

friend that we would vote on the cloture motion on Wednesday rather than Thursday?

Mr. MCCONNELL. Mr. President, let me say to my friend the majority leader, I think that is fine. Just a suggestion: If we go down that path of trying to get cloture on every single amendment, if cloture is invoked, then it would further delay completion of the bill potentially by somebody insisting on using postcloture time. We have no desire to make it difficult to get through this bill. We would, however, like to have votes on our amendments.

I think the better way to proceed, as the majority leader has suggested, is to see if we can come to agreement on amendments and side by sides and move the process along, which sounds to me is what the majority leader is suggesting, and that is fine with me.

Mr. REID. That is fine. What we will do, Mr. President, is hopefully not have to file cloture on this amendment. If we do, we will have a cloture vote on Wednesday. I feel confident we can work something out. We will certainly do our best on this side. Senator LEVIN is here. He is easy to work with, as is Senator WARNER.

The ACTING PRESIDENT pro tempore. Is there objection to the cloture vote taking place on Wednesday?

Without objection, it is so ordered. Mr. REID. I thank the Chair.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### INTELLIGENCE AUTHORIZATION

Mr. ROCKEFELLER. Mr. President, in January the Senate took an important step toward improving congressional accountability by passing the Legislative Transparency and Accountability Act as part of S. 1. One of the key provisions of this legislation attempts to shine light on the process by which Members request the inclusion of specific projects in legislation—in other words, earmarks.

That provision includes a requirement that each Senate committee make public all congressional earmarks included in bills reported by the committee. We normally think of earmarks as part of the appropriations process, but the requirement in S. 1 applies to all bills and makes it clear that the term “congressional earmark” includes language authorizing funds, not just appropriations language. The legislation includes a specific requirement to disclose earmarks contained in classified portions of reports “to the extent practicable, consistent with the need to protect national security.”

With that in mind, I rise today to formally describe for the Senate the

earmarks included in S. 1538, the Intelligence Authorization Act for Fiscal Year 2008, a bill reported by the Senate Select Committee on Intelligence on May 31, 2007. This information was not included specifically in the bill or report because we were wrestling with what, if anything, in the bill and classified annex met the definition of an earmark. The definition included in S. 1 is subject to some interpretation.

Taking an expansive view of the definition, Vice Chairman BOND and I identified three items that seem to fit. I ask to have a list of those earmarks printed in the RECORD.

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

#### CONGRESSIONAL EARMARKS INCLUDED IN THE CLASSIFIED ANNEX ACCOMPANYING S. 1538, THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

A provision adding \$200,000 to the office of the Director of National Intelligence for an Intelligence Training Program run by the Kennedy School of Government. This program was started in fiscal year 2007 but the President did not request funding for it for fiscal year 2008. The provision was added at the request of Senator Rockefeller.

A provision adding \$4,500,000 to the Naval Oceanographic Command. This provision was added at the request of Senator Lott.

A provision directing the expenditure of \$5,000,000 for a classified effort with the National Reconnaissance Office’s GEOINT/SIGINT Integrated Ground Development Engineering and Management Expenditure Center. This provision was added at the request of Senator Rockefeller.

S. 1538 contains no limited tax benefits or limited tariff benefits, as defined in Section 103 of S. 1.

#### MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 1, 2007, while picnicking near Lake Natoma outside Folsom, CA, Satendar Singh, a 26-year-old from Fiji, was attacked by a man hurling racist and homophobic insults. Singh and his friends, each of either Indian or Fijian descent, were harassed repeatedly for several hours by a nearby group of Russian-speaking men and women. That evening, about six men from that group approached Singh, again insulting Singh and his friends. One of the men struck Singh, causing him to fall to the ground and hit his head. Bleeding profusely, Singh was taken to the hospital. He died 4 days later on July 5, 2007, after his relatives and doctors agreed to take him off of life support. According to his friends, Singh was not gay, but officials maintain that the attack was motivated by

the belief on the part of the assailant that he was.

I believe that the Government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### H. RES. 121

Mr. INOUYE. Mr. President. On June 26, 2007, the Committee on Foreign Affairs of the U.S. House of Representatives met to consider and adopt H. Res. 121. This resolution was authored by Congressman MICHAEL HONDA of San Jose, CA.

H. Res. 121 expresses the sense of the U.S. House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force’s coercion of young women into sexual slavery, known to the world as “comfort women,” during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II.

There is no doubt in my mind that during the war period the men in the Imperial Armed Forces of the Government of Japan did abuse, assault, and forcibly impose their wills upon women for sexual purposes. This was conduct and behavior that cannot in any way be condoned or justified.

These events, according to H. Res. 121, occurred during the war period of the 1930s and 1940s. Records indicate that on August 31, 1994, as the 50th anniversary of the end of World War II was approaching, then Prime Minister Tomiichi Murayama issued a statement articulating Japan’s remorse and apology to comfort women.

His statement says in part, “on the issue of wartime ‘comfort women,’ which seriously stained the honor and dignity of many women, I would like to take this opportunity once again to express my profound and sincere remorse and apologies.”

This statement was made in his official capacity as Prime Minister of Japan.

Subsequently, every successive Prime Minister since 1996—Prime Ministers Hashimoto, Obuchi, Mori, and Koizumi—have all issued letters of apologies to individual former comfort women, who have accepted an apology letter along with atonement money offered to her by the Asian Woman’s Fund. It should be noted that some former comfort women refused to accept the atonement money.

The Asian Women’s Fund was established, sanctioned, and approved by the Government of Japan. The letters addressed to former comfort women were issued by the Prime Ministers of Japan in their official capacity, and recite, “as Prime Minister of Japan, I thus extend anew my most sincere apologies

and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.

I believe that our country, painfully aware of its moral responsibilities, with feelings of apology and remorse, should face up squarely to its past history and accurately convey it to future generations.” Japan’s present Prime Minister, Shinzo Abe, in a March 1, 2007, news conference clearly indicated that Japan accepts responsibility and expressly apologized to all its victims.

On March 11, 2007, Prime Minister Abe made the following statement:

I will stand by the Kono Statement. This is our consistent position. Further, we have been apologizing to those who suffered immeasurable pain and incurable psychological wounds as comfort women. Former Prime Ministers, including Prime Ministers Koizumi and Hashimoto have issued letters to the comfort women. I would like to be clear that I carry the same feeling.

The 1993 Kono statement made by the Chief Cabinet Secretary Yohei Kono stated in part:

The then Japanese military was, directly or indirectly, involved in the establishment and management of the comfort stations and the transfer of comfort women. . . . The Government of Japan would like to take this opportunity once again to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds as comfort women.

During his visit to our Nation’s Capitol in April 2007, Prime Minister Abe reconfirmed these sentiments in a meeting with bipartisan leaders of the House and Senate.

Prime Minister Abe also expressed similar statements in a meeting with President Bush. At a joint press conference at Camp David, Abe, when describing his meeting with congressional leaders, said:

I, as Prime Minister of Japan, expressed my apologies, and also expressed my apologies for the fact that they [comfort women] were placed in that sort of circumstance.

In 1995 and 2005, the Japanese House of Representatives considered and adopted resolutions related to Japan’s actions in World War II, including the comfort women issue. The 1995 resolution adopted by Japan’s House of Representatives provides in part:

Solemnly reflecting upon the many instances of colonial rule and acts of aggression that occurred in modern world history, and recognizing that Japan carried out such acts in the past and inflicted suffering on the people of other countries especially in Asia, the Members of this House hereby express deep remorse.

The Asian Women’s Fund was established in 1995 with the cooperation of the Government of Japan and the Japanese people. The fund has extended letters of apology and payments, donated by the Japanese people, to 285 former comfort women in the Philippines, the Republic of Korea, and Taiwan. Each of the 285 individuals received 2 million yen, or \$17,000. The fund has also implemented medical and welfare projects.

I have taken the time to cite the above because of my concern over the adoption of H. Res. 121, the Honda Resolution.

It should be noted that after World War II, the issue of compensation for Japan’s wartime crimes was settled, country by country, by the Treaty of San Francisco with the U.S. and by the relevant peace treaties with other countries. Thus, from a purely legal standpoint, the issue of the comfort women has been settled by treaties of peace.

Several questions come to mind as I read the text of statements made on this matter, and the text of H. Res. 121. For example, what would be required of Japan under H. Res. 121 to “formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner”?

The statements of apology that I quoted earlier were issued by six Prime Ministers of Japan, each acting and speaking in his official capacity.

I would think that in the world of diplomacy, these words would suffice as official statements.

Another matter that should be noted is that these events occurred in the 1930s and 1940s, and the acknowledgement and apology over the abuse of the comfort women have been made by successive Prime Ministers since 1994.

I can think of many events in our own historic past that deserve an acknowledgement and apology issued by the United States. Nonetheless, our Government has not acknowledged these actions and other countries have not officially reprimanded us because of it.

For example, soon after December 7, 1941, the United States contacted the Governments of Chile and other South American countries and requested that they round up their residents of Japanese ancestry and send them to the United States to be used by the United States in negotiations for the return of American prisoners of war held by Japan.

Many Latin Americans of Japanese descent were arrested, stripped of their passports or visas, and shipped to the United States. Once in the United States, they were treated as illegal aliens, subject to deportation and repatriation.

The internees’ vulnerable position under the law basically left their fate in the hands of the State Department and Department of Justice. Those caught in this situation were considered repatriable and thus available for use in hostage exchanges with Japan.

I am happy to report to you that after many years of concern, the Senate Committee on Homeland Security and Governmental Affairs has considered this matter and reported favorably on a measure to study this matter. However, the bill still faces consideration by the full Senate, the House of Representatives, and the White House.

And yet has any country suggested we should “formally acknowledge,

apologize, and accept historical responsibility in a clear and unequivocal manner” for this matter?

Nor have the legislatures of other nations criticized and accused us for Executive Order 9066, which directed the United States Army to establish 10 concentration camps in various parts of the United States to intern residents of Japanese ancestry. The majority of them were American citizens. As investigations disclosed in later years, their incarceration or internment was based only upon race. No crime had been committed, no act of treason, no act of sabotage.

Consequently, four decades later, the Congress finally acknowledged and apologized for the actions of the U.S. Government in the Civil Rights Act of 1988.

There exist many other such events in our history that could be discussed, but these incidents in particular are of interest because they involve the men and women whose ancestry lies in the nation of Japan.

Regardless of the historical example, the question remains the same: how would the U.S. Government have reacted if the legislature of some other nation had condemned our historical actions in World War II?

Diplomatic protocol among friendly nations and allies calls for consideration and sensitive handling of such matters.

In the case at hand, I respectfully suggest that the Government of Japan, through six of its Prime Ministers, and through two acts considered by its House of Representatives, has issued statements of acknowledgement and apology since 1994.

I would suggest that so many apologies should suffice.

The payment of \$17,000 to each survivor may not suffice because no amount of monetary compensation would be sufficient to clear away such memories just as much as the payment of \$20,000 to each internee of Japanese ancestry in the United States for years of incarceration by the United States in the concentration camps was not sufficient to wipe away that memory either. Nevertheless, payments have been made and accepted.

As a final matter, it may be interesting to note that a Gallup Poll conducted in February and March 2007 sets forth the following: 74 percent of the general public, and 91 percent of opinion leaders thought of Japan as a dependable ally or friend. 48 percent of the general public, and 53 percent of opinion leaders considered Japan to be the most important U.S. partner in the Asia region, followed by China, which scored 34 percent among the general public, and 38 percent among opinion leaders. 67 percent of the general public, and 86 percent of opinion leaders described U.S. relations with Japan as “good” or “excellent.” 87 percent of the general public, and 88 percent of opinion leaders supported the maintenance of the Japan-U.S. Security Treaty.

Finally, when asked whether Japan shared common values with the United States, 83 percent of the general public, and 94 percent of opinion leaders agreed. The only country that received a higher score was the United Kingdom, by only 2 percent for each group.

These numbers and responses to the Gallup Poll should suggest our relationship with Japan is excellent. The general public believes it, and our Government has said so as well. Why should we involve ourselves in a legislative act that would jeopardize a relationship as good as we share with Japan?

Is this how we Americans should conduct ourselves with the Japanese, our friends and allies?

#### HONORING DETECTIVE DAVID RICH

Mr. BAYH. Mr. President, today with a heavy heart and deep sense of gratitude I honor the life of a dedicated State trooper from Indiana. David Rich, 41 years old, died on July 5, 2007, from a gunshot wound he suffered in the line of duty as an Indiana master trooper detective. David risked his life every day to serve and protect Hoosiers in order to make Indiana a better place.

David comes from, and leaves behind, a family devoted to Indiana law enforcement. His father, former Miami County Sheriff and retired State trooper Jim Rich, and his mother Linda, instilled in him a sense of public service and respect for the law. Along with his brother, Indiana State Police Captain Robert Rich, David followed in his father's footsteps, taking the oath to serve and protect. He is also survived by his sister, Kimberly, and three nieces and one nephew.

David was an 18-year veteran of the State police and was well loved by his community. Although a great State trooper, he was best known for his devotion and loyalty to his family. He was a loving husband to Connie and took enormous pride in raising their 7-year-old daughter, Lauren, and 4-year-old twins, Carson and Connor.

His final act exemplified what kind of person David truly was. While off duty, David pulled over to aid a man whom he thought needed help. In a senseless act of violence, David was tragically shot and killed by this man. Even when off duty, David showed his dedication to serve, protect, and help those in need. It is a terrible tragedy that this nonsensical act took the precious life of such an honorable man.

SGT Tony Slocum, who worked with David, said Indiana "lost a very, very good man," and described him as one of the nicest people he has ever met. David would have done anything to help anyone in need "as he's done here on many occasions at the post," Slocum said. "He might give you the proverbial shirt off his back."

Today, I join David's family and friends in mourning his death. While

we struggle to bear sorrow over this loss, we can also take pride in the example he set, bravely serving to make America a safer place. It is his heroism and strength of character that people will remember when they think of David, a memory that will burn brightly during these continuing days of conflict and grief.

When I think about David's profound commitment to protect and the pain that accompanies the unjust loss of this outstanding trooper, I hope that some comfort can be brought to all the loved ones David left behind through the words of Peter 3:14:

but even if you should suffer for what is right, you are blessed.

Both David's final altruistic act, as well as his everyday lifestyle, epitomized doing "what is right." May God be with all of you who mourn this tragic loss, as I know He is with David.

It is my sad duty to enter the name of David Rich in the record of the U.S. Senate for his service to the State of Indiana and the United States of America.

#### TRIBUTE TO VERMONT FROST HEAVES

Mr. LEAHY. Mr. President, I wish to tell my friends in the Senate about the Vermont Frost Heaves, the bumps in the road that we Vermonters are actually proud to claim as our own. Unlike the frost heaves New Englanders have come to know too well under the dented rims of our cars and trucks, these basketball-playing Vermont Frost Heaves are pioneers, superb athletes, role models, and as of this spring, champions of the American Basketball Association.

The Frost Heaves' motto, "we're going to be their bumps in the road," rang true many a winter's evening this year. With an overall record of 34-6 and a league record of 30-6, the Frost Heaves quickly became unfamiliar with losing, energizing Bump the moose, the team's mascot, and thousands of cowbell-ringing fans. Then, on March 29, 2007, while the sap was still running out of sugar bushes, the Frost Heaves charged their way to a triumphant 143-to-95 title victory over the Texas Tycoons, adding an exclamation point to the success of their inaugural season.

From the birth of the Vermont Frost Heaves, founder and owner Alex Wolff found a way to tie Vermonters into the team, captivating fans near and far and promising to be sustainable, local, built to scale, of the community, and embracing the Internet revolution. As a professional journalist found in the pages of Sports Illustrated, Wolff documented his journey growing a championship team with fan participation along the way. The result—a team beloved by Vermont.

Under Wolff's ambitious leadership, and with the permission of his wife Vanessa, the Wolffs created a family-friendly, affordable source of entertain-

ment in central and northern Vermont. With a home schedule split between two of the most historic gymnasiums in the State, the Barre Auditorium and Memorial Auditorium, fans from throughout Vermont had the opportunity to support their team. As the Wolffs explain, "we wanted to create a legacy for Vermont," and that is just what they have done.

After Wolff put the selection of their coach to a worldwide vote, the fans chose coach Will Voigt, a native of Cabot, VT, to be their skipper. Voigt, a three-star athlete before embarking upon a successful coaching career, left a coaching position in Norway to return to the Green Mountains.

The team starred three Vermonters, Kerry Lyons of Milton, Dana Martin of Stowe, and B.J. Robertson of Burlington. Lyons led the Milton High School Yellow Jackets to four Vermont State final fours. He was named Conference Player of the Year and was chosen as an All-State selection. He then attended Lyndon State College where he served as the team captain for 3 years. Lyons returned to Lyndon State after graduation serving as the assistant coach for both the men's and women's basketball teams during the 2000 to 2001 season.

Dana Martin attended Stowe High School and Proctor Academy in New Hampshire and continued on to play basketball for Skidmore College. Martin was the first basketball player from Skidmore to enter the professional ranks, playing in Germany after graduation, where he led his team in scoring with more than 22 points a game. Martin has offered a basketball camp for the past six summers in his hometown of Stowe for elementary school students aspiring to follow in Martin's Frost Heave footsteps.

B.J. Robertson is a graduate of Burlington High School and St. Michael's College, entertaining Vermonters with his pizzazz at both the high school and college levels. He is the all-time leading scorer at Burlington High, a record his brother owned prior to his arrival on the scene. Well known by high school sports aficionados, Robertson was named "Mr. Basketball" by the Burlington Free Press his senior year. At St. Michael's, Robertson played in 104 games at the collegiate level, starting 91 of them in 4 years. He consistently was among the leaders on both the offensive and defensive side of the ball for the Purple Knights.

Other Frost Heaves players came by way of New York, New Jersey, Maryland, Virginia, Arkansas, Alabama, and even as far as Senegal. Aaron Cook led the Frost Heaves in scoring and minutes played for the inaugural season, averaging 16.3 points on 22 minutes. Kelvin Parker led the team in field goal percentage. Antonio Burks led the team in free throw percentage, completing nearly 83 percent of shots from the foul line. John Bryant led the team in rebounding, with 246 for the season, also leading the team in blocks.