disaster. For example, rural States, such as my own, may need to call upon specialized resources found in other larger States or neighboring Provinces to respond immediately to events, such as chemical disasters or mass transit accidents. With natural disasters, such as prolonged, severe winter storms, the areas affected may be so vast, stretching across several States or Provinces that no single jurisdiction alone could respond fully to the crisis. There are also events that occur along or near our border with Canada which require the immediate response and full cooperation of States and Provinces in both nations. The IEMAMOU compact meets these needs with a thoughtful and forward-looking outline of how to address issues that face first responders and their managers in times of cross-border emergency.

This international compact provides a legal framework for cooperation and mutual assistance between the States of Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, and Connecticut, and the Canadian Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland and Labrador. The compact requires each participating member, whether State or Province, to formulate plans and programs to facilitate international and interstate or provincial cooperation in case of natural or manmade disaster, technological hazard, or civil emergency. The compact also provides for the temporary suspension of statutes or ordinances in each jurisdiction that may impede the implementation of these plans. For example, under the compact, government officials and law enforcement authorities from one member State or Province can officially work in other jurisdictions during times of emergency, a circumstance that would not be permitted otherwise.

The compact also creates a formal mechanism for making assistance requests from one state or province to another, and encourages frequent consultation between the emergency management leaders to develop free exchange of information and resources across borders. In addition, the compact provides a Good Samaritan provision, which gives liability protection for emergency responders who act in good faith in providing assistance in a legal jurisdiction outside their own, and creates reciprocal workers compensation and other benefits to emergency responders who may get injured in responding to an emergency under the compact. Finally, the compact allows for reimbursement between members States or Provinces for losses or damages incurred in responding under the agreement.

All members of this compact have agreed to its terms and join in requesting Congress's consent for the agreement. Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, and Connecticut have joined the IEMAMOU compact, and many of these States have passed legislation adopting the compact under State law. The Premiers of Quebec, Prince Edward Island, Labrador, Nova Scotia, and New Brunswick have similarly approved of the

compact. The IEMAMOU compact has been functioning in principle for more than 5 years, as the emergency management leaders from each member State and Province meet twice a year. Planning among the constituent members of the compact is also ongoing. This compact works well and should be supported by Congress.

The IEMAMOU compact is an international agreement between States and a foreign power, and it cannot have the full force of law without the formal approval of Congress. The U.S. Constitution requires that ''[n]o state shall . . . enter into any Agreement or Compact with another State, or with a foreign Power'' unless with the ''consent of Congress.'' U.S. Const. Art. 1, § 10, cl. 3. The joint resolution introduced today provides this necessary consent, and would give legal force to the compact. Congressional approval of this compact would also provide jurisdiction for Federal courts to resolve any disputes under the agreement.

This joint resolution is vitally important to the New England States and our Canadian Provinces to the north. Congress should support their cooperative, international leadership in creating and implementing this unique emergency management compact. The Governor of Vermont supports this joint resolution as do the leaders of the North East States Emergency Consortium, which represents each of the New England States in the compact.

This is not the first time I have supported this joint resolution. In 2001, this joint resolution was introduced by my colleague from New Hampshire, Senator ROBERT SMITH, and I joined him as a cosponsor along with Senators LIEBERMAN, JEFFORDS, CHAFEE, and GREGG. As Chairman of the Judiciary Committee, I moved the joint resolution through Committee where it passed by unanimous consent on October 31, 2001. With my support and that of other Senators, the joint resolution passed the Senate by unanimous consent on December 20, 2001, in the last month of the Democratic majority in the 107 Congress. Unfortunately, the House never came to consider the joint resolution, and it failed to become law. Since then, under the Republican leadership of the 108 and 109 Congresses, the joint resolution has only been introduced once and has not moved beyond referral to committee.

It is time to take action and pass this joint resolution without further delay. The IEMAMOU compact provides invaluable international cooperation and mutual assistance in times of natural disaster and extreme emergency. This compact works well for New England and the eastern Canadian provinces, and it stands as a model for emergency management planning and cooperation across this country. It is a crucial element of the security and safety planning for all communities in New England and eastern Canada, and we can wait no longer for it to become law.

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.J. RES. 13

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

''Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities

''The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact,' is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'party jurisdictions.' For the purposes of this agreement, the term 'jurisdictions' may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

''The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

''This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

''Article II—General Implementation

''Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

''The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

''On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

''Article III—Party Jurisdiction Responsibilities

''(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

''(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

''(2) initiate a process to review party jurisdictions' individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

''(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

''(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

''(5) protect and ensure delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

''(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

''(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

''(b) REQUEST ASSISTANCE.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

''(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

''(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

''(3) The specific place and time for staging of the assisting party's response and a point of contact at the location.

''(c) CONSULTATION AMONG PARTY JURISDICTION OFFICIALS.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

''Article IV—Limitation

''Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

''Article V—Licenses and Permits

''Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

''Article VI—Liability

''Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

''Article VII—Supplementary Agreements

''Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

''Article VIII—Workers' Compensation and Death Benefits

''Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

''Article IX—Reimbursement

''Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

''Article X—Evacuation

''Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

''Article XI—Implementation

''(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

''(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

''(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

''Article XII—Severability

''This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

''Article XIII—Consistency of Language

''The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

''Article XIV—Amendment

''This compact may be amended by agreement of the party jurisdictions.''.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 211—EXPRESSING THE PROFOUND CONCERNS OF THE SENATE REGARDING THE TRANSGRESSION AGAINST FREEDOM OF THOUGHT AND EXPRESSION THAT IS BEING CARRIED OUT IN VENEZUELA, AND FOR OTHER PURPOSES

Mr. LUGAR (for himself and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 211

Whereas, for several months, the President of Venezuela, Hugo Chávez, has been announcing over various media that he will not renew the current concession of the television station ''Radio Caracas Televisión'', also known as RCTV, which is set to expire on May 27, 2007, because of its adherence to an editorial stance different from his way of thinking;

Whereas President Chávez justifies this measure based on the alleged role RCTV played in the unsuccessful unconstitutional attempts in April 2002 to unseat President Chávez, under circumstances where there exists no filed complaint or judicial sentence that would sustain such a charge, nor any legal sanction against RCTV that would prevent the renewal of its concession, as provided for under Venezuelan law;

Whereas the refusal to renew the concession of any television or radio broadcasting station that complies with legal regulations in the matter of telecommunications constitutes a transgression against the freedom of thought and expression, which is prohibited by Article 13 of the American Convention on Human Rights, signed at San Jose, Costa Rica, July 18, 1978, which has been signed by the United States;

Whereas that convention establishes that ''the right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions'';

Whereas the Inter-American Declaration of Principles on Freedom of Expression, approved by the Inter-American Commission on Human Rights, states in Principle 13,