

(Mr. WHITEHOUSE) was added as a cosponsor of S. 1374, a bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten.

S. 1406

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1682

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1682, a bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes.

S. 1716

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. TESTER), the Senator from Nebraska (Mr. HAGEL), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1716, a bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr.

BAYH) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1849

At the request of Mr. SMITH, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1849, a bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes.

S. RES. 118

At the request of Mr. LEVIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 276

At the request of Mr. LUGAR, the names of the Senator from North Carolina (Mr. BURR), the Senator from Minnesota (Mr. COLEMAN), the Senator from Oregon (Mr. SMITH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 276, a resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process.

At the request of Mr. BIDEN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Ohio (Mr. VOINOVICH), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 276, *supra*.

AMENDMENT NO. 2049

At the request of Mr. CHAMBLISS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2049 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2395

At the request of Mr. HAGEL, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2395 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2398

At the request of Mrs. CLINTON, the names of the Senator from Maine (Ms. COLLINS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2398 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENSIGN:

S. 1869. A bill to amend the Help America Vote Act of 2002 to require new voting systems to provide a voter-verified permanent record, to develop better accessible voting machines for individuals with disabilities, and for other purposes; to the Committee on Rules and Administration.

Mr. ENSIGN. Mr. President, in the November 2004 elections, Nevadans entered a new frontier for casting their votes. We became the first State in the Nation to require that voter-verified paper audit trail printers be used with touch-screen voting machines.

Despite what critics of these machines might tell you, Nevada's elections were a success. The machines worked well and were well-received by voters. During a post-election audit, Nevada compared 60,000 electronic ballots with their corresponding voter-verified paper record and found that they matched with 100 percent consistency. As a result, all Nevadans who used these machines can be confident that their votes were counted accurately.

I understand better than most the importance of the integrity of the ballot box. I was at the mercy of a paperless-machine election in my 1998 race for the U.S. Senate. When the votes were tallied with a difference of only a few hundred, I asked for a recount in Clark County, the only county at the time using electronic voting machines. The result of the recount was identical to the first count. That is because there was nothing to recount. After rerunning a computer program, the computer predictably produced the same exact tally.

I conceded that race and was elected to Nevada's other Senate seat in 2000. But that experience made me realize the importance of ensuring Americans that their votes will count, it is absolutely fundamental to our democracy.

That is why I led the fight for voter verification paper trails in the Help America Vote Act, known as HAVA, which President Bush signed into law in 2002. When Congress passed HAVA, we expressed our commitment to the principle of "one person, one vote." One important component of HAVA provided States with funds to replace aging voting machines which had a tendency to malfunction. A voting machine that fails to record a vote properly affects voters in the same way as

if the voters were denied access to the voting booth. Either way their vote is not counted.

Despite these gains, HAVA falls short in one critical area. It does not require that electronic voting machines produce a paper trail of each ballot. A voter-verified paper trail would allow voters to review a physical printout of their ballot and correct any errors before leaving the voting booth. This printout would be preserved at the polling place for use in any recounts. This is exactly what Nevadans experienced when they voted in November.

This technology is important.

It increases voter confidence. With the close elections America has seen recently, it is important that each American trust the outcome of our elections. Machines that allow voters to review a separate paper record of their ballots give voters confidence that their votes have been cast and will be counted accurately.

Paper-trail technology ensures that no votes will be lost if a voting machine fails. The paper record can be used as the ballot of record if a machine malfunctions and fails to record the votes that were cast prior to a machine failing. This technology also gives State election officials a necessary backup to verify results. Nevada's post-election audit ensures that each machine operated properly. This type of audit guarantees accuracy in a way that cannot be guaranteed otherwise.

Unfortunately, the language that is contained in HAVA has not resolved this issue for most other States. Now, I am working to ensure voting integrity across the country. In introducing the Voting Integrity and Verification Act, I want to ensure that HAVA is clear—voters must be assured that their votes will be accurate and will be counted properly. My bill requires that all voting systems purchased after December 31, 2012 have an individual permanent paper record for each ballot cast.

Additionally, this bill will help to advance technology for persons with disabilities to ensure that disabled voters enjoy the same independence when exercising their right to vote as non-disabled voters enjoy.

Technology has transformed the way we do many things, including voting. But we cannot simply sit on the sidelines and assume that our democracy will withstand such changes. Our continued work to ensure that each vote counts here in the U.S. underscores the idea that we must always be vigilant in protecting democracy, whether it is brand new or more than 200 years old. The Voting Integrity and Verification Act protects democracy by protecting the sanctity of our vote.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. MENENDEZ, Mr. SANDERS, Mr. CARDIN, Mr. DURBIN, Mr. REED, Mr. DODD, Mr.

KOHL, Mr. WHITEHOUSE, Ms. STABENOW, Mr. CARPER, Mr. WYDEN, Mr. LEAHY, Mr. BROWN, and Mr. SCHUMER):

S. 1870. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, in light of recent U.S. Supreme Court decisions, today I am introducing legislation to affirm Federal jurisdiction over the waters of the U.S. as Congress intended when it passed the Clean Water Act in 1972. I want to thank Senators LAUTENBERG, LEVIN, KERRY, LIEBERMAN, BOXER, MENENDEZ, SANDERS, CARDIN, DURBIN, REED, DODD, KOHL, WHITEHOUSE, STABENOW, CARPER, WYDEN, LEAHY, BROWN, and SCHUMER for joining me in introducing this important legislation.

For 35 years, the American people have relied upon the Clean Water Act to protect and restore the health of the Nation's waters. The primary goal of the act, to make rivers, streams, wetlands, lakes, and coastal waters safe for fishing, swimming and other recreation, suitable for our drinking water supply, and available for wildlife and fish habitat, has broad public support not only as a worthy endeavor but also as a fundamental expectation of government providing for its citizens. It is our responsibility to ensure that our freshwater resources are able to enhance human health, contribute to the economy, and help the environment.

We have made considerable progress towards ensuring the Nation's waters are drinkable, fishable, and swimmable. However, today, the Clean Water Act, one of our Nation's bedrock environmental laws, faces new and unprecedented challenges.

Two controversial, closely divided U.S. Supreme Court rulings have reduced the jurisdictional scope of the Clean Water Act, undermining decades of clean water protections and disregarding Congress' intent when it originally passed the Clean Water Act.

At the heart of the issue is the statutory definition of "waters of the United States." Though recent court decisions have focused on dredge and fill permits under section 404, this definition is integral to the Federal Government's jurisdiction under the Clean Water Act as a whole. This definition is the linchpin for state water quality standards under section 302 and section 303, national performance standards under section 306, toxic and pretreatment standards under section 307, oil and hazardous substance liability under section 311, aquaculture standards under section 318, State water quality certifications under section 401, and national pollution discharge permitting requirements under section 402.

In the 2001 case Solid Waste Agency of Northern Cook County v. Army Corps of Engineers, SWANCC, in a 5 to 4 decision, the U.S. Supreme Court lim-

ited the authority of Federal agencies to extend Clean Water Act protections to commercially nonnavigable, intra-state, "isolated" waters based solely on their use by migratory birds. While the Court's decision was narrow, the effect of the decision has been much broader: for example, according to the Environmental Protection Agency, 20 percent of the Nation's wetlands outside Alaska are now at risk of losing Federal protections.

Last June, the U.S. Supreme Court announced a sharply divided decision in the consolidated cases of *Rapanos v. United States* and *Carabell v. Army Corps of Engineers* that jeopardizes many more of our Nation's waters. Four justices joined an opinion that said only permanent or "continuously flowing" rivers and streams and by implication, the wetlands next to them are protected by the Clean Water Act, ignoring the act's text and purpose. This line of reasoning would leave more than half of our Nation's waters without Federal protections. To put these bodies of water into perspective, according to the Environmental Protection Agency, 110 million Americans get their drinking water from sources that include the very intermittent and ephemeral bodies of water that the four justices said were not protected by the Clean Water Act.

Fortunately, five Justices rejected this radical rewrite of the act. However, Justice Kennedy, who provided the fifth vote to send the cases back to the lower courts, offered an entirely different test; one requiring EPA and the corps to show a "significant nexus" between a stream, river, or wetland and a navigable water in order for the stream, river, or wetland to be protected. At best, this test is confusing, will be resource-intensive to implement, and is likely to result in many waters Congress always included under the Clean Water Act being left unprotected.

Fortunately, an unprecedented array of local, State, regional, and national officials, professional organizations, and public interest groups from across the country and the political spectrum have joined in the defense of the Clean Water Act. The unparalleled collection of interested parties includes the attorneys general of 33 States plus the District of Columbia; four former Administrators of the Environmental Protection Agency, Russell Train, Douglas Costle, William Reilly, and Carol Browner; 9 current and former members of the U.S. Senate and U.S. House of Representatives who were directly involved in the passage of the 1972 act and its reaffirmation in 1977; the Association of State Wetlands Managers, the Association of State Floodplain Managers, the Association of State and Interstate Water Pollution Control Administrators, and the Association of Fish and Wildlife Agencies; numerous hunting, fishing, wildlife and outdoor recreation organizations and businesses, including Ducks Unlimited, the

National Wildlife Federation, Trout Unlimited, the American Sportsfishing Association, Bass Pro Shops, the Orvis Company, and the Wildlife Management Institute, among others; and a number of local, regional, and national environmental groups. All of these interests filed briefs in the most recent Supreme Court case, expressing strong support of the Clean Water Act's core safeguard: the requirement to obtain a permit before discharging pollutants into waters of the U.S.

With such strong support for the Clean Water Act, which is grounded in the language, history, and purpose of the law itself, I hope that my colleagues will join me in reaffirming Federal protections for streams, headwaters, tributaries, and wetlands that have long been covered by the act.

The issue before us is simple: Does Congress support restoring historic clean water protections as they existed for nearly 30 years prior to the Supreme Court cases? If so, Congress must act. In 1972, Congress established protections for all "waters of the United States" and I am pleased to lead the charge in the Senate to reaffirm those protections.

The Clean Water Restoration Act would reestablish protection for all waters historically covered by the Clean Water Act, prior to the SWANCC and Rapanos decisions. The bill could not be more straight-forward. It makes it clear that the Clean Water Act has always covered a myriad of interstate and intrastate waters, by codifying the regulatory definition of "waters of the United States" that has been in use since the 1970s. In fact, 30 years ago this month, the Environmental Protection Agency finalized the act's regulations, properly establishing the scope of waters needing to be protected by the Clean Water Act in order to meet the national objective. The Clean Water Restoration Act would codify the regulations the federal agencies have used to enforce the Clean Water Act for over 30 years. This is necessary to prevent the judicial branch from redefining "navigable waters" as something other than the "waters of the United States."

The bill's "findings" make it clear that Congress' primary concern in 1972 was to protect the Nation's waters from pollution rather than just sustain the navigability of waterways, and it reinforces that original intent. It also asserts Congress' constitutional authority, which extends beyond the Commerce Clause to the Property Clause, Treaty Clause, and Necessary and Proper Clause, to protect the Nation's waters.

While the Clean Water Restoration Act is critical to preventing the courts from rewriting the law and thus further reducing the protections afforded to our Nation's waters under the Clean Water Act, the bill is remarkably simple and does not do many things.

The bill does not prohibit development or other activities that discharge

pollutants into waters. Complying with the Clean Water Act requires following a process that seeks to evaluate proposed activities and minimize impacts by ensuring certain pollution standards or environmental criteria are met. The vast majority of permit requests are granted, and most are granted through expedited "general" permits rather than individual permits that require site-specific determinations.

The bill does not change the existing permitting process. Rather, the bill will provide much-needed clarity. The Supreme Court decisions have caused a lot of confusion, and the Corps of Engineers nationally has around 20,000 jurisdictional determinations pending. The regulated community, as well as state and federal agencies, will once again have a clear understanding that Clean Water Act protections extend to the same waters covered by the act for over thirty years.

The bill does not change the EPA and Corps' existing regulations or any aspect of the regulatory programs, in fact, as stated above, the bill defines waters of the U.S. based on the regulations that have been in place since the early 1970s.

The bill does not change the activities that are regulated. This means it does not change or overrule current exemptions related to farming, forestry, ranching, and infrastructure maintenance that have been in place since 1977. Activities such as plowing, seeding, cultivating, and harvesting; and constructing and maintaining farm or stock ponds, irrigation ditches, and farm or forest roads have been exempted from permitting requirements and will remain so under this bill.

The bill does not create duplicative State and Federal permitting processes. The Clean Water Act created an important Federal-State partnership, and States can choose to assume from the Corps the dredge and fill permitting program, Section 404, or the EPA's NPDES permitting program for point sources, Section 402.

The bill does not preempt state and local authority under the Clean Water Act. However, without the bill many State programs are in jeopardy because many States developed their own clean water laws so that they hinge entirely on the Federal Clean Water Act, and do not have separate state programs to fully address any voids left by the removal of Federal clean water protections. Also, some states prohibit their state laws from being any more protective than the Federal law. This means that if the Federal Clean Water Act's protections are curtailed, then the State's protections are also reduced.

Statements that this bill would "expand the scope of the Clean Water Act" are disingenuous at best. For over 30 years, all "waters of the United States" have been regulated and Congress should not stand by while the courts and certain special interests roll back the critical protections afforded by the Clean Water Act.

Congress must provide the needed leadership to clarify the intent of the Clean Water Act. Such action must ensure that all waters of the U.S., waters that are valuable for drinking, fishing, swimming, and a host of other economically vital uses, not just navigability, remain protected. After decades of progress, now is not the time to turn back the clock. I hope my colleagues will join me in reaffirming an important clean water pledge to the America people.

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. 1870

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 "Clean Water Restoration Act of 2007".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To reaffirm the original intent of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) to restore and maintain the chemical, physical, and biological integrity of the waters of the United States.

(2) To clearly define the waters of the United States that are subject to the Federal Water Pollution Control Act (commonly known as the "Clean Water Act").

(3) To provide protection to the waters of the United States to the fullest extent of the legislative authority of Congress under the Constitution.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Water is a unique and precious resource that is necessary to sustain human life and the life of animals and plants.

(2) Water is used not only for human, animal, and plant consumption, but is also important for agriculture, transportation, flood control, energy production, recreation, fishing and shellfishing, and municipal and commercial uses.

(3) Through prior enactments, Congress established the national objective of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States and recognized that achieving this objective requires uniform, minimum national water quality and aquatic ecosystem protection standards to restore and maintain the natural structures and functions of the aquatic ecosystems of the United States. Since the 1970s, the definitions of "waters of the United States" in the U.S. Environmental Protection Agency's and the U.S. Army Corps of Engineers' regulations have properly established the scope of waters needed to be protected by the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in order to meet the national objective.

(4) Water is transported through interconnected hydrologic cycles, and the pollution, impairment, or destruction of any part of an aquatic system may affect the chemical, physical, and biological integrity of other parts of the aquatic system.

(5) Protection of intrastate waters is necessary to restore and maintain the chemical, physical, and biological integrity of all waters in the United States.

(6) The regulation of discharges of pollutants into intrastate waters is an integral part of the comprehensive clean water regulatory program of the United States.

(7) Small and intermittent streams, including ephemeral and seasonal streams, comprise the majority of all stream miles in the United States and serve critical biological and hydrological functions that affect entire watersheds. These waters reduce the introduction of pollutants to large streams and rivers, provide and purify drinking water supplies, and are especially important to the life cycles of aquatic organisms and the flow of higher order streams during floods.

(8) The pollution or other degradation of waters of the United States, individually and in the aggregate, has a substantial relation to and effect on interstate commerce.

(9) Protection of intrastate waters is necessary to prevent significant harm to interstate commerce and sustain a robust system of interstate commerce in the future.

(10) Waters, including streams and wetlands, provide protection from flooding. Draining or filling intrastate wetlands and channelizing or filling intrastate streams can cause or exacerbate flooding that causes billions of dollars of damages annually, placing a significant burden on interstate commerce.

(11) Millions of people in the United States depend on streams, wetlands, and other waters of the United States to filter water and recharge surface and subsurface drinking water supplies, protect human health, and create economic opportunity. Source water protection areas containing small or intermittent streams provide water to public drinking water supplies serving more than 110 million Americans.

(12) Millions of people in the United States enjoy recreational activities that depend on intrastate waters, such as waterfowl hunting, bird watching, fishing, and photography, and those activities and associated travel generate hundreds of billions of dollars of income each year for the travel, tourism, recreation, and sporting sectors of the economy of the United States.

(13) Activities that result in the discharge of pollutants into waters of the United States are commercial or economic in nature. More than 14,000 facilities with individual permits issued in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including industrial plants and municipal sewage treatment systems, discharge into small or intermittent streams.

(14) States have the responsibility and right to prevent, reduce, and eliminate pollution of waters, and the Federal Water Pollution Control Act respects the rights and responsibilities of States by preserving for States the ability to manage permitting, grant, and research programs to prevent, reduce, and eliminate pollution, and to establish standards and programs more protective of a State's waters than is provided under Federal standards and programs.

(15) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of implementing treaties to which the United States is a party, including treaties protecting species of fish, birds, and wildlife.

(16) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of protecting Federal land, including hundreds of millions of acres of parkland, refuge land, and other land under Federal ownership and the wide array of waters encompassed by that land.

(17) Protecting the quality of and regulating activities affecting the waters of the United States is necessary to protect Federal land and waters from discharges of pollutants and other forms of degradation.

SEC. 4. DEFINITION OF WATERS OF THE UNITED STATES.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended—

- (1) by striking paragraph (7);
- (2) by redesignating paragraphs (8) through (24) as paragraphs (7) through (23), respectively; and
- (3) by adding at the end the following:

“(24) WATERS OF THE UNITED STATES.—The term ‘waters of the United States’ means all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.”.

SEC. 5. CONFORMING AMENDMENTS.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended—

- (1) by striking “navigable waters of the United States” each place it appears and inserting “waters of the United States”;
- (2) in section 304(l)(1) by striking “NAVIGABLE WATERS” in the heading and inserting “WATERS OF THE UNITED STATES”; and
- (3) by striking “navigable waters” each place it appears and inserting “waters of the United States”.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act shall be construed as affecting the authority of the Administrator of the Environmental Protection Agency or the Secretary of the Army under the following provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(1) Section 402(l)(1), relating to discharges composed entirely of return flows from irrigated agriculture.

(2) Section 402(l)(2), relating to discharges of stormwater runoff from certain oil, gas, and mining operations composed entirely of flows from precipitation runoff conveyances, which are not contaminated by or in contact with specified materials.

(3) Section 404(f)(1)(A), relating to discharges of dredged or fill materials from normal farming, silviculture, and ranching activities.

(4) Section 404(f)(1)(B), relating to discharges of dredged or fill materials for the purpose of maintenance of currently serviceable structures.

(5) Section 404(f)(1)(C), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm or stock ponds or irrigation ditches and maintenance of drainage ditches.

(6) Section 404(f)(1)(D), relating to discharges of dredged or fill materials for the purpose of construction of temporary sedimentation basins on construction sites, which do not include placement of fill material into the waters of the United States.

(7) Section 404(f)(1)(E), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm roads or forest roads or temporary roads for moving mining equipment in accordance with best management practices.

(8) Section 404(f)(1)(F), relating to discharges of dredged or fill materials resulting from activities with respect to which a State has an approved program under section 208(b)(4) of such Act meeting the requirements of subparagraphs (B) and (C) of that section.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WARNER, and Ms. CANTWELL):

S. 1871. A bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws; to the Committee on Finance.

Mr. KENNEDY. Mr. President, today I am pleased to join my colleagues Senators SNOWE, ROCKEFELLER, WARNER, and CANTWELL in introducing the Unemployment Insurance Modernization Act, a bipartisan proposal to reform our unemployment insurance system.

In today's troubled economy, too many working families are just one pink slip away from falling into poverty. The most recent recession hit workers particularly hard, wiping out millions of good jobs, many of which never came back. Today, almost 7 million Americans are unemployed.

Fundamental shifts in the economy, including globalization and jobs being shipped overseas have caused declines in entire industries, with the result that large numbers are losing their long-time jobs and struggling to find new opportunities for work. But their options for new jobs are limited, and nearly one in six unemployed Americans are out of work for longer than 6 months. Another 1.5 million unemployed workers aren't even counted in the official unemployment statistics, because they have become frustrated and have given up their job search.

The Federal Unemployment Insurance program was created in the Depression-era to help keep workers out of poverty between jobs. It has been a bedrock of security for working families in difficult times, providing much needed benefits to millions of workers each year. It has helped them pay the rent and put food on the table when they lose their job and face long periods of unemployment. It also has helped reduce economic fluctuations by building up a reserve of funds in good economic times that can be used as a cushion to soften the blow of job losses during recessions.

The problem is that the current unemployment insurance system has not kept pace with the changing economy and left millions of Americans without benefits. In 2006, just 35 percent of unemployed Americans received unemployment benefits. In addition, today's much more mobile workforce means that employees are now at greater risk of suffering unemployment.

These problems particularly affect low-wage workers. According to the Government Accountability Office, low-wage workers are only half as likely to receive UI benefits as other unemployed workers, even though low-wage workers are twice as likely to be unemployed.

Modernizing unemployment insurance cannot single-handedly overcome all of the economic challenges facing our Nation, but it's a critical step in dealing with the hardships so many working families are facing.

The current unemployment insurance program was designed as a partnership between states and the Federal

Government. States are given extraordinary flexibility to tailor the program's benefits to their unique situations, and many of them have been the laboratories of democracy in improving their unemployment insurance systems. Their experiments have often been successful in making the system more responsive to workers' needs.

Some have improved coverage for low-wage and part-time workers. Others have made their systems more family-friendly, or have helped dislocated workers expand their skills through training.

Our Unemployment Insurance Modernization Act builds on these successes by offering States strong financial incentives to adopt the best of the new programs.

First, the bill encourages States to cover more low-wage workers. In 30 states, many unemployed low-wage workers are not eligible for UI benefits because their most recent earnings are not counted. But failure to count these earnings may deny benefits altogether to some workers, and reduces the amount that many other workers receive. Our bill provides incentives for States to fix this unfair practice.

Changing family life has also left many workers unable to collect unemployment benefits. Today, two-wage earner families are the norm, not the exception. When a parent moves to a different city to take a new job, the spouse usually has to quit work as well to keep their family together. But spouses cannot collect unemployment benefits in most States, nor can victims of domestic violence, if they have to leave work to find safety elsewhere, out of reach of their abuser. Our legislation encourages States to provide benefits in these cases as well.

In addition to expanding the eligibility for benefits, our bill also supports state efforts to reemploy workers laid off by declining industries. Currently, the Trade Adjustment Assistance Program offers retraining benefits to some workers directly affected by trade, so that they can learn new skills and find worthwhile jobs in other industries. But employees who are only indirectly affected by trade often receive no benefits. Our bill helps close that gap by encouraging States to offer additional benefits to unemployed workers attending State-approved training programs.

Finally, our legislation provides needed funds to States to manage their unemployment insurance programs and reach out to workers. Many States are now forced to shut their unemployment offices because they can't afford to keep them open, leaving unemployed workers without any counseling to find new work or learn about the benefits available to them. These employment offices also provide a way for other programs, such as Trade Adjustment Assistance, to reach out to affected workers.

The Unemployment Insurance Modernization Act will provide greater se-

curity to countless working families who are being left in the cold today. It will help long-term unemployed workers get the training they need to find new jobs. It will give States the resources and flexibility they need to revitalize their programs and serve working families more effectively.

I commend my colleagues on both sides of the aisle who are joining to introduce this important legislation. We all agree that now is the time for these reforms. In the global economy, it is more urgent than ever for every American worker to be able to contribute to the economy. To achieve that goal, we need to make sure that all unemployed workers have the support they need to get back on their feet and rejoin the workforce. Our future prosperity depends on it.

By Mr. DURBIN (for himself and Mr. BROWN):

S. 1872. A bill to amend the Farm Security and Rural Investment Act of 2002 to make revenue counter-cyclical payments available to producers on a farm to ensure that the producers at least receive a minimum level of revenue from the production of a covered commodity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. 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. 1872

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 "Farm Safety Net Improvement Act of 2007".

SEC. 2. REVENUE COUNTER-CYCICAL PROGRAM.

Section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) is amended to read as follows:

"SEC. 1104. REVENUE COUNTER-CYCICAL PROGRAM.

"(a) IN GENERAL.—For each of the 2008 through 2012 crop years for each covered commodity, the Secretary shall make revenue counter-cyclical payments available to producers on a farm in a State for a crop year for a covered commodity if—

"(1) the actual State revenue from the crop year for the covered commodity in the State determined under subsection (b); is less than

"(2) the revenue counter-cyclical program guarantee for the crop year for the covered commodity in the State determined under subsection (c).

"(b) ACTUAL STATE REVENUE.—

"(1) IN GENERAL.—For purposes of subsection (a)(1), the amount of the actual State revenue for a crop year of a covered commodity shall equal the product obtained by multiplying—

"(A) the actual State yield for each planted acre for the crop year for the covered commodity determined under paragraph (2); and

"(B) the revenue counter-cyclical program harvest price for the crop year for the covered commodity determined under paragraph (3).

"(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A) and subsection (c)(1)(A), the

actual State yield for each planted acre for a crop year for a covered commodity in a State shall equal—

"(A) the quantity of the covered commodity that is produced in the State, and reported to the Secretary, during the crop year; divided by

"(B) the number of acres that are planted or considered planted to the covered commodity in the State, and reported to the Secretary, during the crop year.

"(3) REVENUE COUNTER-CYCICAL PROGRAM HARVEST PRICE.—For purposes of paragraph (1)(B), the revenue counter-cyclical program harvest price for a crop year for a covered commodity shall equal the harvest price that is used to calculate revenue under revenue coverage plans that are offered for the crop year for the covered commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

"(c) REVENUE COUNTER-CYCICAL PROGRAM GUARANTEE.—

"(1) IN GENERAL.—The revenue counter-cyclical program guarantee for a crop year for a covered commodity in a State shall equal 90 percent of the product obtained by multiplying—

"(A) the expected State yield for each planted acre for the crop year for the covered commodity in a State determined under paragraph (2); and

"(B) the revenue counter-cyclical program pre-planting price for the crop year for the covered commodity determined under paragraph (3).

"(2) EXPECTED STATE YIELD.—

"(A) IN GENERAL.—For purposes of paragraph (1)(A), subject to subparagraph (B), the expected State yield for each planted acre for a crop year for a covered commodity in a State shall equal the projected yield for the crop year for the covered commodity in the State, based on a linear regression trend of the yield per acre planted to the covered commodity in the State during the 1980 through 2006 period using National Agricultural Statistics Service data.

"(B) ASSIGNED YIELD.—If the Secretary cannot establish the expected State yield for each planted acre for a crop year for a covered commodity in a State in accordance with subparagraph (A), the Secretary shall assign an expected State yield for each planted acre for the crop year for the covered commodity in the State on the basis of expected State yields for planted acres for the crop year for the covered commodity in similar States.

"(3) REVENUE COUNTER-CYCICAL PROGRAM PRE-PLANTING PRICE.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraph (B), the revenue counter-cyclical program pre-planting price for a crop year for a covered commodity shall equal the average price that is used to determine crop insurance guarantees for the crop year for the covered commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) during the crop year and the preceding 2 crop years.

"(B) MINIMUM AND MAXIMUM PRICE.—The revenue counter-cyclical program pre-planting price for a crop year for a covered commodity under subparagraph (A) shall not decrease or increase more than 15 percent from the pre-planting price for the preceding year.

"(d) PAYMENT AMOUNT.—If revenue counter-cyclical payments are required to be paid for any of the 2008 through 2012 crop years of a covered commodity, the amount of the revenue counter-cyclical payment to be paid to the producers on the farm for the crop year under this section shall be equal to the product obtained by multiplying—

"(1) the difference between—

"(A) the revenue counter-cyclical program guarantee for the crop year for the covered

commodity in the State determined under subsection (c); and

“(B) the actual State revenue from the crop year for the covered commodity in the State determined under subsection (b);

“(2) the acreage planted or considered planted to the covered commodity for harvest on the farm in the crop year;

“(3) the quotient obtained by dividing—

“(A) the actual production history on the farm; by

“(B) the expected State yield for the crop year, as determined under subsection (c)(2); and

“(4) 90 percent.

“(e) RE COURSE LOANS.—For each of the 2008 through 2012 crops of a covered commodity, the Secretary shall make available to producers on a farm recourse loans, as determined by the Secretary, on any production of the covered commodity.”.

SEC. 3. IMPACT ON CROP INSURANCE PROGRAMS.

(a) RATING.—

(1) IN GENERAL.—The Secretary of Agriculture, acting through the Administrator of the Risk Management Agency shall carry out a study to identify such actions as are necessary to ensure, to the maximum extent practicable, that all policies and plans of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) are properly rated to take into account a rebalancing of risk as a result of the enactment of this Act and the amendments made by this Act.

(2) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out the actions identified under paragraph (1).

(b) PREVENTION OF DUPLICATION.—The Administrator of the Risk Management Agency and Administrator of the Farm Service Agency shall work together to ensure, to the maximum extent practicable, that producers on a farm are not compensated through the revenue counter-cyclical program established under section 1104 of the Farm Security and Rural Investment Act of 2002 (as amended by section 2) and under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the same loss, including by reducing crop insurance indemnity payments by the amount of the revenue counter-cyclical payments.

SEC. 4. CONFORMING AMENDMENTS.

(a) Section 166(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286(a)) is amended by striking “B and”.

(b) Section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901) is amended—

(1) by striking paragraphs (3), (6), (8), and (15);

(2) by redesignating paragraphs (4), (5), (7), (9), (10), (11), (12), (13), (14), and (16) as paragraphs (3), (4), (5), (6), (7), (8), (9), (11), (12), and (13), respectively;

(3) in paragraph (7) (as so redesignated), by striking “and counter-cyclical payments”;

(4) in paragraph (8) (as so redesignated)—

(A) in subparagraph (A), by striking “(A) IN GENERAL.”; and

(B) by striking subparagraph (B);

(5) by inserting after paragraph (9) (as so redesignated) the following:

“(10) REVENUE COUNTER-CYCICAL PAYMENTS.—The term ‘revenue counter-cyclical payments’ means a payment made to producers on a farm under section 1104.”.

(c) The subtitle heading of subtitle A of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. prec. 7911) is amended by inserting “Revenue” before “Counter-Cyclical”.

(d) Section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) is amended by striking “and counter-cyclical

payments” each place it appears in subsections (a)(1) and (e)(2).

(e) Section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) is amended—

(1) in subsection (a), by striking “and counter-cyclical payments”; and

(2) by striking subsection (e).

(f) Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended by striking “2007” each place it appears and inserting “2012”.

(g) Section 1105 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7915) is amended—

(1) in the section heading, by inserting “REVENUE” before “COUNTER-CYCICAL”; and

(2) by inserting “revenue” before “counter-cyclical” each place it appears.

(h) Subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) is repealed.

(i) Subtitles C through F of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7951 et seq.) are amended by striking “2007” each place it appears and inserting “2012”.

(j) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)) is amended in the first sentence by striking “2006” and inserting “2011”.

(k) Section 1601(d)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991(d)(1)) is amended by striking “and counter-cyclical payments under subtitle A and subtitle C” and inserting “under subtitle A”.

(l) Section 1605 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7993) is repealed.

(m) Section 1615(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7998(2)) is amended—

(1) in subparagraph (B), by striking “Loan” and inserting “Covered”; and

(2) in subparagraph (C), by striking “loan” and inserting “covered”.

(n) Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (c)(1), by inserting “revenue” before “counter-cyclical”; and

(2) in subsection (d)—

(A) by striking paragraph (1); and

(B) in paragraph (2)—

(i) by striking “(2) OTHER COMMODITIES.”;

(ii) in subparagraph (A), by striking “, wool, mohair, or honey under subtitle B or” and inserting “under subtitle”;

(iii) in subparagraph (B), by striking “, peanuts, wool, mohair, and honey under those subtitles” and inserting “under that subtitle”; and

(iv) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately.

By Mr. BIDEN:

S. 1876. A bill to prohibit extraterritorial detention and rendition, except under limited circumstances, to modify the definition of “unlawful enemy combatant” for purposes of military commissions, to extend statutory habeas corpus to detainees, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. One of the defining challenges of our age is to effectively combat international terrorism while maintaining our national values and our commitment to the rule of law, and respecting individual rights and civil liberties. To fight terrorist organizations whose tactics include blending into our cities and communities and

attacking civilian populations engaged in the activities of everyday life, we must have robust and agile intelligence capabilities. Rendition, detaining a terrorist operative in one foreign country and transferring him to the United States or to another foreign country to face justice, has proved to be one effective means of taking terrorists off the streets and collecting valuable intelligence.

Despite its effectiveness, however, the U.S. Government’s use of rendition has been controversial. Foreign governments have criticized the practice as ungoverned by law and on the basis of its alleged use to transfer suspects to countries that torture or mistreat them or to secret, extraterritorial prisons. The toll the rendition program, as currently practiced, has had on relationships with some of our closest foreign partners is evident from their responses.

Italy has indicted 26 Americans for their alleged role in a rendition. Germany has issued arrest warrants for an additional 13 U.S. intelligence officers. A Canadian Government commission has censured the United States for rendering a Canadian/Syrian dual citizen to Syria. The Council of Europe and the European Union have each issued reports critical of the U.S. Government’s rendition program and European countries’ involvement or complicity in it. Sweden and Switzerland have each initiated investigations as well. Today, the United Kingdom issued a report predicting that the U.S. Government’s rendition program would have “serious implications” for the intelligence relation between the U.S. and U.K., one of our most important foreign partners. Rendition, as currently practiced, is undermining our moral credibility and standing abroad and weakening the coalitions with foreign governments that we need to effectively combat international terrorism.

The controversial aspects of the U.S. Government’s use of rendition have also not escaped the notice of the propagandists and recruiters who fuel and sustain international terrorist organizations with a constant stream of new recruits. Allegations of lawlessness and mistreatment by the U.S. make their job easier, adding a refrain to their recruitment pitch and increasing the receptivity of their target audience.

Our counterterrorism authorities should not only thwart attacks, take dangerous terrorists off the streets, and bring them to justice; these authorities should also strengthen international coalitions, draw Muslim populations around the world closer to us, and deprive terrorists of a recruitment narrative. In our long term effort to stem the tide of international terrorism, our commitments to the rule of law and to individual rights and civil liberties are among our most formidable weapons. They are what unite foreign governments behind us in effective counterterrorism coalitions. They

are what unite public opinion in support of our counterterrorism efforts and in condemnation of the terrorists and their tactics. They are what prevent the recruitment of the next generation of international terrorists.

This bill maintains rendition as a robust and agile tool in our fight against international terrorism, but it brings that tool within the rule of law, provides additional safeguards against error, and prohibits rendering individuals to countries that will torture or mistreat them or to secret, extra-territorial prisons.

The bill establishes a classified application and order process, presided over by the FISA court that: 1. ensures that each rendition is preceded by a searching inquiry into the identity of the individual to be rendered and his role in international terrorism and 2. prohibits rendition to countries that torture or mistreat detainees or to secret, extraterritorial prisons beyond the reach of law. It ensures that citizens of, and individuals lawfully admitted to, the U.S. receive the due process and individual rights guaranteed by the Constitution. It ensures that a terrorist suspect detained by the U.S. has the opportunity, through a writ of habeas corpus, to argue in a court of law that he is being held in error.

This bill also closes a hole intentionally left open by the President's recent Executive Order on the treatment of detainees. The President's order is notably silent on some of the more controversial techniques the CIA has allegedly used in the past, such as waterboarding, extreme sleep deprivation, extreme sensory deprivation, and extremes of heat and cold. When we countenance this treatment of detainees, we diminish our ability to argue that the same techniques should not be used against our own troops.

We cannot continue to equivocate and dissemble on this matter. We need to send a clear message that torture, inhumane, and degrading treatment of detainees is unacceptable and is not permitted by U.S. law. Period. Therefore, my bill prohibits all officers and agents of the United States from using techniques of interrogation not authorized by and listed in the U.S. Army Field Manual on Intelligence Interrogation.

As I said at the outset, this bill grapples with one of the defining issues of our age, how to effectively combat terrorism without sacrificing our national values and abandoning the rule of law. If we continue to pursue a rendition program ungoverned by law, without sufficient safeguards and oversight, we will perpetuate a short term solution that exacerbates the long term problem. We will take individual terrorists off the streets at the expense of the foreign coalitions that are essential to our efforts to combat international terrorism, at the expense of facilitating the recruitment of a new generation of terrorists who are just as dangerous and far more numerous.

This is not a trade-off we have to make. We can have a robust and agile rendition capability governed by the rule of law and subject to sufficient safeguards and oversight. That is what the National Security with Justice Act creates. I invite my colleagues on both sides of the aisle and in the other branches of Government to work with me to refine this legal framework so that we not only take today's terrorists off the streets, we strengthen our standing and credibility among foreign governments and the global community, and we prevent tomorrow's terrorists from being recruited.

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. 1876

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 "National Security with Justice Act of 2007".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "aggrieved person"—

(A) means any individual subject by an officer or agent of the United States either to extraterritorial detention or rendition, except as authorized in this Act; and

(B) does not include any individual who is an international terrorist;

(2) the term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4));

(3) the term "extraterritorial detention" means detention of any individual by an officer or agent of the United States outside the territorial jurisdiction of the United States;

(4) the term "Foreign Intelligence Surveillance Court" means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(5) the term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516);

(6) the term "international terrorist" means—

(A) any person, other than a United States person, who engages in international terrorism or activities in preparation therefor; and

(B) any person who knowingly aids or abets any person in the conduct of activities described in subparagraph (A) or knowingly conspires with any person to engage in activities described in subparagraph (A);

(7) the terms "international terrorism" and "United States person" have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(8) the term "officer or agent of the United States" includes any officer, employee, agent, contractor, or subcontractor acting for or on behalf of the United States; and

(9) the terms "render" and "rendition", relating to an individual, mean that an officer or agent of the United States transfers that individual from the legal jurisdiction of the United States or a foreign country to a different legal jurisdiction (including the legal jurisdiction of the United States or a foreign country) without authorization by treaty or by the courts of either such jurisdiction, except under an order of rendition issued under section 104.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Definitions.

Sec. 3. Table of contents.

TITLE I—EXTRATERRITORIAL DETENTION AND RENDITION

Sec. 101. Prohibition on extraterritorial detention.

Sec. 102. Prohibition on rendition.

Sec. 103. Application for an order of rendition.

Sec. 104. Issuance of an order of rendition.

Sec. 105. Authorizations and orders for emergency detention.

Sec. 106. Uniform Standards for the Interrogation of Individuals Detained by the Government of the United States.

Sec. 107. Protection of United States Government Personnel Engaged in an Interrogation.

Sec. 108. Monitoring and reporting regarding the treatment, conditions of confinement, and status of legal proceedings of individuals rendered to foreign governments.

Sec. 109. Report to Congress.

Sec. 110. Civil liability.

Sec. 111. Additional resources for foreign intelligence surveillance court.

Sec. 112. Rule of construction.

Sec. 113. Authorization of appropriations.

TITLE II—ENEMY COMBATANTS

Sec. 201. Modification of definition of "unlawful enemy combatant" for purposes of military commissions.

TITLE III—HABEAS CORPUS

Sec. 301. Extending statutory habeas corpus to detainees.

TITLE I—EXTRATERRITORIAL DETENTION AND RENDITION

SEC. 101. PROHIBITION ON EXTRATERRITORIAL DETENTION.

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall engage in the extraterritorial detention of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual detained and timely transferred to a foreign legal jurisdiction or the legal jurisdiction of the United States under an order of rendition issued under section 104 or an emergency authorization under section 105;

(2) an individual—

(A) detained by the Armed Forces of the United States in accordance with United States Army Regulation 190-8 (1997), or any successor regulation certified by the Secretary of Defense; and

(B) detained by the Armed Forces of the United States—

(i) under circumstances governed by, and in accordance with, the Geneva Conventions;

(ii) in accordance with United Nations Security Council Resolution 1546 (2004) and

United Nations Security Council Resolution 1723 (2004);

(iii) at the Bagram, Afghanistan detention facility; or

(iv) at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act;

(3) an individual detained by the Armed Forces of the United States under circumstances governed by, and in accordance with chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(4) an individual detained by the Armed Forces of the United States subject to an agreement with a foreign government and in accordance with the relevant laws of that foreign country when the Armed Forces of the United States are providing assistance to that foreign government; or

(5) an individual detained pursuant to a peacekeeping operation authorized by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations.

SEC. 102. PROHIBITION ON RENDITION.

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall render or participate in the rendition of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual rendered under an order of rendition issued under section 104;

(2) an individual detained and transferred by the Armed Forces of the United States under circumstances governed by, and in accordance with, the Geneva Conventions;

(3) an individual—

(A) for whom an attorney for the United States or for any State has filed a criminal indictment, criminal information, or any similar criminal charging document in any district court of the United States or criminal court of any State; and

(B) who is timely transferred to the United States for trial;

(4) an individual—

(A) who was convicted of a crime in any State or Federal court;

(B) who—

(i) escaped from custody prior to the expiration of the sentence imposed; or

(ii) violated the terms of parole, probation, or supervised release; and

(C) who is promptly returned to the United States—

(i) to complete the term of imprisonment; or

(ii) for trial for escaping imprisonment or violating the terms of parole or supervised release; or

(5) an individual detained by the United States at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act who is transferred to a foreign legal jurisdiction.

SEC. 103. APPLICATION FOR AN ORDER OF RENDITION.

(a) IN GENERAL.—A Federal officer or agent may make an application for an order of rendition in writing, upon oath or affirmation, to a judge of the Foreign Intelligence Surveillance Court, if the Attorney General of the United States or the Deputy Attorney General of the United States determines that the requirements under this title for such an application have been satisfied.

(b) CONTENTS.—Each application under subsection (a) shall include—

(1) the identity of the Federal officer or agent making the application;

(2) a certification that the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application;

(3) the identity of the specific individual to be rendered;

(4) a statement of the facts and circumstances relied upon by the applicant to justify the good faith belief of the applicant that—

(A) the individual to be rendered is an international terrorist;

(B) the country to which the individual is to be rendered will not subject the individual to torture or cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(C) the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(D) rendition of that individual is important to the national security of the United States; and

(5) a full and complete statement regarding—

(A) whether ordinary legal procedures for the transfer of custody of the individual to be rendered have been tried and failed; or

(B) the facts and circumstances that justify the good faith belief of the applicant that ordinary legal procedures reasonably appear to be—

(i) unlikely to succeed if tried; or

(ii) unlikely to adequately protect intelligence sources or methods.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

“(g) The court established under subsection (a) may hear an application for and issue, and the court established under subsection (b) may review the issuing or denial of, an order of rendition under section 104 of the National Security with Justice Act of 2007.”.

SEC. 104. ISSUANCE OF AN ORDER OF RENDITION.

(a) IN GENERAL.—Upon filing of an application under section 103, a judge of the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the rendition, if the judge finds that—

(1) the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application for rendition;

(2) the application has been made by a Federal officer or agent;

(3) the application establishes probable cause to believe that the individual to be rendered is an international terrorist;

(4) ordinary legal procedures for transfer of custody of the individual have been tried and failed or reasonably appear to be unlikely to succeed for any of the reasons described in section 103(b)(5)(B);

(5) the application, and such other information as is available to the judge, including reports of the Department of State and the United Nations Committee Against Torture and information concerning the specific characteristics and circumstances of the individual, establish a substantial likelihood that the country to which the individual is to be rendered will not subject the individual to torture or to cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(6) the application, and such other information as is available to the judge, establish reason to believe that the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(7) the application establishes reason to believe that rendition of the individual to be rendered is important to the national security of the United States.

(b) APPEAL.—The Government may appeal the denial of an application for an order under subsection (a) to the court of review established under section 103(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(b)), and further proceedings with respect to that application shall be conducted in a manner consistent with that section 103(b).

SEC. 105. AUTHORIZATIONS AND ORDERS FOR EMERGENCY DETENTION.

(a) IN GENERAL.—Notwithstanding any other provision of this title, and subject to subsection (b), the President or the Director of National Intelligence may authorize the Armed Forces of the United States or an element of the intelligence community, acting within the scope of existing authority, to detain an international terrorist in a foreign jurisdiction if the President or the Director of National Intelligence reasonably determines that—

(1) failure to detain that individual will result in a risk of imminent death or imminent serious bodily injury to any individual or imminent damage to or destruction of any United States facility; and

(2) the factual basis for issuance of an order of rendition under paragraphs (3) and (7) of section 104(a) exists.

(b) NOTICE AND APPLICATION.—The President or the Director of National Intelligence may authorize an individual be detained under subsection (a) if—

(1) the President or the Director of National Intelligence, or the designee of the President or the Director of National Intelligence, at the time of such authorization, immediately notifies the Foreign Intelligence Surveillance Court that the President or the Director of National Intelligence has determined to authorize that an individual be detained under subsection (a); and

(2) an application in accordance with this title is made to the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 72 hours after the President or the Director of National Intelligence authorizes that individual to be detained.

(c) EMERGENCY RENDITION PROHIBITED.—The President or the Director of National Intelligence may not authorize the rendition to a foreign jurisdiction of, and the Armed Forces of the United States or an element of the intelligence community may not render to a foreign jurisdiction, an individual detained under this section, unless an order under section 104 authorizing the rendition of that individual has been obtained.

(d) NONDELEGATION.—Except as provided in this section, the authority and duties of the President or the Director of National Intelligence under this section may not be delegated.

SEC. 106. UNIFORM STANDARDS FOR THE INTERROGATION OF INDIVIDUALS DETAINED BY THE GOVERNMENT OF THE UNITED STATES.

(a) IN GENERAL.—No individual in the custody or under the effective control of an officer or agent of the United States or detained in a facility operated by or on behalf of the Department of Defense, the Central Intelligence Agency, or any other agency of the Government of the United States shall be subject to any treatment or technique of interrogation not authorized by and listed in United States Army Field Manual 2-22.3, entitled “Human Intelligence Collector Operations”.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any individual in

the custody or under the effective control of the Government of the United States based on—

- (1) an arrest or conviction for violating Federal criminal law; or
- (2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) CONSTRUCTION.—Nothing in this section may be construed to diminish the rights under the Constitution of the United States of any individual in the custody or within the physical jurisdiction of the Government of the United States.

SEC. 107. PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL ENGAGED IN AN INTERROGATION.

(a) PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL.—In a civil action or criminal prosecution against an officer or agent of the United States relating to an interrogation, it shall be a defense that such officer or agent of the United States complied with section 106.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any civil action or criminal prosecution relating to the interrogation of an individual in the custody or under the effective control of the Government of the United States based on—

- (1) an arrest or conviction for violating Federal criminal law; or
- (2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) PROVISION OF COUNSEL.—In any civil action or criminal prosecution arising from the alleged use of an authorized interrogation practice by an officer or agent of the United States, the Government of the United States may provide or employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to representation.

(d) CONSTRUCTION.—Nothing in this section may be construed—

- (1) to limit or extinguish any defense or protection from suit, civil or criminal liability, or damages otherwise available to a person or entity; or

(2) to provide immunity from prosecution for any criminal offense by the proper authorities.

SEC. 108. MONITORING AND REPORTING REGARDING THE TREATMENT, CONDITIONS OF CONFINEMENT, AND STATUS OF LEGAL PROCEEDINGS OF INDIVIDUALS RENDERED TO FOREIGN GOVERNMENTS.

(a) IN GENERAL.—The Secretary of State shall—

(1) regularly monitor the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 104; and

(2) not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report detailing the treatment of, the conditions of confinement of, and the progress of legal proceedings against any individual rendered to a foreign legal jurisdiction under section 104.

(b) APPLICABILITY.—The Secretary of State shall include in the reports required under subsection (a)(2) information relating to the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 104 during the period beginning on the date that individual was rendered to a foreign legal jurisdiction under section 104 and ending on the date that individual is released from custody by that foreign legal jurisdiction.

SEC. 109. REPORT TO CONGRESS.

The Attorney General shall—

- (1) submit to the Select Committee on Intelligence of the Senate and the Permanent

Select Committee on Intelligence of the House of Representatives an annual report that contains—

- (A) the total number of applications made for an order of rendition under section 104;
- (B) the total number of such orders granted, modified, or denied;
- (C) the total number of emergency authorizations issued under section 105; and
- (D) such other information as requested by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) make available to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a copy of each application made and order issued under this title.

SEC. 110. CIVIL LIABILITY.

(a) IN GENERAL.—An aggrieved person shall have a cause of action against the head of the department or agency that subjected that aggrieved person to extraterritorial detention or a rendition in violation of this title and shall be entitled to recover—

(1) actual damages, but not less than liquidated damages of \$1,000 for each day of the violation;

- (2) punitive damages; and
- (3) reasonable attorney's fees.

(b) JURISDICTION.—The United States District Court for the District of Columbia shall have original jurisdiction over any claim under this section.

SEC. 111. ADDITIONAL RESOURCES FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

- (1) by inserting “(1)” after “(a)”;
- (2) in paragraph (1), as so designated, by inserting “at least” before “seven of the United States judicial circuits”;
- (3) by striking “If any judge so designated” and inserting the following:

“(3) If any judge so designated”; and

(4) by inserting after paragraph (1), as so designated, the following:

“(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the court established by paragraph (1) such judges appointed under article III of the Constitution of the United States as the Chief Justice determines appropriate in order to provide for the prompt and timely consideration of applications under sections 103 of the National Security with Justice Act of 2007 for orders of rendition under section 104 of that Act. Any judge designated under this paragraph shall be designated publicly.”.

(b) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is authorized for the Foreign Intelligence Surveillance Court such additional staff personnel as may be necessary to facilitate the prompt processing and consideration by that Court of applications under section 103 for orders of rendition under section 104 approving rendition of an international terrorist. The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 112. RULE OF CONSTRUCTION.

Nothing in this title may be construed as altering or adding to existing authorities for the extraterritorial detention or rendition of any individual.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title and the amendments made by this title.

TITLE II—ENEMY COMBATANTS

SEC. 201. MODIFICATION OF DEFINITION OF “UNLAWFUL ENEMY COMBATANT” FOR PURPOSES OF MILITARY COMMISSIONS.

Section 948a(1)(A) of title 10, United States Code, is amended—

- (1) in the matter preceding clause (i), by striking “means”; and
- (2) by striking clauses (i) and (ii) and inserting the following:

“(i) means a person who is not a lawful enemy combatant and who—

“(I) has engaged in hostilities against the United States; or

“(II) has purposefully and materially supported hostilities against the United States (other than hostilities engaged in as a lawful enemy combatant); and

“(ii) does not include any person who is—

“(I) a citizen of the United States or legally admitted to the United States; and

“(II) taken into custody in the United States.”.

TITLE III—HABEAS CORPUS

SEC. 301. EXTENDING STATUTORY HABEAS CORPUS TO DETAINEES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e) and inserting the following:

“(e)(1) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been—

“(A) determined by the United States to have been properly detained as an enemy combatant; or

“(B) detained by the United States for more than 90 days without such a determination.

“(2) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been tried by military commission established under chapter 47A of title 10, United States Code, and has exhausted the appellate procedure under subchapter VI of that chapter.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter VI of chapter 47A of title 10, United States Code, is amended—

(A) by striking section 950g;

(B) in section 950h—

(i) in subsection (a), by adding at the end the following: “Appointment of appellate counsel under this subsection shall be for purposes of this chapter only, and not for any proceedings relating to an application for a writ of habeas corpus relating to any matter tried by a military commission.”;

(C) in section 950j—

(i) by striking “(a) FINALITY.—”; and

(ii) by striking subsection (b); and

(D) in the table of sections at the beginning of that subchapter, by striking the item relating to section 950g.

(2) DETAINEE TREATMENT ACTS.—

(A) IN GENERAL.—Section 1005(e) of the Detainee Treatment Act of 2005 (Public Law 109-148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking “Paragraphs (2) and (3)” and inserting “Paragraph (2)”; and

(II) by striking “one of such paragraphs” and inserting “that paragraph”.

(B) OTHER AMENDMENTS.—Section 1405 of the Detainee Treatment Act of 2005 (Public Law 109-163; 119 Stat. 3475; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking “Paragraphs (2) and (3)” and inserting “Paragraph (2)”; and

(II) by striking “one of such paragraphs” and inserting “that paragraph”.

(c) RULE OF CONSTRUCTION.—Notwithstanding subsection (a), no court, justice, or judge shall have jurisdiction to consider an action described in subparagraph (a) brought by an alien who is in the custody of the United States, in a zone of active hostility involving the United States Armed Forces, and where the United States is implementing United States Army Reg 190-8 (1997) or any successor, as certified by the Secretary of Defense.

By Mr. WEBB (for himself and Mr. WARNER):

S. 1878. A bill to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Homeland Security and Governmental Affairs.

Mr. WEBB. Mr. President, I rise today to introduce legislation with my colleague Senator WARNER which will authorize a one-time capital grant by the National Archives to establish a Presidential library to honor the life of Woodrow Wilson. Virginia is fortunate to have 8 native sons that went on to become President of the U.S. This is a distinction that has led our fair Commonwealth to be known as the “Mother of Presidents.” The bipartisan bill we introduce today honors the most recent of the eight and a native of Staunton, Virginia: Woodrow Wilson.

Woodrow Wilson was one of the most influential statesmen, scholars, and Presidents in American history. His impact on domestic and international affairs is undeniable. Only now, nearly 100 years after his presidency, are we able to fully appreciate the contributions President Wilson made to the U.S. and to the world.

As a professor and President of Princeton University, Wilson created a more accountable system for higher education. Through curriculum reform, Wilson revolutionized the roles of teachers and students and quickly made Princeton one of the most renowned universities in the world.

As a scholar, Wilson wrote numerous books and became an accomplished essayist. Highly regarded for his work in political science, Wilson’s dissertation, entitled Congressional Government, is still admired today as a study of federal lawmaking. He did this notwithstanding the fact that he could not read until he was ten years old and may have suffered from a learning disability such as dyslexia.

As a statesman and President, Wilson compiled a record of domestic legislation that set the groundwork for mod-

ern America and reflected his belief in the ideal that: “Liberty does not consist . . . in mere general declarations of the rights of man. It consists in the translation of those declarations into definite action.” He spearheaded groundbreaking reform in finance, trade, industry and labor, including anti-trust and child labor laws and women’s suffrage. During his two terms in office, he oversaw the birth of the Federal Reserve System and the Federal Trade Commission.

In spite of Wilson’s significant contributions to American history and his instrumental role in shaping the framework of the modern international landscape, there exists no authorized Presidential library dedicated to his achievements.

For the last 70 years, the Woodrow Wilson Presidential Library Foundation in Staunton, Virginia has admirably served as caretaker of Wilson’s papers and artifacts, dedicating itself to the preservation of Wilson’s legacy. But it has done so without the resources afforded to other Presidential libraries in the Federal system. Over time, the Foundation has outgrown its current space and facilities. Now, with each day that passes, the prevailing physical infrastructure severely limits educational capabilities and opportunities to share the profound legacy of President Wilson. Indeed, the foundation has even become reluctant to take on many new major new Wilson collections because its current controlled archival system is filled to capacity and cannot protect additional collections in the absence of the new facility.

Accordingly, the Woodrow Wilson Presidential Library Authorization Act authorizes a one-time capital grant from the National Archives for the establishment of an independent Woodrow Wilson Presidential Library. This library will serve as the center for education and study of Woodrow Wilson’s life and legacies, and will enable people from this country and abroad to learn more about the life and work of our Nation’s 28th President. To be clear, this bill would establish the Woodrow Wilson Presidential Library as an independent, privately-run institution operating outside the existing Presidential Library System.

The Woodrow Wilson Presidential Library Foundation will use the Federal funds to offset costs associated with the construction of a 29,000 square foot Presidential library honoring President Wilson. As planned, the library would include a research library, archives, lecture hall, reception hall, orientation theater, ceremonial space, and exhibit hall. These funds authorized under this legislation represent the full Federal share of the project. Significantly, the bill does not authorize ongoing operating subsidies on any other ongoing expenses. This is a one time authorization.

The foundation’s endeavor to construct the Woodrow Wilson Presidential Library will create the only

site in the country dedicated to the exploration of the full life and legacies of the 28th President, at his birthplace in Staunton, VA. A new library will alleviate stress on existing foundation facilities and to allow for increased educational outreach to the benefit of students in Virginia and across the U.S. Construction of the Woodrow Wilson Presidential Library would achieve the following objectives:

Make possible collaboration with the National Archives and other presidential libraries, thereby fostering increased awareness and study of American history and the institution of the Presidency. Integrate cutting-edge digital archive development. Promote tourism to Staunton and the Commonwealth of Virginia to the benefit of all local economies.

Sensitive to the budgetary constraints faced by the National Archives, let me reiterate we have crafted this legislation to minimize and cap the financial burden on the Federal Government posed by this project. First, the bill ensures the existence of a strong public-private sponsorship by mandating that any Federal dollars are matched two-for-one by the Woodrow Wilson Presidential Library Foundation and only after the nonfederal funds are certified to be in possession of the nonprofit entity, an arrangement that Congress has used in the past.

This legislation States that the Federal Government shall have no role or responsibility for the operation of the library and guarantees that the Woodrow Wilson Presidential Library will operate outside the existing Presidential Library System. This is not an effort by the nonprofit foundation to secure annual operating subsidies along the lines of what Congress provides all Presidential Libraries in the existing system.

This legislation enjoys broad, bipartisan, bicameral support in Congress and broad support among individuals, organizations and officials across the country. This bill is identical to legislation approved by the House of Representatives by voice vote in the 109th Congress on September 28, 2006, and which the entire Virginia House delegation has reintroduced in the 110th Congress. I would note that the Governor of Virginia has written Senator WARNER and me to endorse the project. So too have other regional officials, historians, and representatives of other Presidential sites throughout the Commonwealth of Virginia, including Monticello, Poplar Forest, Montpelier, Ash-Lawn, and Mount Vernon.

This project has the potential to benefit not only the greater Staunton region, but Virginia and the Nation as a whole, both from a historical/educational sense and by strengthening an important cultural asset in Virginia’s Shenandoah Valley. We are advised that a new building will be an open, welcoming forum for the hundreds of thousands of American and foreign visitors who will visit each year to learn about Woodrow Wilson and his

democratic legacies. The project sponsors believe that the country's best museum designers will work with historians to turn the story of Woodrow Wilson into an unforgettable experience that is fun, educational, and permanently memorable.

In order to increase the awareness and understanding of the life, principles and accomplishments of the 28th President of the U.S., I urge my colleagues to support this legislation to ensure that Wilson's legacy is more accessible and available for a wider audience for years to come. I am hopeful that the Committee on Homeland Security and Governmental Affairs will consider this legislation favorably and that we can enact it during the remainder of this Congressional session. With the 100th anniversary of his election just 5 years away, this is the time for Congress to accept its responsibility to help preserve President Woodrow Wilson's legacy and to improve its accessibility for generations.

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. 1878

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

SECTION 1. GRANTS FOR ESTABLISHMENT OF THE WOODROW WILSON PRESIDENTIAL LIBRARY.

(a) GRANTS AUTHORIZED.—Subject to subsections (b), (c), and (d), the Archivist of the National Archives and Records Administration may make grants to contribute funds for the establishment in Staunton, Virginia, of a library to preserve and make available materials related to the life of President Woodrow Wilson and to provide interpretive and educational services that communicate the meaning of the life of Woodrow Wilson.

(b) LIMITATION.—A grant may be made under subsection (a) only from funds appropriated to the Archivist specifically for that purpose.

(c) CONDITIONS ON GRANTS.—

(1) MATCHING REQUIREMENT.—A grant under subsection (a) may not be made until such time as the entity selected to receive the grant certifies to the Archivist that funds have been raised from non-Federal sources for use to establish the library in an amount equal to at least double the amount of the grant.

(2) RELATION TO OTHER WOODROW WILSON SITES AND MUSEUMS.—The Archivist shall further condition a grant under subsection (a) on the agreement of the grant recipient to operate the resulting library in cooperation with other Federal and non-Federal historic sites, parks, and museums that represent significant locations or events in the life of Woodrow Wilson. Cooperative efforts to promote and interpret the life of Woodrow Wilson may include the use of cooperative agreements, cross references, cross promotion, and shared exhibits.

(d) PROHIBITION OF CONTRIBUTION OF OPERATING FUNDS.—Grant amounts may not be used for the maintenance or operation of the library.

(e) NON-FEDERAL OPERATION.—The Archivist shall have no involvement in the actual operation of the library, except at the request of the non-Federal entity responsible for the operation of the library.

(f) AUTHORITY THROUGH FISCAL YEAR 2011.—The Archivist may not use the authority provided under subsection (a) after September 30, 2011.

Mr. WARNER. Mr. President, I rise today, along with Senator JIM WEBB, to introduce legislation that seeks to establish the Woodrow Wilson Presidential Library.

President Woodrow Wilson was born in Staunton, VA, in 1856. He was first elected to the Presidency in 1912 and was reelected in 1916. Throughout his lifetime, Wilson advocated engagement with other nations in the search for peace, expansion of economic opportunities to more Americans, commitment to democratic principles at home and abroad, and protection of the Nation's people and institutions. He created the Federal Reserve and was President when women were finally granted the right to vote. President Wilson's legacy and historical significance are forever linked with his profound efforts in World War I and its aftermath, particularly with his attempts to broker a lasting peace in a fractured Europe. He was a man of ideals, always maintaining a "simple faith in the freedom of democracy." It is the utter strength of his faith in democracy that continues to inspire our Nation today.

During my time in the Senate, I have witnessed the growth and development of the Woodrow Wilson Presidential Library and have seen firsthand the benefits it has provided for its community, the Commonwealth, and the country. The library has done remarkable work in preserving and protecting historical documents related to Woodrow Wilson's life. Equally remarkable has been its ability to share his life with communities around the world.

As you know, Virginia is often referred to as the "Birthplace of Presidents," as it has produced more Presidents than any other State in the Union, eight in total. I want to respectfully acknowledge our most recent President from the Commonwealth of Virginia through the recognition of this Presidential library. I can think of no better place to preserve his life's work than where his life began.

I thank you for the opportunity to speak on behalf of this important legislation. I urge my colleagues to honor President Wilson's legacy by joining me in support of this bill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2402. Mr. REID (for Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON, of Florida, Mr. TESTER, Mr. NELSON, of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. McCASKILL, Mr. DURBIN, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, Mr. BIDEN, Mr. BINGAMAN, Mr. HARKIN, Mr. BOND, Mr. ISAKSON, Mr. SALAZAR, Ms. KLOBUCHAR, Mr.

WHITEHOUSE, Mr. LOTT, Mr. DODD, Mrs. HUTCHISON, Mr. COLEMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. SPECTER, Mr. MENENDEZ, Mr. HAGEL, Mr. SCHUMER, and Mr. DORGAN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1538, to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.

SA 2403. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 2404. Mr. MARTINEZ (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2405. Mr. ALEXANDER (for himself, Ms. COLLINS, Mr. VOINOVICH, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2406. Mr. BAUCUS (for himself, Mr. SUNUNU, Mr. LEAHY, Mr. TESTER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2407. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2408. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2409. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2410. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2411. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2412. Mr. GRAHAM (for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. McCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2413. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2414. Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, Mr. CARPER, and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.