

... General Jim Jones ... the Council Board ... and all the Council members for the important work you are doing. This Council was founded in the years following World War II. Statesmen on both sides of the Atlantic recognized that the defense of freedom would require the active engagement of a new generation of leaders. By working to keep that Alliance strong, you have helped the West prevail against Soviet communism—and ensure the advance of democracy from the Atlantic to the Urals.

Today we can be tempted to bask in our achievements—and wax nostalgic about all we have been through.

But this is no time for nostalgia. At this moment in our history, the Alliance that has been built up over decades now finds itself threatened on several fronts:

First, by the growing appeal of protectionism on both sides of the Atlantic ...

Second, by the terrorists who target civilians in all our countries ... and finally, by the crisis of confidence in a Europe that is losing its faith in the values and institutions that have kept us free.

We see this crisis of confidence in many areas. Yet nowhere is it more apparent than in the failure of nerve we are seeing in Afghanistan. After the attacks of September 11th, 2001, it was clear that America and its allies needed to deprive al Qaeda of its safe haven. It was clear that we needed to help the Afghan people replace the Taliban with a free government that would build a more hopeful future for its citizens.

Unfortunately, far from reflecting our unity, Nato's entry into Afghanistan has exposed its divisions. Instead of standing together as full and equal partners, a handful of Alliance members are bearing the brunt of the fighting. Defense Secretary Robert Gates has said that the lack of equal burden sharing threatens the future of the Alliance. And he is right.

We must face up to a painful truth: Europe no longer has either the political will or social culture to support military engagements in defense of itself and its allies. However strong NATO may be on paper, this fact makes NATO weak in practice. And it means that reform will not come from within.

Those who want a reformed NATO must look to the outside. In other words, we need to transform this Alliance from a community formed around a map to a community based on common values and a willingness to take joint action in defense of these values.

In short, a strong and successful Atlantic Alliance will have to ground itself more on shared principles rather than accident of geography. And we need to show we are serious about defending those principles by standing with those who are standing up for them.

NATO's agreement to invite Albania and Croatia to become members is a welcome start. So is the somewhat weaker commitment that Ukraine and Georgia will become members of NATO at some point in the future.

But we need to go much further. As a rule, when an organization expands, the expansion dilutes its principles. For today's NATO, it is just the opposite. Expansion is the only hope of invigorating an Alliance weighed down by those who are no longer willing to commit themselves to defend its founding principles.

Around the world, there is no shortage of nations who share our values, and are willing to defend them. I am thinking of countries like Australia, which sent troops to Iraq ... Israel, which has been fighting Islamic terrorism almost since its founding ... and Japan, which generally follows a more "Western" policy than most of Western Europe.

Other countries have not reached the level of development these countries enjoy. But

some are working hard to get there, and would be strong partners down the road. At the very least, the United States needs to support them as they struggle against the dark forces trying to pull them down.

Right now the United States has a test in our own backyard. Colombia is a nation that is fighting poverty, battling the drug lords, and taking on terrorists backed by foreign governments. Its citizens have suffered tremendously from violence, and who want peace and opportunity. And it is being led by a brave and innovative President, who is bringing the rule of law to people who have not known it.

What does this brave President ask of us? He asks that we ratify the trade agreement we have negotiated with his nation.

By ratifying this agreement, we would open an important market for American goods. We would demonstrate to millions in our hemisphere that the path to prosperity lies in freedom and democracy. And we would give strong moral support to a leader struggling to bring hope and opportunity to his people in an important part of the world.

Everyone knows this. Even the New York Times says the Democratic Congress should ratify this trade deal. Instead, Speaker Pelosi has effectively put off the bill by not scheduling a vote. We need to make clear to the leadership in Congress needs to know what killing this trade deal would mean.

Throughout Colombia, a defeat for the trade deal would be confirmation that the United States is not an ally you could count on.

Throughout Latin America, a defeat for the trade deal would be exploited by thugs like Hugo Chavez, who would tell the people, "See, the Americans will never accept you as equals and partners."

And throughout the world, a defeat for the trade deal would be taken as another sign that the U.S. will not stand by its friends when the going gets tough.

The Mexican ambassador to the United States puts it this way: "The most important geopolitical mistake the United States could do today ... is not ratifying that treaty."

The world is watching. The same values that we are trying to uphold in the Atlantic Alliance are at stake now in Colombia. And if we fail to support them in Colombia, it will be harder to revive them in the Alliance.

Let me conclude with a little story. I was born in Australia ... I received my university education in Britain ... and I have made my home in America. Over a long and I hope productive life, I have learned that shared values are more important than shared borders.

If we continue to define "the West" or "the Alliance" as a strictly geographical concept, the Alliance will continue to erode. But if we define the West as a community of values, institutions, and a willingness to act jointly, we will revive an important bastion of freedom—and make it as pivotal in our own century as it was in the last.

Thank you for having me. And thank you again for this fine award.

#### VETERANS BENEFITS ENHANCEMENT ACT OF 2007

Mr. AKAKA. Mr. President, I am pleased that S. 1315, as reported by the Veterans' Affairs Committee, the proposed Veterans Benefits Enhancement Act of 2007, finally passed in the Senate. This comprehensive legislation would improve benefits and services for veterans both young and old.

The Veterans' Affairs Committee reported S. 1315 to the full Senate in Au-

gust of last year. At that time, my belief was that debate and consideration of this legislation by the full Senate, would take place during September. That did not happen. As I described in detail yesterday, further action on the bill has been blocked because of opposition from the other side of the aisle to certain benefits for Filipinos who fought under U.S. command during World War II.

I will first describe some of the provisions in the bill and then will discuss in more detail my views on the provisions relating to Filipino veterans.

This legislation, as reported by the committee, would make several important improvements in insurance programs for disabled veterans. It would establish a new program of insurance for service-connected disabled veterans that would provide up to a maximum of \$50,000 in level premium term life insurance coverage.

This legislation would also expand eligibility for retroactive benefits from traumatic injury protection coverage under the Servicemembers' Group Life Insurance program. This insurance program went into effect on December 1, 2005. All insured servicemembers under SGLI from that point forward are covered by traumatic injury protection regardless of where their injuries occur. However, individuals sustaining traumatic injuries between October 7, 2001 and November 30, 2005, that were not incurred as a direct result of Operations Enduring or Iraqi Freedom, are not eligible for a retroactive payment under the traumatic injury protection program. This legislation would expand eligibility to these individuals.

This legislation would also increase the maximum amount of Veterans' Mortgage Life Insurance so that a service-connected disabled veteran may purchase from the current maximum of \$90,000 to \$200,000. In the event of the veteran's death, the veteran's family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased. The need for this increase is obvious in today's housing market.

In addition, S. 1315, as reported, would also increase the amount of supplemental life insurance available to totally disabled veterans from \$20,000 to \$30,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. These are the veterans we are trying to help with this legislation by providing them with a reasonable amount of life insurance coverage.

S. 1315, as reported, would also make small but necessary changes in existing laws relating to education and employment. First, it would restore the funding cap on the amount of support available to State Approving Agencies to the fiscal year 2007 level of \$19 million. Without this restoration, these entities that assist VA in approving programs of education would be facing a reduction of more than 30 percent beginning in this fiscal year. It is particularly

important as more veterans return to civilian life and begin to use their educational benefits that SAAs have adequate resources.

Second, the pending legislation would update the Special Unemployment Study required to be submitted by the Secretary of Labor to the Congress by mandating that it cover veterans of post-9/11 global operations. It would also require the report to be submitted on an annual, rather than a biennial, basis. By updating this report, Congress will have more data available on more recent groups of veterans—those who served and are serving in the gulf war and post-9/11 global operations. This will help with assessments of the needs of current veterans entering the work force and develop appropriate responses.

Third, the bill would extend for 2 years a temporary increase in the monthly educational assistance allowance for apprenticeship or other on-the-job training. The current temporary increase expired on January 1, 2008, and this provision would benefit the 34,000 veterans who are suffering through the first benefit rate reduction in the history of the G.I. bill. Allowing the temporary increase to be eliminated would mean a monthly benefit rate cut for veterans enrolled in this type of training and would remove marketable incentive to encourage individuals to accept trainee positions they might not otherwise consider.

S. 1315, as reported, would also improve a variety of housing benefits for servicemembers and veterans. I note that title II of this legislation was recently passed as part of H.R. 3221, the housing reform bill. It is my intent to include these provisions in S. 1315 until they have become law through another vehicle.

This legislation would also amend the Servicemembers Civil Relief Act to help servicemembers get relief from cell phone contracts when deployed overseas. Servicemembers, with all of their responsibilities abroad, should not have to worry about being released from cell phone contracts.

Finally, this legislation gives Congress an opportunity to rectify a wrong done to Filipino World War II veterans over 60 years ago. In the years since the end of the Second World War, Filipino veterans and their advocates, especially my distinguished colleague, the senior Senator from Hawaii, have worked tirelessly to secure these veterans the status they were promised when they agreed to fight under U.S. command in defense of their homeland and to protect U.S. interests in the region. Today, I am proud to say, many Filipino veterans enjoy eligibility for benefits and health care services as U.S. veterans. However, there remains a distinction in law between certain groups of Filipino veterans. I hope that Congress will take another step toward removing that unjust distinction. This Nation has a moral obligation to care for those who have served under its flag.

Although I view veterans' benefits as a continuing cost of war and should be funded as such, the provisions in S. 1315 would be paid for by an offset that restores the original intent of Congress, which was wrongly interpreted in a recent court decision, to provide certain VA benefits on the basis of disability and not age. Some of the opposition to S. 1315 has centered on a misunderstanding of this provision. Aged veterans who are seriously disabled would not be deprived of special benefits, but would continue to be eligible for them under the same conditions as applied to younger veterans.

This is not a comprehensive recitation of all the provisions within this important veterans' legislation. However, I hope that I have provided an appropriate overview of the benefits this legislation would provide for America's veterans and servicemembers.

The sole point of controversy in S. 1315 is a pension benefit for Filipino veterans who served under U.S. command during World War II and who live in the Philippines. I wish to give my colleagues my perspective on why this benefit should be paid.

The United States has had a relationship with the Philippines since 1898, when it was acquired as a result of the Spanish American War. In 1934, Congress passed the Philippine Independence Act, which set a 10-year timetable for the independence of the Philippines. In the interim, the U.S. established a Commonwealth of the Philippines vested with certain powers over its own internal affairs. The granting of full independence was delayed until 1946 because of the Japanese occupation of the Philippines from 1942 to 1945.

On July 26, 1941, President Franklin D. Roosevelt issued an Executive Order ordering all military forces of the Commonwealth of the Philippines into the service of the Armed Forces of the United States under the command of a newly created command structure called the United States Armed Forces of the Far East. According to orders from General MacArthur, Philippine units once mustered into U.S. service would be paid and supplied from American sources.

The unique relationship between the Philippines and the United States made the Philippine islands particularly susceptible to Japanese aggression during the war. Historians agree that the Japanese strategy was based upon a plan to destroy or neutralize the U.S. Pacific Fleet at Pearl Harbor, and to deprive the United States of its base in the Philippines. Were it not for the U.S. presence, the Philippines would not have presented the Japanese with a strategic threat and turned into a battlefield.

The Philippine forces under U.S. command suffered heavy casualties as a result of the Japanese invasion. It is estimated that 10,000 Filipinos died during the Bataan Death March, along with 3,000 U.S. soldiers. The Phil-

ippines throughout the war suffered great loss of life and tremendous physical damage. By the end of the war, the capital city of Manila was in ruins and up to 1 million Filipinos had been killed.

All of the military forces of the Commonwealth of the Philippines remained under the command of the U.S. Armed Forces of the Far East throughout World War II, and until the Philippines was granted independence on July 4, 1946.

In October 1945, Gen. Omar Bradley, then Director of the Veterans' Administration, affirmed that all Filipinos who served under U.S. command were entitled to all benefits under laws administered by that agency.

However, in 1946, the U.S. Congress, through the Rescission Acts of 1946, withdrew veterans' status from certain Filipino veterans of World War II.

Upon passage of the Rescission Acts, President Harry Truman expressed his disapproval of the withdrawal of benefits from Filipino veterans. He stated, "There can be no question, but that the Philippine veteran is entitled to benefits bearing a reasonable relation to those received by the American veteran, with whom he fought side by side."

Our Nation has a long history of caring for aging veterans, particularly those who served the country during a time of war.

The sole purpose of the VA pension program is to assist older, low-income, war-time veterans, so that those who experienced the horror of war are not forgotten in their old age.

Philippine veterans of the Second World War are now in their twilight years and many are struggling to make ends meet, especially with global food prices on the rise. Now, perhaps more than ever, the modest pension benefits that are in S. 1315 are of the greatest value to veterans who earned them on the battlefield so many years ago.

The action by Congress in 1946 to strip Filipino veterans who served under the American Flag during World War II of the recognition and benefits that were their due was a grave injustice. It is especially regrettable that this injustice has existed for so many years. The inaction of prior Congresses to correct this wrong does not excuse us from the responsibility to take remedial action now.

The United States has a moral obligation to care for Filipino veterans who served under U.S. command in World War II and we must not fail in fulfilling that obligation.

I would like to speak briefly about the purpose of pension benefits and more specifically about the pension benefit in the pending bill. Veterans pension benefits are provided to allow wartime veterans to live in dignity and meet their basic needs.

The amounts proposed in this legislation would permit Filipino veterans, who have been denied their rightful status as United States veterans for too long, to finally live in dignity.

Unlike other World War II veterans, these veterans have been denied pension benefits for over 60 years. It is also important to note that these benefits are not retroactive.

The amounts proposed are sufficient to give aged Filipino veterans a payment that would allow them to meet their basic needs for adequate nutrition and medicine.

The flat rate benefit also takes into account the likelihood that many of these aged veterans, if living in the United States, would qualify for additional benefits based on disability due to their status as being housebound or in need of aid and attendance. No additional benefits for housebound status or aid and attendance are provided.

The pension proposed for Filipino veterans is less than one-third of the basic amount provided to veterans living in the United States, in recognition of the lower cost of living in the Philippines. Measured against the aid and attendance standard, the proposed benefit is about one-sixth of the amount provided to veterans in the United States.

The cost of items, such as food and medicine in Manila are about half of the cost in the United States, while the cost of housing is considerably less expensive.

For example, a bottle of 100 aspirin tablets costs about \$4 in Manila, about twice as much in the United States.

Because the income and asset verification procedures used in the United States are not available in the Philippines, and it is not feasible to develop an administratively efficient system in the Philippines to monitor the income and assets of pension recipients, the bill provides a flat benefit amount substantially lower than that paid in the United States.

I believe firmly that the proposed amount is a reasonable benefit taking into account all of these factors.

The people of the Philippines did not shy from the call to fight during World War II. They were true brothers in arms who fought valiantly under U.S. command in the global struggle against totalitarianism. This bill at long last recognizes the valor of all Filipino veterans in sacrifice to this noble cause and loyalty to their American commanders.

The proposal put forward by the ranking member fails to honor these veterans by denying pension benefits to those who live in the Philippines. I understand that there may be different perspectives on what pension amounts would be appropriate given the difference in the cost-of-living between this country and the Philippines. I am not, however, willing to yield on the principle that Filipino veterans living in the Philippines deserve to receive veterans benefits in the same manner as those living in the U.S. or anywhere else. I reject the notion that two veterans, who fought side-by-side and endured the same hardships of war, should be treated unequally based solely on their place of residence.

The soldier's creed is to leave no fellow warrior behind. I believe in that, and believe that it is important to acknowledge the valiant service of those Filipino veterans of World War II who served under U.S. command.

I would like to end my comments tonight by again sharing the thoughts of the 33rd President of the United States—Harry S. Truman. In 1946, President Truman made a statement concerning provisions in a bill affecting Philippine Army veterans—At issue was a legislative rider attached to the transfer of \$200 million for the pay of the Army of the Philippines.

President Truman said, "The effect of this rider is to bar Philippine Army veterans from all the benefits under the G.I. Bill of Rights with the exception of disability and death benefits which are made payable on the basis of one peso for every dollar of eligible benefits. I realize, however, that certain practical difficulties exist in applying the G.I. Bill of Rights to the Philippines."

President Truman went on to state, "the passage and approval of this legislation does not release the United States from its moral obligation to provide for the heroic Philippine veterans who sacrificed so much for the common cause during the war . . . I consider it a moral obligation of the United States to look after the welfare of the Philippine Army veterans."

I agree with the words of President Truman from 60 years ago.

As I have said time and time again, this legislation would correct an injustice that has existed for over 60 years. I, like President Truman, believe that it is the obligation of the United States to care for those who have fought under the U.S. flag.

It is past time to right that wrong. As my fellow World War II veteran, the Senior Senator from Alaska said yesterday, this is about "honor." I believe it is the moral obligation of this Nation to provide for those who served under the U.S. flag and alongside U.S. troops during World War II.

I thank my colleagues for standing with me, my World War II colleagues Senators INUYE and STEVENS, and a majority of the Veterans' Affairs Committee, and not accepting the amendment of the Senator from North Carolina.

#### SHAWN BENTLEY ORPHAN WORKS ACT OF 2008

Mr. HATCH. Mr. President, I rise today to express my support for The Shawn Bentley Orphan Works Act of 2008, S. 2913, introduced at the close of last week by Senate Judiciary Committee Chairman PATRICK LEAHY and myself. This piece of legislation is a product of years of hard work and collaboration.

I want to start off by thanking Chairman LEAHY for his willingness to name this bill in honor of my long-time staffer and former colleague, Shawn Bent-

ley, whose untimely death, at 41, greatly saddened many in this body.

Shawn worked for the Judiciary Committee for a decade, from 1993-2003. Starting as my counsel, he rose through the ranks, ending his Senate tenure as the majority's Chief Intellectual Property Counsel and Deputy Chief Counsel to the committee. He worked on many important pieces of landmark intellectual property legislation, and he initiated what we have now introduced as an orphan works bill.

Thousands of artistic creations around the country are effectively locked away in a proverbial attic and unavailable for the general public to enjoy because the owner of the copyright for the work is unknown. These are generally referred to as "orphan works." It is not always easy to identify an owner of a copyrighted work, and in many cases, information about the copyright holder is not publicly known. To make matters worse, many are discouraged from using these so-called "orphan works" for fear of being sued should the owner eventually step forward.

In an effort make orphan works more accessible, Chairman LEAHY and I have been working together for years to craft meaningful legislation to address concerns that have been identified through public discussions on this issue. The Senate Judiciary Committee Subcommittee on Intellectual Property held a hearing entitled "Orphan Works: Proposals for a Legislative Solution," at which representatives from the photography, museum, documentary film, and technology communities testified. And a subcommittee of the House Judiciary Committee held two hearings in the 109th Congress and one in the 110th.

Under S. 2913, potential users may use an orphan work if they conduct and document a diligent search but were unable to locate the copyright owner of the work for permission. While the bill outlines the criteria for a search, and the copyright office will disclose best practices for finding a copyright owner, the court makes the final determination as to whether a search is diligent and in good faith.

The proposed legislation also has a "safe harbor" for uses of orphan works that are educational, charitable, or religious in nature, and which are used without commercial advantage. We anticipate that many institutions such as museums, libraries, archives, nonprofit educational organizations, as well as public broadcasting entities will greatly benefit from this legislation since they would be qualified users.

S. 2913 represents a commitment from Congress to move forward in creating a way to identify copyright owners of orphan works and unlock access to thousands of artistic works so the general public may once again enjoy them. I am hopeful that further refinements will be made to this bill during the legislative process. I am confident