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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Heavenly Father, You are our fortress and shield. Your laws guide us, and Your teachings protect us. Your way is perfect, and Your word is true. You sent Your Son to serve and not to be served. Bless all who follow in his steps, giving themselves to serve others with wisdom, patience, and courage.

As our Senators seek to serve, empower them to minister in Your Name to the suffering, the friendless, and the needy. Give them wisdom and strength for this day, that they may dispose of their responsibilities in ways that honor You. Help them in all their relationships to be constructive and edifying, speaking words that will bring life and not death. Empower them to find joy in their work, despite pressure and opposition.

We pray in the Name of Him who laid down his life for us all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CLAIRE MCCASKILL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 18, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CLAIRE MCCASKILL, a

NOTICE

If the 110th Congress, 1st Session, adjourns sine die on or before December 21, 2007, a final issue of the *Congressional Record* for the 110th Congress, 1st Session, will be published on Friday, December 28, 2007, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 27. The final issue will be dated Friday, December 28, 2007, and will be delivered on Wednesday, January 2, 2008.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong__record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

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By order of the Joint Committee on Printing.

ROBERT A. BRADY, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MCCASKILL thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. MCCONNELL. Madam President, it is my understanding that the majority leader will be here momentarily, and therefore I suggest the absence of a quorum because he will be speaking first.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

HONORING SENATOR TRENT LOTT

Mr. REID. Madam President, I have publicly stated my feelings about TRENT LOTT on a number of occasions since he indicated he was going to retire by the end of this year. We had a lovely reception for him in the Mansfield Room. Other people have their own views as to the strengths of TRENT LOTT, but having worked with him here on the Senate floor for these many years, his greatest attribute can best be summarized by the statesman Edmund Burke:

> All government . . . every virtue and every prudent act—is founded on compromise . . .

That is not negative. That is positive. Compromise is something we as legislators must do. Legislation is the art of compromise. That is what we have been taught, and that is the way it is. There is no better example of that than what we have before us now or should have in a short time from the House, the omnibus spending bill. That has been the epitome of compromise by legislators and by the White House as the executive. That is what TRENT LOTT did best, approaching a difficult issue, trying to figure a way out of it. No one who has ever legislated and gotten a bill passed with their name on it has had what they really started out to do. We all must compromise. That is a negative term in some people's mind, but it really isn't if you are a legislator.

The special skill TRENT LOTT has, the special kind of understanding and pursuit of the common good, requires us to find common ground. TRENT LOTT embodies that skill. He is a true legislator. In all my dealings with TRENT LOTT, he is a gentleman. I have never, ever had Senator LOTT say something to me that he was not able to carry through on. His commitments are as good as gold.

We have had some jokes here about his dealings with John Breaux. They have a lot of qualities, but their qualities were the ability to make deals. When we needed something done during the Daschle years, the first person we went to was John Breaux. I am confident the first person he went to was TRENT LOTT. They have been close personal friends for all these years. As a result of their friendship, their trust of one another, it kind of spilled off on the rest of us, and we were able to get a lot of work done.

It goes without saying that we disagree on policy often, Senator LOTT and I, but with TRENT, these disagreements never seemed to be that important because he was always able to approach these challenges with a genuine desire to find a solution.

The history books will be written about this institution. I am confident they will be written about the State of Mississippi. There will be chapters that will have to be dedicated to TRENT LOTT because he has been part of the history of the State of Mississippi and of this institution and the House of Representatives. No one has ever, in the history of our country, some 230 years, served as the House whip and the Senate whip, but TRENT LOTT has. I believe he has made our country more secure in many ways. When we talk about security, it doesn't mean necessarily the military because our security depends on a lot more.

Senator LOTT, I wish you and your wonderful wife and your family the very best. I believe my dealings with you have made me a better person and a better Senator.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. MCCONNELL. Madam President, after the news of TRENT's retirement had spread, a young farmer in Jackson had this to say about the man he had called ''Senator'' most of his life:

> He's a good person to represent the State, caring for people like he does.

That farmer had it exactly right because whether TRENT was making sure an old man in Pascagoula got his Social Security check or ducking into a kitchen in Tunica to thank the cooks after a political event, no service was too small, no task too insignificant when it came to serving the people of Mississippi.

One time, when TRENT was a young Congressman, a constituent called his office to have his trash removed. When TRENT asked why he hadn't called the town supervisor first, the man replied that he didn't want to start that high.

Nobody ever saw TRENT LOTT as a Congressman or a Senator. To them, he was just TRENT. As he vowed last month, that commitment to the people of Mississippi does not end here. ''I will work hard for the State, the last day I am in the Senate,'' he said, ''and I will work hard for this State until the last day I am alive.''

In a plaque on his office wall, visitors will find TRENT's rules. The most important one he always said was this: You can never have a national view if you forget the view from Pascagoula.

He never forgot his roots. TRENT dined with Presidents, yet he still remembers facing the winters of his childhood without indoor heat. He also remembers his first hot shower. And he never forgot the source of that luxury. ''It came from hard work,'' his mother said. He would spend a lifetime proving that he took her words to heart.

The love of politics came early, thanks in part to some lively debates with his folks around the dinner table. They always treated him with respect—''as an equal,'' he said—and they watched with pride as he threw himself into his studies and everything else that was available to a blue-collar kid growing up along the gulf coast in 1950s America.

TRENT was an early standout. His high school classmates voted him class president, most likely to succeed, most popular, a model of Christian conduct, most polite, and, of course, neatest. One friend recalls that TRENT was the only guy he ever knew who tidied up his bed before going to sleep at night.

Of course, TRENT's reputation for neatness outlasted high school. It has been the source of a lot of jokes over the years. But some of those jokes really are not fair. It is not true, for example, that TRENT arranges his sock drawer according to color every day. He is perfectly content to do it once a week—black on one side, blue on the other.

In college, the connection to Mississippi deepened. Surrounded by the white pillars and ancient oaks of Ole Miss, he formed lifelong friendships and grew in respect for the traditions of honor, integrity, duty, and service that had marked his beloved Sigma Nu from its beginnings.

There was always something to do, and TRENT did it all: frat parties, swaps, campus politics, singing, leading the cheers at the football games, and, occasionally, even studying. One of TRENT's college friends recalls that Mrs. Hutchinson's sophomore literature class was TRENT's Waterloo.

But after a less than impressive showing on her midterm exam, he refocused—and one of the things that came into view was a pretty young girl he had first met in high school band practice. One day TRENT told a fraternity brother he had met a girl he wanted to date. When he showed him Tricia's picture, the friend said: Yes, I think you should do that.

Then it was on to law school and marriage and private practice. Then, in the winter of 1968, a surprise phone call

came that changed absolutely everything. It was TRENT's Congressman, Bill Colmer. He wanted to know if TRENT would be interested in a job as his top staffer in Washington.

It was a tough decision. TRENT had never thought of coming here, and the money was not good. But it seemed like a good opportunity. And, as TRENT says, he never made a choice in his life based on finances. So he took it. And Tricia was behind him all the way. That spring, they packed everything they could pack into their Pontiac and headed north. It was the first of many gambles that would pay off for TRENT LOTT.

The new city and its temptations did not change the boy from Pascagoula. He put his energy and his people skills to work, learning the rules and customs of the House and cementing new friendships over a glass of Old Granddad and a cigar—always a cheap cigar—by night.

The second big gamble came when Congressman Colmer decided to retire. TRENT wanted to run for his boss's seat, but he would do it his way. Although more than 9 out of 10 Fifth District voters were Democrats, TRENT decided he would run as a Republican.

It was the hardest race of his life, but TRENT loved every greased-pig contest, every county fair, every parking lot rally, and every conversation in every living room he burst into—often unannounced, and usually uninvited. And the voters loved him back.

Buoyed by the Nixon landslide and a last-minute endorsement by his boss, he won. And so at 32, TRENT had achieved what so many others in this country have experienced: the realization, through wits and hard work, of an outrageous dream. The boy from Pascagoula would return to Washington as the gentleman from Mississippi full of energy and ready to put it to use.

A year later came Watergate, new wisdom, and soon the recognition by TRENT's colleagues that he was a leader.

It was an exciting time to be in Washington. The Reagan revolution was about to take hold. As TRENT later recalled: ''You could feel the political ground shift.'' And he would play a leading role.

Rising up the leadership ladder, he revolutionized the House's whip operation and found his place in the push and pull of counting votes. The only Member in history to serve as whip in both Chambers, TRENT put his skills on display every day on the floor and in some close leadership races over the years, three of which he won by a single vote. ''If you win by two,'' TRENT always said, ''you've wasted a vote.''

But his special gift back then, as now, was his ability to bring people around to his point of view. One of his college friends put it this way:

TRENT could carry on a conversation with a tree stump—and make it feel good about itself.

His colleagues soon learned that TRENT LOTT's word was as solid as a Mississippi oak. So armed with a reputation for honesty, charm, wits, and a group of trusted soldiers—including an Arizona lawyer named JON KYL and a young former Maine State senator named OLYMPIA SNOWE—he turned minority Republicans into a potent legislative force, ensuring some of the biggest victories of the Reagan revolution.

At the end of the Reagan years, TRENT set his sights on the Senate, and his opponent in that first race came right at him. But TRENT was ready for the fight. When the opponent said TRENT's hair was too neat, TRENT politely offered him a comb. When he falsely accused TRENT of being an elitist, the pipefitter's son responded the old-fashioned way: He and Tricia met just about every voter in the State that summer. The voters could judge for themselves what kind of guy he was.

And, of course, they liked him, and they made him their Senator. And he did not disappoint. Again, he rose quickly, becoming conference secretary and then whip. Then came another retirement, sending TRENT to the top of the class again as his party's leader in the Senate. On passing tough legislation, he did not understand the word ''no.'' On working out deals, he was without equal.

We all saw it up close after Katrina, when TRENT became a ferocious advocate for the people of Mississippi and the wider gulf coast, many of whom would rather live in tents than move away. And in a fight that brought together all his skills as a politician and home State advocate, he won.

We all know how valuable good staff is. TRENT has always had the best. We honor all of them today—past and present—for their tremendous contributions. To those who stay behind, we are glad you will be here. For those who do not, we wish you every success.

TRENT has lived life fully, never afraid to reach higher and always ready to accept whatever fate would bring. Who in this Chamber was not impressed by the way he dusted himself off after stepping down as leader? He never quit. And there is something deeply admirable in that.

To me, TRENT has always been the perfect colleague. We have been in a lot of tough spots together. He has always helped me in every possible way, and he has taught me a lot.

Looking back on his beginnings, it is astonishing to think of how far the son of Chester and Iona Lott has come. He leaves this place with a remarkable 35-year record of accomplishment of which he can be justly proud and scores of admirers from across the ideological spectrum. He will leave a mark on this institution that long outlasts the political fights of the day.

It is hard to believe TRENT will not be around when we all come back in January and the gavel drops on another session. But when it does, we will remember at some point in the days and weeks that follow that mischievous grin or a heavy slap on the back or some happy tune we heard him whistle once when he passed us quickly in the hall.

Then we will be glad to have served with a man like TRENT LOTT, and renewed in the hope that this institution and this Nation that he loves—to borrow the words of another Mississippian—will not merely endure, they will prevail.

Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 409, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 409) commending the service of the Honorable TRENT LOTT, a Senator from the State of Mississippi.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 409) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 409

Whereas Chester Trent Lott, a United States Senator from Mississippi, was born to Chester and Iona Watson Lott on October 9, 1941, in Grenada, Mississippi;

Whereas Trent Lott was raised in Pascagoula, Mississippi, attended public schools, and excelled in baseball, band, theater, and student government;

Whereas after graduating from Pascagoula High School, where he met his future wife during band practice, Trent Lott enrolled in the University of Mississippi in 1959;

Whereas Trent Lott pledged Sigma Nu, rising to become its president; formed a singing quartet known as The Chancellors; and was elected ''head cheerleader'' of the Ole Mississippi football team;

Whereas upon graduating college, Trent Lott enrolled in the University of Mississippi Law School in 1963, excelling in moot court and as president of the Phi Alpha Delta legal fraternity;

Whereas upon graduating from law school in 1967, Trent Lott practiced law in Pascagoula, then served as administrative assistant to United States Representative William Colmer until 1972;

Whereas upon Congressman Colmer's retirement, Trent Lott was elected to replace him in November 1972 as a Republican representing Mississippi's Fifth District;

Whereas Trent Lott was reelected by the voters of the Fifth District to seven succeeding terms, rising to the position of minority whip and serving in that role with distinction from 1981 to 1989;

Whereas Trent Lott was elected to the U.S. Senate in 1988 and reelected three times, serving as chairman of the Senate Committee on Rules and Administration from 2003 to 2006;

Whereas Trent Lott was chosen by his Senate Republican colleagues to serve as Majority Whip for the 104th Congress, then chosen to lead his party in the Senate as both Majority Leader and Minority Leader from 1996 to 2003;

Whereas Trent Lott was chosen by his peers to serve as Minority Whip for the 110th Congress;

Whereas Trent Lott's warmth, decency, and devotion to the people of Mississippi and the country have contributed to his legendary skill at working cooperatively with people from all political parties and ideologies;

Whereas, in addition to his many legislative achievements in a congressional career spanning more than three decades, Trent Lott has earned the admiration, respect, and affection of his colleagues and of the American People;

Whereas he has drawn strength and support in a life of high achievement and high responsibility from his faith, his, beloved wife Tricia, their children, Tyler and Chet; and their grandchildren;

Now, therefore, be it *Resolved*, That the Senate

Notes with deep appreciation the retirement of Chester Trent Lott;

Extends its best wishes to Trent Lott and his family;

Honors the integrity and outstanding work Trent Lott has done in service to his country; and

Directs the Secretary of the Senate to transmit a copy of this resolution to the family of Senator Trent Lott.

Mr. MCCONNELL. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Madam President, the decision made by my State colleague to retire from the Senate has left me with a deep sense of loss. I respect his right to leave the Senate, and I know he will enjoy a well-earned respite from the demands and challenges that go with this job.

TRENT LOTT has served with distinction, and he has reflected great credit on our State and Nation. I have enjoyed his personal friendship and the opportunity to come to know his family, his wonderful wife Tricia and their two fine children, Chet and Tyler.

TRENT and I were elected to serve in the U.S. House of Representatives in 1972. At that time, he was serving as the administrative assistant to Congressman William Colmer, who was the chairman of the Rules Committee in the House. So I looked to him for advice and counsel because of his experience on the Hill and his insight into how the House really worked, as only an insider such as he would know.

We became friends right away. We were the first Republicans elected from our districts in Mississippi since the Reconstruction period following the Civil War.

In due course, we were elected to serve in this body, and we have worked together over the years on the many challenges that have confronted our State.

I will truly miss serving with TRENT in the Senate. I have come to respect him and appreciate his legislative skills and his great capacity for hard work. He is a tireless and resolute advocate for causes and issues which he decides to support. In a word, he is a winner. He gets things done.

I know TRENT and his family will enjoy the new opportunities they will have following his great career in the House and the Senate. They have certainly earned the right to new, less burdensome, and more rewarding experiences in the years ahead.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. SMITH. Madam President, I have been privileged to serve as a U.S. Senator now going into the 12th year of a second term. In all 12 of those years, it has been for me a great privilege and a high honor to serve as a colleague of TRENT LOTT.

Over the course of those 12 years, TRENT LOTT has told me many times that he has visited every State in the Union except Oregon. Notwithstanding that, this Oregonian feels great pride today in speaking for TRENT LOTT.

I hope TRENT will come to Oregon someday, and when he comes to Oregon, there is a place I would like to take him. We have in Oregon many groves of very ancient trees. It is tall timber. These trees go back 2,000 and 3,000 years. But because they are old, occasionally one of these sequoias will fall. And when they fall, a hole in the huge canopy in the sky is opened.

When you are in one of these groves, you feel something of the presence of the sacred, a sanctuary. That is a feeling that I often have when I come to the floor of the U.S. Senate. Occasionally, some tall timber leaves our presence—through retirement or death or from other causes—and when that happens, a great hole is left in the Senate. That is the feeling I have as I contemplate the retirement of TRENT LOTT. In this sanctuary, a great hole in the canopy will be opened.

Madam President, when I think of the men I have known, the women I have known in the Senate, they are people of extraordinary ability, but one stands apart in my mind as how to get things done, and that is TRENT LOTT. I have never seen his equal in the cloakroom. We have all felt his warm slap on our back, a steely look in his eye, and a strong urging to vote this way or that. But it was always done with understanding that we represent not just a party but our country and our States, and that is where our obligation lies.

It was because TRENT was so good, in my mind, that he is still, and will forever be, something of an ideal because he was my first leader. What I saw in him was someone who knew this institution deeply, who worked relentlessly, who could define differences and help us to reach honorable compromises so that when we went home, we could look back on something of an accomplishment.

I am proud of the example my first leader set for me. It is a high standard. I thank you, TRENT, for that standard. It is the gold standard, in my mind.

I was halfway around the world when an event befell TRENT LOTT that shook me deeply. I was celebrating my reelection and on vacation. I watched over international news as his words were misconstrued—words which we had heard him utter many times in his big warm-heartedness, trying to make one of our colleagues, Strom Thurmond, feel good at 100 years old. We knew what he meant, but the wolf pack of the press circled around him, sensed blood in the water, and the exigencies of politics caused a great injustice to be done to him and to Tricia. It was a wrong, but it was a wrong that was righted.

I was privileged to be asked by TRENT LOTT to speak for him when he ran for whip. On that occasion, as I thought of TRENT, I thought of more than my leader, my first leader. I thought of him as something much more. I thought of him as a friend and as a father figure. I recalled on that occasion words I spoke regarding my own father at his funeral that seemed to define the man—the man I called dad and the man I called my leader. They are words that were put into the mouth of the character Anthony by the great writer Shakespeare. Shakespeare said of Caesar, when Caesar had fallen, these words:

> His life was gentle and the elements so mixed in him that nature might stand up and say to all the world: this was a man.

I am privileged to call this man my friend. May God bless TRENT and Tricia Lott and thank God for their service to Mississippi and even to Oregon and to the United States of America.

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

Mr. DURBIN. Madam President, I join my fellow Senators in wishing my colleague, TRENT LOTT, the best of luck as he begins the next chapter in his life. You are getting to hear your eulogies today, TRENT, and they are pretty good. Most of us never think we will have that opportunity.

Senator LOTT and I sure have had our differences in the 11 years I have served in the Senate, and I guess we always will when it comes to some issues, but serving together this past year as whips for our respective parties has given me a chance to work closely with TRENT on a number of issues and this I can say: TRENT LOTT is a committed Republican. He can be a partisan, but he cares about the Senate. He understands that politics, in the Senate and in life, is the art of compromise. He has been willing to reach across the aisle to try to find a way to make the Senate work and make our Government work and I respect him very much for that.

F. Scott Fitzgerald famously declared that: ''There are no second acts in American lives.'' Well, Mr. Fitzgerald obviously didn't meet TRENT LOTT.

In the first act, TRENT LOTT began his career on Capitol Hill working for a Democratic Congressman from Mississippi. He then, of course, was elected as a Republican Congressman from the

same State. He spent nearly four decades in Congress serving the people of Mississippi. As a leader in the Senate, he helped steer America through some of the most turbulent chapters in our recent history: Two shutdowns of the Federal Government, an impeachment trial, a 9/11 terrorist attack on our Nation, and anthrax attacks on the U.S. capital. With my friend, Tom Daschle, he negotiated the delicate terms of our Nation's first-ever 50–50 Senate split.

Seven years ago this week, TRENT LOTT stepped aside as majority leader. Some wondered then whether Senator LOTT might be through with the Senate. But he stayed and he managed in a short time to write one of the most remarkable second acts in this Senate in recent memory.

I know TRENT must be feeling mixed emotions as he leaves the Senate. I can assure my fellow whip he has left a mark and will be remembered for a long time, not for seersucker Thursday, not for wearing kilts on the floor of the Senate, TRENT LOTT will be remembered because he is one of us.

I wish Senator LOTT and his wife Tricia and his family the best of luck as they begin another new act.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mrs. DOLE. Madam President, Harry Truman was wrong. Truman famously defined a statesman as ''a politician who has been dead for 20 years.'' It is a good line, but it wasn't true then, as Truman's own career attests, and it is not true today. That said, we can never have enough statesmen and women to validate our democratic creed, which makes our sense of loss all the greater when an authentic statesman leaves this place.

For 35 years, TRENT LOTT has served the people of Mississippi with distinction, never forgetting their interests, even as he advanced our national interests: Economic development for Mississippi, meeting transportation infrastructure needs, persuading businesses to build plants and provide jobs. His effectiveness is legendary, whether championing a strong national defense, encouraging entrepreneurship in a dynamic economy or expanding both educational opportunity and accountability. Through it all, TRENT kept faith with the people who sent him here. Just as he long ago earned their trust and confidence, so he impressed Members on both sides of the aisle with his integrity and his decency.

The only person ever to serve as a party whip in both Houses, TRENT soon became much more than a party leader. To his lasting credit, he helped convince us tax cuts were the road to economic revitalization. At the same time, he argued for a bipartisan approach to education reform. In the bleak aftermath of 9/11, TRENT appealed to what Abraham Lincoln called the better angels of our nature. Similar to Ronald Reagan, he wears an optimist's smile, for he never confused an adversary with an enemy. TRENT LOTT will be remembered as someone who preferred to narrow our differences rather than exploit them.

The junior Senator from Mississippi has scaled the heights in his political career and he has experienced life's valleys as well. With dogged determination, he made adversity, whenever it occurred, a strengthening experience. As one who has shared Senate Bible studies with both TRENT and his beloved wife Tricia, I know that his has been a profoundly spiritual journey and one that is far from over.

In a town where talk is cheap—indeed, it is the only thing that is cheap—TRENT prefers solutions to sound bites, and he has never mistaken civility for weakness. One of his basic principles is to respect others whose views might differ. More often than not, he found a way to distill the best of each, which to me is the definition of a statesman.

His ability to get things done—to work effectively and foster relationships with colleagues from both parties—resulted in his numerous triumphs as the Senate majority leader. In his first year as leader, he personally led his colleagues to pass two landmark legislative items: Welfare reform and the budget compromise, which resulted in the first balanced budgets with surpluses in 30 years.

Of course, the Senate is also a family, and on this day, I must mention some of my most cherished memories in the Dole family album, of TRENT and Tricia campaigning for me in Rocky Mountain, NC, in the autumn of 2002; of Bob Dole showing up for the Spouses Club, presided over by Tricia, though begging off on a tour of the Capitol since he said he had already seen the place. Nor will I ever forget sitting in TRENT's cherished rocking chair on the front porch of his Pascagoula home—a home that would vanish on a brutal morning a little more than 2 years ago, when a tempest named Katrina scoured miles and miles of Mississippi coastline.

Similar to so many who looked out on the gulf, the Lotts lost everything that day—everything but life and love and the faith that gives to them both a meaning that no storm can wash away. In the years since, the victims of Katrina have had no more passionate advocates than TRENT and Tricia Lott. No one has worked harder, longer, to ensure that we honor the promises made to our fellow men and women along the gulf coast. As the mayor of Gulfport said about TRENT:

> Although suffering catastrophic personal losses himself, he has tirelessly fought our battles and won our wars for us time and again. His legacy will be recognized in every corner of our great State and the pages of history will reflect the honor and service of the Senator from Pascagoula who restored hope in the citizens of Mississippi.

I would add I have great respect for Tricia's enormous efforts to provide needed supplies and hope to the Katrina victims.

Houses, we have learned, are vulnerable to the fury of nature. Supremacy in politicians is even more transitory. Majorities shift similar to the sands of Biloxi. But some things endure. Honor endures. True leadership generates its own legacy. True leaders stake their own claim to posterity's gratitude. That is the stuff of statesmanship, and that is the essence of TRENT LOTT.

The gentleman from Mississippi has had a lengthy and purpose-driven career in this institution, and he will be greatly missed. With deep admiration and respect for a trusted colleague, I wish TRENT and his family all the best.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, when I came to the Senate after the election of 1976, the chairman of the Judiciary Committee was a very distinguished gentleman from Mississippi named James Eastland. I can remember the first time I met Senator Eastland as a citizen newly elected to the Senate, when nobody thought I was going to make it. I was invited into his office and the first thing he did was offer me a cigar. I said: ''Well, I am sorry, sir. My faith does not permit me to smoke.'' He said: ''Well, then, have a drink.'' I replied: ''Well, sorry, sir, but my faith doesn't permit me to drink.'' Senator Eastland then exclaimed very loudly: ''What the expletive is the matter with you Mormons?''

I want everybody to know Senator LOTT has never offered me a cigar nor has he ever offered me a drink, although I think he has been tempted a few times.

Let me say this: I have such admiration for Senator LOTT and his wife Tricia and for the love and respect they have shown to all of us and this institution, and for all of their hard work.

It is no secret that I bitterly resent the way Senator LOTT was treated after Senator Strom Thurmond's 100th birthday party. It was wrong, and it was hitting below the belt. It would have crushed any one of us to go through what he went through, facing such harsh attacks knowing that he certainly did not mean to say what others tried to put in his mouth. But TRENT fought his way back, kept his head high, became a friend to everybody in the Senate again the very next day, and, of course, won the respect of virtually everybody who has ever known him or what he stands for.

I have tremendous respect and love for TRENT and Tricia for the sacrifices they have made for their State and for this country. He and Senator COCHRAN have been one of the best duos in the history of the Senate—two real gentlemen, two strong, tough people. But, they are also two people who have shown respect for this body and all of its members in ways that not many others have.

All I can say is I wish Senator LOTT and Tricia the best of luck in all of their future endeavors. While I am certain he will be an asset to any effort

with which he becomes involved, I am equally certain the Senate is going to be a lesser place without him.

Supporting Senator LOTT throughout his time in the Congress is one of the most beautiful and noble women in the history of the Senate. Tricia Lott has been the quintessential Senate wife, and I doubt Senator LOTT would have been as great as he has become had it not been for his relationship with Tricia.

Elaine and I are going to greatly miss you, TRENT. I know I am not supposed to refer to you by your first name, but I am going to make an exception in this case. We will always be pulling for you, your success, and your happiness in this life. This old Senator is going to miss you greatly. We are going to miss the efforts you put forth. We are going to miss the talents you have. We are going to miss the energy you bring to the Senate. And, we are most certainly going to miss your ability to bring us together, making better Senators out of us all.

God bless the Lotts. We in the Senate will surely miss them.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, about exactly 21 years ago, after I had been elected to the House of Representatives from the State of Arizona, my wife Caryll and I came to Washington and almost immediately met TRENT and Tricia Lott. In fact, we have a photograph that is displayed in our home with TRENT and Tricia on which TRENT made a wonderful inscription.

I learned from the very beginning that TRENT LOTT was a leader—a leader in the House of Representatives and a leader among his colleagues. I have been following TRENT LOTT ever since as House whip, as Senate whip, as Senate Republican leader, and as a colleague in battles too numerous to mention.

Chaplain Black began this morning asking that we come here to serve. No State has ever been served better than by their representative TRENT LOTT. He always puts Mississippi first, yet always is able to balance his devotion to his constituents with the national interest and with his responsibilities in representing his colleagues.

That he came to serve, again to use the Chaplain's word, is best illustrated by his decision to run for reelection a year ago. Many of us knew TRENT had come to believe that he had to prioritize his family responsibilities and had concluded it was about time for him to leave public service. But the catastrophe of Hurricane Katrina hit the coast of Mississippi, destroying not only the Lotts' home in Pascagoula but so many of the homes and businesses of his friends in Mississippi. It did not take TRENT too long in pondering what he faced to conclude that he owed it to his constituents in Mississippi to continue to use his skills in Washington, DC, to represent them, to help them recover from the devastation that had been visited upon them. It was this service, after he had already concluded that his time had come to move out of public service, that I think illustrates perhaps better than anything else his devotion to the people of Mississippi, to his friends there. He did not decide to leave the Senate until his work was done, and for that the people of Mississippi, I know, will be forever grateful to TRENT LOTT.

TRENT has always been known as being a person who has been able to find the common ground among his colleagues. That is a very special skill. Some people call it dealmaking. Some people talk about it in terms of the art of compromise, frequently talking about TRENT's ability to move across the aisle and to work with friends on both the Democratic and Republican side.

I think his ability to do this, which is unprecedented in my 21 years in Washington or unequaled, I should say, is due to a variety of qualities. First, TRENT's intelligence; second, his boundless energy; third, his knowledge of the institutions, of both the House and the Senate. Again, I know of no equal in terms of the knowledge of how these bodies work and how we can achieve great things by working with people in both bodies.

His knowledge of the nature of man—this is something my father taught me and I have tried to learn from people such as TRENT LOTT—what makes people tick—you can find that common ground and achieve great things if you understand people. I think that is one of TRENT's greatest qualities and one which will be missed in this body. And, of course, his commitment to what he has always believed was right for Mississippi and America. Also contributing to his success is his faith, and it sustained him more than we will ever know. And finally, of course, his family.

It is interesting that everybody who has commented about TRENT's service in the Senate has quickly moved to also comment about his commitment to his family and in particular his wonderful wife Tricia. It has to say something when that is one of the first things people think of when they think of you. I know if that is the way TRENT is remembered, he will be a very happy man.

TRENT LOTT has been serving almost his entire adult life. The people of Mississippi, the people of America, his colleagues in the House and Senate, and I have been honored to serve with TRENT for 21 years. I have learned a lot. Most importantly, I have enjoyed my time with TRENT, especially quiet time.

Now it is time for TRENT to serve his family more in accordance with his priorities, and no one can argue that he has not earned that right.

So TRENT LOTT, a man for all seasons—Representative, Senator, servant, leader, husband, father, and grandfather, proud American and Mississippian and friend—thank you. God bless you.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I noticed the Senator from California and I rose virtually simultaneously. I yield to her.

Mrs. FEINSTEIN. Madam President, I thank the Senator from Pennsylvania very much. It is very generous of him. My remarks are very brief and they are very personal.

TRENT, I want you to know how much I have enjoyed working with you. I have enjoyed your friendship, I have enjoyed your sense of humor and, yes, I have even enjoyed your singing.

(Laughter.)

I have found you to be both forthright and truthful. I have found that when you give your word, you keep it. I tend to judge people on two bases: how they go through the tough times and whether I would want to be in a bunker with them in a real debate.

I watched you go through the tough times. I remember you showing me a picture of a chair that had gone a mile from the home that blew down in the hurricane. I remember your fight with the insurance company, and I can only say to that insurance company: Give up, you are going to lose.

I want you to know how much I treasure the relationship we have had. You have a great future. For you and your family, you are probably doing the right thing. For us, it is going to be a real loss. I want you to know how much I enjoyed the times we had socially, the seersucker caucus, seeing you turn up here in white bucks, all clean, spotless, a seersucker suit, a pink shirt, and a pink tie. No one in seersucker quite equals you, TRENT LOTT. For me, a westerner, to see a southerner at his peacock best was incredibly special.

I thank you for your contributions to the Senate. I thank you for your friendship. I wish you well, and may the wind always be at your back.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I join my colleagues in expressing my heartiest congratulations to my good friend, Senator TRENT LOTT, on his historic career of 35 years as a member of the U.S. Congress. I also express deep regrets that following the new year, we will no longer have TRENT LOTT as a member of this body. His announcement that he will be retiring was a shock to some of us here in the Senate. TRENT has been the embodiment of what's good in this body for so long, that it will be difficult to think of the United States Senate without the Senator from Mississippi. I applaud TRENT's outstanding service to the people of Mississippi, and the nation which he has successfully undertaken in both wings of the U.S. Capitol.

TRENT LOTT was born on October 9, 1941, in Grenada, MS, the only child to a shipyard worker, Chester Lott, and a school teacher mother Iona. TRENT attended a high school which in later

years would bare his name, the Trent Lott Middle School. LOTT went to the University of Mississippi where he achieved an undergraduate degree in public administration in 1965 and a law degree in 1967. During his time at college he met and married his wife Patricia Thompson in December 1964. Together the couple had a son and a daughter, Chester and Tyler.

After graduating from law school, TRENT began a law practice in Pascagoula, MS, but leaving after less than a year when he was offered a job working in Washington as an administrative assistant for Congressman William Colmer, a Mississippi Democrat. When Congressman Colmer announced his retirement from the House of Representatives, TRENT LOTT announced his candidacy as a Republican to seek the vacant office. LOTT, even as a Republican, won Colmer's endorsement, vowing to fight the increasing power of Government that was developing in Washington. LOTT went on to win the seat with 55 percent of the vote. The next 35 years would mark a series of extraordinary moments in history as TRENT LOTT begins his career as a Member of Congress.

I have had the privilege of serving with TRENT in the Senate for the past 19 years. I have watched him throughout his Senate career develop into a strong and effective leader, mastering the art of compromise, a feat which is hard to accomplish in these times. These qualities served TRENT well as he climbed the ranks in House and Senate leadership: he served as House minority whip from 1981 to 1989; Senate majority whip for 5 months in 1995; and in June of 1996, he succeeded my good friend, Senator Bob Dole, to become the 16th majority leader of the Senate. TRENT served a brief stint as minority leader after the 2000 elections produced a 50–50 split in the Senate, with Vice President Al Gore still being the tiebreaking vote. As the Bush administration came into office, with Vice President DICK CHENEY now being the tiebreaker, control went back to the Republicans and TRENT resumed his duties as majority leader. Later in 2001, TRENT would once again become Minority Leader as Senator Jim Jeffords, a Republican from Vermont, became an Independent and caucused with the Democrats, allowing them to regain the majority. Presumably, TRENT will leave the Senate while serving in his most recent leadership position; he was elected this Congress to serve as the Republican whip. Senator TRENT LOTT is the first person to have served as whip in both Houses of Congress.

Drawing on his impressive experience as a legislator and a negotiator, majority Leader, LOTT was instrumental in promptly moving legislation from Congress to the President's desk. Working harmoniously with the executive and legislative branches of Government, the country witnessed landmark bills being signed into law. Major policy initiatives, such as the Welfare Reform Act of 1996 and bringing balance to the Federal budget for the first time since 1968, were both accomplished under TRENT's leadership. However, I was most impressed with the role TRENT played in the impeachment proceedings for President Bill Clinton. Working with him during this difficult time in our country's history was an experience I will always remember.

Aside from a distinguished career as majority leader, Senator LOTT has been a champion for his own State of Mississippi. Recognizing that the top priorities in Mississippi are an expanded transportation system and innovative education, TRENT time and time again proved to the people of his State his ability to deliver. He has secured Federal funding to improve Mississippi's transportation expansion and has more than doubled research funding for Mississippi's public universities. Recognizing TRENT's leadership through public service, the University of Mississippi in Oxford, where he received both his undergraduate and law degrees, named its leadership institute after him.

On a personal note, I believe all my colleagues can agree with me, that along with his remarkable accomplishments in Congress, what we will miss most about TRENT is his affability, commonsense persona, and his enjoyable sense of humor. He brings a breath of fresh air to Washington, a town which desperately needs it at times. No one questioned TRENT's motive when he revived a long-forgotten Senate tradition known as Seersucker Thursday, a tradition which this Senator has participated in, and will continue to participate in.

Senator TRENT LOTT's service and leadership were invaluable to this institution. Truly a great Senator, he will be missed in this body. I wish him, his wife Patricia, and all his family the very best in the years to come.

I am pleased to join in this tribute to Senator LOTT. My only regret is that it is occurring perhaps 18 years too soon.

I would characterize TRENT's attributes, among many, as his talent, his character, and his flair. He has brought to this body enormous intellectual capability and great street smarts. Ordinarily, the two do not go together, but with TRENT, they have been united to the great benefit of the body.

We have watched TRENT in his positions in the Senate before taking a leadership role after his election in 1988, being the majority leader, and the way he makes contacts on the Senate floor. We all move around, none with the speed and alacrity of TRENT LOTT. There is always an intensity to his conversations. He doesn't buttonhole people or he doesn't lean over as Lyndon Johnson was reputed to have done, but there is a real intensity. Usually at the end of the short conversation, the other person is nodding in the affirmative.

At our Tuesday luncheons, the way he moves around from table to table, it was almost as if he were in Club 21. Here again, moving in and out with a great deal of speed and, again, the conversations and what I surmise at some distance to be success.

He has been characterized as a deal maker, a term which is not always used in the highest sense, but with TRENT LOTT it is. The great problem with our body is there are not enough deal makers. Not enough Senators willing to come to an accommodation. It is an understanding of the varied points of view.

On the rare occasions when I have disagreed with a majority vote—may the record show TRENT is smiling—he has been understanding in his leadership position, never conceding, and frequently advocating, but always understanding.

If there is one thing this body lacks, it is a sense of accommodation. That is evident by anybody who will take a photograph of the Chamber today and note how many people on the other side of the aisle have appeared here. I hope their numbers will be increased before this proceeding is concluded.

The business about our political process being dominated by the extremes of both parties is very much to the detriment of the country. Those who are willing to cross the aisle, as the last speaker did on the Democratic side, the Senator from California, the country owes a great debt of gratitude to. And to those such as Senator LOTT who have been able to forge compromises, it is in the greatest tradition of the Senate and the greatest tradition of the United States.

Just a word or two about his character. I attended the 100th birthday party of Senator Thurmond on December 4, 2002. I have seen many comments blown vastly out of proportion during my tenure in the Senate and before, but never have I seen one blown as much out of proportion as that one was. And I said so at the time. My record on civil rights is one which no one yet has questioned. What Senator LOTT said was in no means out of line. And then to continue in the Senate and really move as a Member without leadership credentials was to his enormous credit. Then to come back and to run for another leadership position and be successful was in the greatest tradition of the Phoenix rising from the ashes. I haven't seen any greater display of character in this body in the time I have been here.

Then there is the matter of flair, which this body needs more of. Always a smile, always a pat on the back, always the joviality, and the great tradition of seersucker Thursday. It is always an interesting time when people come, not recognizing seersucker Thursday. One day, our leader, Bill Frist, went out and bought a suit—and I have a picture hanging proudly in my outer office—and Bill couldn't get the trousers adjusted, and the highlight of the picture is the unadjusted trousers of one of our Senate colleagues.

Let me end on a note which I have debated whether I should comment about, but it is relevant because of the response TRENT made to a short story I told recently at the celebrity comedy evening. I dusted off an old story from mayor Bill Daley at the 1968 convention and made TRENT the object of the story. It went to the effect that when TRENT came back to the Senate after the losses in Mississippi, he was devastated and very glum.

I approached him on the Senate Floor one day and said: TRENT, why are you so unhappy? What is wrong?

I knew, in one sense, but he seemed especially morose.

He said: Well, ARLEN, not only was my entire property destroyed in Mississippi, but my entire library was destroyed—both books—and I wasn't finished coloring one of them, either.

Well, that little bit of joviality at TRENT's expense was met with his approaching me on the floor—and this part of the story is true and what makes it perhaps relevant to these comments—and with a scowl on his face, he said: ARLEN, I thought you and I were friends. We have been in this body a long time together. Now I hear you are making me the butt of jokes at comedy hour, so I don't really understand. And besides your unfairness and your incivility, you are wrong—I have more than two coloring books.

In a sense, that characterizes TRENT LOTT's magnanimity, and we are all going to miss him very much. He has made a great contribution. When TRENT decided there was another course for him and his family, I had great respect for that decision as I have great respect for him.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I had an opportunity to hear the first half hour of this tribute to Senator LOTT, and then I had to go on to another piece of business, and I have just returned. But in all of this conversation about Senator LOTT, there has been some levity. I am not going to be able to add to that because my wife always tells me every time I try to be funny, I kind of screw up. So I want to add to the business aspect of Senator LOTT and the Senate.

I think most of the tribute I heard praised Senator LOTT for making the Senate work, the process of the Senate, moving things through the Senate, making the Senate a great part of our institution of self-government, and he does that. But I would like to talk about the substance of policy I have seen TRENT LOTT bring to the Senate and bring to the people, and whatever I talk about is part of the laws of the United States to which I think he has contributed.

Like all of my colleagues, it is hard for me to imagine the Congress, and especially the Senate, without TRENT LOTT being a part of it.

I met my friend TRENT LOTT when I was elected to the House of Representatives in 1974. He had already been in the House of Representatives at that time for 2 years. As has been said so many times, he went on to become a very competent House Republican whip, first showing what a successful national leader he would prove to be again and again, as he is now in that position in the Senate.

I also remember talking with Congressman LOTT 8 years after I came to the Senate, as he was imagining whether he should run for the Senate. But it has really only been in the last 12 years that I have had the opportunity to work most closely with Senator LOTT. He has been a very strong ally, particularly for me as a leader on the Finance Committee, but he has also, on occasion, been a worthy opponent.

Senator LOTT has fought tirelessly for legislation that respects the principle of less government and more freedom, particularly economic freedom. His support for tax relief, expanded market opportunities for U.S. manufacturers and for job creation, and for consumer-driven health care has been essential to the many successful legislative initiatives that have come from the Committee on Finance in recent years.

Back in 1997, as a new member of the Finance Committee, Senator LOTT worked for passage of the Tax Relief Act of 1997. This legislation included a $500-per-child tax credit, a 20-percent capital gains tax rate, the Roth IRA, and estate tax relief for small businesses. In fact, Senator LOTT was a leading proponent of capital gains tax relief, and he remains unfailing today in his commitment to this vitally important progrowth tax policy.

In 1998, Senator LOTT was a key player on the Finance Committee in putting together a final agreement on the highway bill.

In 2001, when I became chairman of the Finance Committee and we had the opportunity to pass the largest tax relief bill in a generation, Senator LOTT was Republican leader at that time, but he continued as a member of the Finance Committee and in turn an essential supporter and contributor to what has become known as the Economic Growth and Tax Relief Reconciliation Act of 2001. This legislation lowered rates for all taxpayers, made the Tax Code more progressive, and created the first ever 10-percent marginal tax rate.

Two years later, after September 11, we were at work on the Finance Committee to pass legislation to stimulate the economy. Again, Senator LOTT was in the forefront as an advocate for reducing the capital gains tax rate to 15 percent, where it is today. Senator LOTT weighed in heavily to get it done. Also, with lowering taxes on income from dividends and capital gains, the Job Growth Tax Relief Reconciliation Act of 2003 accelerated some of the tax changes passed in 2001 and increased the exemption amount for the alternative minimum tax. These initiatives encouraged economic growth and were vital to mitigating the economic shock of the terrorist attacks of September 11, 2001. By spurring economic activity, those tax policies altogether resulted in recordbreaking revenues collected by the Federal Treasury.

Senator LOTT has brought tremendous energy to policy and tremendous energy to getting the work of the Senate done. But I am going to remember his contribution to the policy this Senate has made—very good policy—and he has been there working very hard as a member of the Senate Finance Committee to do that. The drive to get the work done has helped me get my work done in the Senate.

Now, there is no doubt he served his constituents of Mississippi very effectively. After nearly three decades in the Senate, he showed his loyalty by staying in the Senate after a planned retirement just last election. He decided to run for reelection in order to do what he has done for an entire life as a public servant—to help the people of Mississippi, and in this specific instance to help the people of Mississippi recover from Hurricane Katrina. Mississippians didn't quit, and neither did Senator LOTT quit. He used his influence and power in the Senate to help his State recover.

As a Republican leader in the Senate, TRENT LOTT's experience and knowledge of the Senate and the Senate's procedures have proven to be invaluable. It will be a long time, if ever, that we see anyone work the whip process better than Senator LOTT has.

Senator LOTT leaves the Senate with a great legacy of accomplishments. Woven throughout everything, though, is Senator LOTT's ability to lead. He demonstrated repeatedly his talents and abilities for building winning coalitions. He led with commitment to getting things done. He understood that there are different points of view but that they can be brought together for the right approach that brings results and, as a result, good policy.

I salute Senator LOTT's tremendous success as a leader in the Senate, and I am truly sorry to see Senator LOTT leave the Senate. I will miss him as a colleague and as a friend. TRENT LOTT has made the Senate, he has made his home State, and, for sure, the Nation a better place.

Thank you for your service, TRENT LOTT.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. SNOWE. Madam President, I wish to join all of my colleagues, sadly and regrettably, in a big farewell to my very good friend, a good friend to this institution, a giant in this institution, as TRENT prepares to leave the Senate and usher in a new chapter of his much-accomplished life. With his 35 years of distinguished service, his leaving the Senate represents an enormous loss to our Nation and to his beloved State of Mississippi, to the Senate, and to many of us personally.

There is no question that it speaks volumes about his dedication and commitment to his beloved State of Mississippi when he could not and would not leave the Senate until his State found solid ground and footing in the aftermath of the horrific devastation of Hurricane Katrina.

I must admit I feel as if I bear some responsibility in TRENT's leaving the Senate. You see, a few weeks ago, prior to the recess, TRENT said: Olympia, if you don't vote with me, I am leaving the Senate. Always the straightforward approach. TRENT, I just didn't realize you were serious. So I am a little relieved to know it wasn't about me.

But, you know, I have known TRENT for 28 years, since we first served together in the House of Representatives, and I have always known him to be an adept and thoughtful legislator in his various leadership capacities in both the House and Senate. He forged the template for reaching out and solving problems and strengthening the respective institutions in which he served.

I saw firsthand his masterful skills as minority whip when he was elected in 1981. In 1982, he raised a few eyebrows when this conservative man from the South named a centrist woman from Maine as his chief deputy whip. That was groundbreaking at the time because it was the first Republican woman to serve in that capacity. But in 1981, we only had 192 Republicans in the House, and TRENT demonstrated his legendary abilities to cross party lines, secure the votes, and was so instrumental to instituting President Reagan's agenda. So it was no surprise that President Reagan would frequently call TRENT and his whip organization to the White House, because he knew TRENT was central and crucial to securing those early threshold victorious for his key initiatives.

For those who served at that time in the House of Representatives, we had epic budget and tax-cut battles. We were rebuilding our hollow forces after Vietnam and of course the Cold War was in full force. Indisputably, TRENT rose to the occasion time and time again. He was a consummate coalition builder. He created what he described as the buddy system, bridging the political divide, understanding that there would be regional, political, and philosophical differences that would divide us, but he would find a way to unite us.

At that time we had, what was it, Gypsy Moths, which were the Northeast-Midwest Republicans, those of us who were there, Republicans, and then the Boll Weevils, who were southern Democrats. I will leave it up to you to decide whether it is appropriate to name Members of Congress after insects. Nevertheless, that was the regional divide and it was TRENT's challenge to bridge that divide, and he did it time and time again. Even after the 1982 election—we lost 26 Republican seats in the House of Representatives, now we were down to 166 Members of the House—he managed to secure votes that would have eluded others. In fact, we were able to obtain a 100-percent increase in defense spending in 5 years. That is what he was able to accomplish, because he systematically and mathematically as well as philosophically worked with people across the political lines to make it work. As he says himself, he is a congenital doer, who wants to solve the problems of this great Nation.

It is no surprise, then, that he would be the first person elected to whip in both the House and Senate. He rose rapidly here within the ranks of leadership, with the culmination as Senate majority leader in 1996. He characteristically wasted no time once again applying the same formula for coalition building and achieving the passage of watershed legislation, as has been mentioned—whether it was the minimum wage, Kassebaum-Kennedy legislation on health care portability, the landmark welfare reform, even after it had been vetoed twice by the President.

We all know during that period of time as well his tenure was bookended by unprecedented and historic events—the impeachment trial, a 50–50 Senate for the first time in 120 years, and the worst attack on American soil. He managed to achieve the first balanced budgets in probably more than a half a century. He, as we all well know, guided this institution with dignity and skill during those tumultuous times.

On a more personal note, one of the crowning achievements of his persuasive powers is when, as others have mentioned here today, he was determined to dedicate Thursday, one summer day, for Seersucker Day. He approached me with the idea. He said, OLYMPIA, are you going to wear a seersucker suit? I said, TRENT, be serious; I am from Maine. We don't wear seersucker suits and I will not wear it. Not over my dead body.

Of course, when Seersucker Day arrived, I showed up in a seersucker suit, to his surprise, alive and well. But that is an indication of his ability to persuade.

Finally, I think there can be no discussion of TRENT's legacy without paying tribute to his extraordinary wife Tricia. Theirs is truly a special partnership. I know TRENT would be the first to say he could not have done any of it without Tricia. She in her own right has contributed immeasurably, in both the House and the Senate, and their wonderful children as well.

To the Senator from Mississippi, Senator LOTT, you have been a pivotal and positive and powerful force for the good for our first branch of Government, bearing a close resemblance to what our Founding Fathers had in mind—Madison in particular—when he said he expected of the Senate ''to prefer the long and true welfare of our country.''

It is with profound gratitude we say farewell and wish you well. God bless you and Tricia and your entire family.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I rise today also to express my friendship and gratitude to the great Senator from the State of Mississippi. When I think about comments that have been said about his effectiveness, I have to say from this side of the aisle, we have lamented his effectiveness from time to time—and appreciated, as well, the desire and the practical side of the Senator from Mississippi, to want to get things done, to be able to make things work. I, for one, am very grateful for that.

I am assuming some of that comes from having been on the staff side as well as having been in the House and the Senate and learning how things work and valuing governing, valuing relationships, and wanting to get things done.

Back in my home State of Michigan, when I talk about the legislation Senator LOTT and I have championed, folks raise their eyebrows. What are you two doing working together on something? I talk to them about the fact that if it weren't for Senator LOTT and his leadership, joining with me, we would not have achieved something important earlier this year based on legislation we introduced to provide more competition in the area of prescription drugs, and to lower the price of prescription drugs through the ability of generic drugs to come into the marketplace. We were successful in amending the FDA bill. It got tough in conference. A lot of folks didn't want to see those loopholes closed. I thank TRENT for hanging in there or we would not have achieved that. Businesses around the country will benefit from lower prices on prescription drugs for their employees as a result of your leadership. Seniors will benefit as a result. I thank you for stepping up at the time when it was not easy to do.

It has been a great pleasure to work with you in many different ways. I have to say also, always to me you have been a southern gentleman. I, too, never thought in my wildest dreams I would wear a seersucker suit. Along with Senator SNOWE, and with the help of Senator FEINSTEIN—who chided and pushed and persuaded all of us, and helped all of us be able to find seersucker suits—we have all joined and had a great time every year being able to come together for that great picture I have in my office.

I know you will be missed on both sides of the aisle. We understand that you understand the process. I know your book ''Herding Cats'' reflects what in fact it is oftentimes in the legislative process. But you have been able to do the herding and been able to get people to come together, and you will be known for being an extraordinary leader in the Senate.

I rise today to congratulate you, to thank you, to wish you and Tricia and your children and grandchildren nothing but happiness as you move to the

next chapter of what I am sure will continue to be a very meaningful and exciting life.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Madam President, one of the words we often hear as people talk about relationships is the word ''mentor.'' It is always assumed that the older person mentors the younger person. The record is clear that I am 8 years older than TRENT LOTT. But the record is also clear that he has acted as my mentor as I have come here to the Senate.

We have all heard about his legislative accomplishments. I wish to pick out three items of my relationship with TRENT where he has taught me things that have been valuable. When TRENT ran for the whip position, I worked for the election of Alan Simpson. I didn't know TRENT all that well. Alan and I were friends from long ago. We first met up in the family gallery when our respective fathers were being sworn in as Senators. He introduced me to his child bride and I introduced him to mine. He made the Simpson-like comment. He said:

> Having married younger women, this means in our older age we will smell perfume instead of liniment.

After I got to know TRENT and appreciate his abilities, I made the comment, If I had known you to have been as good a leader as you are, I would have voted for you in the beginning. He corrected me and said, No, your relationship with Simpson was so strong and so personal that you should have supported him, and I didn't even ask you because I respected that relationship.

That was a very important thing he taught me there about relationships and commitments that I have tried to remember ever since.

Second: As a freshman Senator who was sure I understood the institution, I moved out aggressively in a variety of circumstances and suddenly found myself caught in a vice between two very senior, very powerful, very opinionated Senators, whose names I shall not disclose.

I didn't know what to do. Whatever I did, I would offend one or the other and both of them had reputations for very long memories and determination to take revenge. In my moment of great panic, I called TRENT and laid this before him, more or less seeking some kind of balm or salve, and received instead a solution. He, with his expertise, knew how to maneuver between these two giants, and what was in some ways my most difficult day in the Senate became, with TRENT's help, one of the better days I experienced in the Senate, as I watched these two clash together, with me on the sidelines, staying out of it because of his help. He taught me again: Don't get yourself into that kind of problem in the first place.

Finally, emotions run high around here. People get all wrapped up in the issue of the time. We had one of those, where some members of the Republican conference deserted leadership and there was a sense of great anger. Some people were talking about retaliation. TRENT taught me this great truth. He said: The most important vote is the next one. Do not allow your concern over that vote to damage your relationship that you may need on the next vote.

Those among us of the Republican conference who wanted to retaliate—TRENT did his best to say to them: No, don't carry that grudge, don't carry that forward. Understand, the most important vote is the next vote.

Those were the three things I wanted to highlight that I have learned from TRENT. But I want to point out that he himself, when the blow fell—as Senator SPECTER has said, in a vastly overblown reaction to an appropriate comment—he himself demonstrated in his own life his commitment to those principles. He did not allow anything that had happened as a result of that to destroy his relationships, the friendships he had built. Even if there were some who could have been attacked for having abandoned him, he did not attack those relationships. He did not show any desire to retaliate. He may have felt it. Indeed, he would not be human if he didn't. But he came back to the Senate with his optimism showing, his determination to stay calm, his determination to stay engaged and not allow a sense of revenge or retaliation to take him over. That, of course, served him in good stead when he was returned to leadership by the same massive majority that he had when he took the whip's job the first time—by 1 vote.

This is a man we shall miss. This is a man who has taught us a lot. This is a man who served as a mentor to me, and because of him, I now own a pair of white bucks.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, once upon a time in the spring of 1968, even before TED STEVENS was a Senator, a young man with carefully combed hair came from Pascagoula, MS, to Washington, DC, and he moved into a spare bedroom in the house at the corner of Klingle Street and Foxhall Road.

It was almost 40 years ago. I remember it very well, because I was already in that house along with four other single young men in our 20s. Our new resident from Mississippi was different in several ways than the rest of us. No. 1, we were single, and he was married. Tricia and Chet, then a baby, were still back in Mississippi. No. 2, he was a Democrat and we were Republicans. But at that age, that did not matter to us very much.

And No. 3 is—and this is hard for anyone in the Chamber to imagine, for me even to say—I remember him as quiet.

Maybe it was because he did not stay long, because he remembers that we were noisy—playing the piano, staying up late, as he said yesterday, having parties, and then getting up at 6 a.m. in the morning and going to work.

So for whatever reason, maybe because of those differences, our friend from Mississippi moved out after a few months. Tricia and Chet came to Washington, I believe, and he continued his job with Mr. Colmer, the Congressman, from the area where he grew up.

My other roommate was Glover Robert, who was from Gulfport and who had introduced us all to TRENT, and who later was TRENT's campaign manager in his race for Congress. I can remember Glover saying at that time that everybody in Mississippi knows TRENT LOTT is one of two young men in Mississippi who is going to grow up to be Governor of Mississippi. The other young man who Glover talked about was THAD COCHRAN, who we also met that year in 1968. He was also a Democrat in 1968. Neither of them grew up to be Governor of Mississippi, at least not yet. But one became the chairman of the Appropriations Committee, and one became the leader of the Senate, and both are our friends.

Now TRENT, after 35 years in Congress, is moving on to the next chapter of his life. I understand his decision. We talked about it. As far as anyone can say from outside the Lott family, it looks like a wise decision on a personal basis. But on a personal basis too, I am truly sorry to see him go, because over those 40 years, we have been in different places most of the time—I mostly in Tennessee, he mostly here—but we have stayed in touch in many different ways.

When our roommates got together at the Governor's mansion in Tennessee in the 1980s, I remember reading to the group after dinner from a book on manners. When I came to the Senate, I received a book, ''George Washington's Rules of Civility,'' that was inscribed, ''To my friend, Senator Alexander, the history professor, Trent Lott.''

In 1986, I became a little bit exasperated with the House Republicans from a distance and I called up TRENT and said: What is going on? Are we Republican Governors and the House Republicans on the same page? He introduced me to Newt Gingrich, and a group of the Governors and the Republican leaders in the House met at Blackberry Farm in the Smoky Mountains for a whole weekend and had a terrific weekend, in terms of charting the future course for our party.

A few years later I came to Washington as Education Secretary and immediately turned to TRENT—who was always in some sort of leadership position, usually some different one—for advice and support.

Those who follow the Senate know that TRENT has, along the way, taught all of us various lessons. He has especially taught me lessons, particularly how to count. It is because of TRENT

LOTT that a year ago, it was necessary for me to write 27 thank-you notes for 24 votes in the race for whip. I have worked hard to learn my lesson from him over a period of time.

About 6 weeks ago, TRENT and Tricia invited my wife Honey, me, and the Greggs down to their home outside Jackson. We spent a weekend. It was following up a nice weekend we had had in the mountains of Tennessee sometime earlier. Most of the remarks today about TRENT have been about TRENT in Washington, DC and they are all very appropriate. And here in the Senate we often think of TRENT as having the wiliness of Lyndon Johnson and the joyfulness of Hubert Humphrey—two other great figures in Senate history—but it is more fun to see him in Mississippi. Going through the airport, every single woman in the airport in Mississippi wanted to talk to TRENT LOTT, and he talked to them all of the way through the Jackson airport.

To see the number of buildings in Mississippi already named after him—and he is not even dead yet—and to see the beautiful home they have outside Jackson, MS is something to behold. JUDD and I counted five different tractors in his garage, and we rode in most of them. We should have known, or I should have known, from seeing how happy he is there and how much he loves to do this, that his mind was probably more on becoming farmer of the year in Mississippi than it was on spending another 5 or 10 years in the Senate.

TRENT, transitions—I have had a number of them—are not always easy, but they have been for me the most rewarding parts of my life. I believe for you and Tricia this next transition will be the same—liberating, not entirely easy, but perhaps the most rewarding period of your life.

I tried to think of some words that would describe it, and I thought of words that better describe the Smoky Mountains where I am from than the Mississippi area where you are from. But the thought still applies. They are words from Emily Dickinson, which say:

> Goodbye to the life I used to lead and the friends I used to know. Now kiss these hills just once for me, for I am ready to go.

It is a reassurance for us to know that you are not going far. I hope it will be reassuring to you to know that you are not going far, that your old friends are still here and we are still your friends.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, let me note—it has probably been noted here on the floor already—that it is so much nicer to hear your eulogy in person than afterward. In many ways you know it is more heartfelt because the Senator from Mississippi is here and has the ability to correct it, something he would not have 40 years or so from now when he might rejoin his Maker.

I think, though, about TRENT LOTT. TRENT is one of those Senators who has great respect on both sides of the aisle. I think it is because he is from the old school. I do not want to damage his reputation in Mississippi to have one of the more liberal members of the opposite party praise him, but I do it easily. Because, as I told TRENT within an hour after he made his announcement—we were on the phone, and I told him that one of the things I liked about him is he followed that rule Mike Mansfield told me my first week here in the Senate: Senators should always keep their word. Every time Senator LOTT and I have worked together, to find our way, sometimes through a very tangled parliamentary or legislative morass, we got through because I could always count on him once he made a commitment to keep his word and he would keep his commitment. I think he knows I did the same with him. As Senator Mansfield tried to instruct all of us, those of us who were here at that time, this is the mark of what a real Senator should do. Because while you may disagree on one issue, you are going to be allies the next day on a different issue. And that is what makes the Senate work best.

Marcelle and I have had the opportunity to travel with TRENT and Trish, and I must admit this is a great deal of fun. I think he even has some of the photographs I have given him from some of those trips. As they have told me in Vermont, on occasions when he came up, a number of Vermonters came up to me afterward and said, ''Boy, the Senator from Mississippi is really good looking.'' I said: ''Well, yes, he is.'' ''He has got all of that hair.'' I said, ''Yes, he does.'' And they said, ''He can really sing well.'' And I said, ''I do not need to talk with you anymore.''

They would go on. Those trips—and I will close with this—one of the reasons why more of us should take such trips, bipartisan trips, is you find that you have so many things in common. Trish and Marcelle would talk about children and their hopes for them growing up. All four of us would talk about the difficulties in maintaining homes in our home State and in Washington, and doing it if you are not wealthy. We would talk about those things where we felt the Senate should come together. We talked about our backgrounds, our faith, our hopes for this country. I think somebody listening in would have been hard pressed to know which one was the Democrat and which one was the Republican.

I have served all these years with TRENT LOTT. I will miss him as a colleague, but I might say I will miss him especially as a friend.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Texas.

Mr. CORNYN. Mr. President, my State, like many States, has produced some political giants: Lyndon Johnson, Phil Gramm, John Tower, many great political figures. But one I recall specifically: Bob Bullock, a Democratic Lieutenant Governor in what was generally considered the most powerful political position in State government. I remember one time he said that there are two types of politicians: one who wants to be somebody, and the other who wants to do something. Most decidedly, TRENT LOTT is of the latter category.

I have heard comments today about his great ability to compromise. I think compromise is in and of itself overrated. Compromising with principle, looking for common ground while staying true to your convictions and your principles, is an art and one that TRENT LOTT has practiced throughout his congressional career.

Since the foundation of our Nation, Congress has been the workplace for many men and women who have come from modest beginnings and who took it upon themselves to shoulder great responsibilities. They have undertaken the noble yet difficult work of governing in the best interests of the American people. This has always been the defining characteristic of our country. In Lincoln's phrase: Government of the people, by the people, and for the people. This year, after more than three decades of public service in the Congress, we bid farewell to a man who has embodied this notion.

TRENT LOTT from Pascagoula, MS, always took to heart his responsibility as a representative of the State and he has never lost touch with his roots. We have heard reference to his memoir, ''Herding Cats,'' which I told him, after reading it: It was surprisingly good. He said: Why were you surprised? I said: I am not going to go there. It was surprisingly good.

But he answered one particular critic in his memoirs by saying: I ascended to the leadership of the Senate because I was from the Magnolia State. I found this to be a telling statement about a man who not only represented his State's interests but sought to represent its character and was literally impelled to public service.

As we know, he served Mississippi in both the House of Representatives and the Senate, in the majority and minority, through the administrations of seven Presidents. He has experienced just about everything a life in politics has to offer—the good, the bad, and the ugly. When his beloved home State was hit by a natural disaster named Katrina, he made it his top priority to see that the people of Mississippi were shepherded through the most difficult of times. Throughout his life and service, Senator LOTT has served his home of Mississippi with unflinching resolve. His principled and dedicated service has earned him a national reputation as a strong leader. His fervent desire to solve some of our Nation's biggest problems has put him at the forefront of national politics.

TRENT has always sought to find common ground on important legislation, and there is no doubt in my mind his absence will be profoundly felt. But as many have already observed, Senator LOTT has paid his dues. He has

done his time. He has served his State. He served his country. So while it is with sadness we say goodbye to a colleague and a statesman and, most importantly, a friend, it is with great joy that I wish Senator LOTT the best of luck in the next stage of his life.

TRENT, thank you for everything you have done for our country, for the Senate, this great institution, and for everything I have learned from your example. I know you and Tricia have a bright future ahead, and I know you especially look forward to spending more time with your children and grandchildren. We wish you the very best.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise to say a few words about the retirement of my friend and colleague, Senator TRENT LOTT. TRENT has visited Colorado. However, he complained he was kept busy and couldn't appreciate Colorado's vistas. Now he will have time to appreciate the great State of Colorado, and I invite him to revisit us because he will have time.

TRENT was majority leader when I came to the Senate in 1997. A large percentage of the views I have of how this body should work and how we can best come together, despite differences of opinions and goals, was formed watching TRENT LOTT shepherd through legislation organizing 100 competing agendas into a manageable schedule. I have always felt we were sent here by the people of our States to solve problems and achieve results. I know ideas can and do vary as to what solutions are or even what the problems are. That makes the end goal of finding solutions most of us can agree to that much harder and the skills required to do so much more rare. The Senate has been lucky to have TRENT in our midst as we worked through the pressing issues of these times.

It should be noted TRENT has done his work here, all the while remaining a genuinely decent man and a true gentleman. He is, everyone agrees, a fundamentally nice person who enjoys the human contact and personal relationships that come with his position. He enjoys working on behalf of the people of Mississippi. He has represented their interests well, and they have made it clear they approve of his service.

TRENT attended Pascagoula Junior High, which is now called TRENT LOTT Middle School. He is truly an example for future Americans to emulate. I join my colleagues in thanking TRENT and his wife Tricia for their service and thank God for providing him to public service in the Senate, where I personally know of his service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to pay great tribute to TRENT LOTT. Similar to so many on the floor, I felt compelled, had a great desire to come to the floor because of my deep respect and affection for TRENT. I mean that.

It is probably a great testament to TRENT, given those very deep and sincere feelings of mine, to remember how we were introduced politically. I was running for Congress and he endorsed my opponent. For a lot of people, it would have meant that person would never have built a strong working relationship with the other or it would have taken a long time. For TRENT, it took about 5 minutes. After I won, he called me and congratulated me and explained that my opponent was a former colleague of his and a friend and he felt loyalty and affection for the person. But the past was the past and the future was the future and he wanted to build that same friendship and sense of loyalty with me. So that was that.

It wasn't just words. He put that into action and made it perfectly clear from the beginning he was sincere. That is TRENT. That is probably the first and one of the most important lessons he imparted to me.

I will always feel privileged to have learned other lessons in two particular settings. One, I was honored to be asked to join his whip team over the last couple years, and I did so. I have learned an enormous amount as a member of that team. I will always remember his being very forthcoming in asking me for advice and ideas and what I thought about this or that, all the while paying compliments about my insight into things. I will remember it not because any of those compliments were true but because it showed his spirit and effectiveness at including people, getting the best out of them and bringing folks together.

As a member of his whip team, I will also always remember and appreciate his taking me under his wing and trying to help me develop relationships and friendships with other Senators more and, as he would put it, be able to ''schmooze'' more effectively. I hope, TRENT, you continue your work with me, as you join the private sector because obviously we still have a long way to go. But I appreciate the spirit of that work.

The second setting that is so important, in terms of my personal experience with TRENT is, of course, the experience of Katrina and dealing with that horrible hurricane. There couldn't have been allies in terms of our recovery work than TRENT and Thad. I will always be deeply indebted to them for all their work on behalf of the entire gulf coast. In south Louisiana, occasionally in the press there would be some story or comment resentful toward Mississippi in terms of the recovery, saying they got this per capita and we got this; we didn't do well enough. I would always explain that, boy, they got it exactly wrong. Because our best allies throughout all that horrible experience were TRENT and Thad. Were it not for them, we would not have fared nearly as well. I will be the first to admit that. I thank them on behalf of my State for their tireless efforts on behalf of the entire gulf coast.

So, TRENT, I join everyone in wishing you and Tricia and your family all the best. You deserve it. I know this is not the end of anything. It is the beginning of new great things. I look forward to our continuing tutorials on schmoozing and maybe even getting me to wear a seersucker suit someday.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, those of us who come from the South take great pride in our heritage. Part of the heritage we are very proud of is the fact that whether it is the State of Mississippi that sent John Stennis and Senator Eastland to this body or whether it is my State that sent Richard Russell and Paul Coverdell and Sam Nunn, we are very proud of the folks we have sent to the Senate. Come January, we are going to add the name of TRENT LOTT to those great men who have represented the South in this body.

When I think of TRENT LOTT, I think about something that a lot of people probably can't relate to, but he and Thad will directly relate to. TRENT is the epitome of the genteel southern gentleman, married to a beautiful belle with whom he went to college.

In the fall in Oxford, MS, there is a special occasion that takes place on football Saturday afternoons. They have a place down there called the Grove that is unlike any other area I have ever been to on any football afternoon. The Grove is what one might think. It is truly a beautiful spot with trees and green grass. All the University of Mississippi football fans gather in the Grove and, instead of backing up SUVs and pickup trucks with beer kegs on the back, as we do in Athens, they pull out silver goblets, white tablecloths, chandeliers on the table, and they enjoy a great festive atmosphere. TRENT LOTT brings that same gentility, that same mannerism of our part of the world to the Senate.

A couple of quick personal anecdotes that somewhat relate to that. TRENT has a way of being able to look at somebody and, whether it is trying to figure out how they are going to vote, what they are feeling like that day or whatever it may be, boy, he can get right to the heart of it. I am reminded of when I was thinking about running for the Senate back in 2002. TRENT came to me in the summer of that year. I remember this conversation like it was yesterday.

He said: Look, I know they are working on you to run for the Senate. You and I have been good friends for several years during your House days. I don't think you have got the fire in the belly. Unless you do, you better not run.

He was exactly right. About 6 months after that, he came to me again and said: I have heard you speak more and more about what you want to do, and you have the fire in the belly. It is the time to run.

The other anecdote I will never forget about TRENT is that during my

campaign, we had a farm bill we had finished in conference. It was a late farm bill that year. It was in the early spring of 2002. I needed to be all over my State campaigning. Unfortunately, I got stuck in Washington for a weekend with the farm bill conference. TRENT was coming to Georgia to campaign for me. I told him: TRENT, I am not going to be able to go. I feel bad about this. He said: Don't worry about it. Stay here and do what you have to do. Julianne and I will take care of this.

So he went to Georgia, spent the whole day traveling around to five different events in different parts of my State, drew big crowds because he was TRENT LOTT.

He called me up on Sunday morning when he got back and said: SAXBY, I got this thing figured out. I know how you are going to win this campaign. What you need to do is stay in Washington and let Julianne and me take care of that campaign for you.

TRENT is one of those people whom those of us junior Senators looked up to from day one. As I think back on my class, LINDSEY and a couple of us served in the House together, where we got to know TRENT. But whether it was ELIZABETH or NORM or LAMAR or others in our class, from day one, TRENT has been one of those individuals whom we admired so greatly because of his knowledge of the institution, because of his ability to come to you when you knew you were struggling with an issue. He could talk to you for 2 minutes and all of a sudden you would feel better about whatever it was you were struggling with. That is the kind of person TRENT LOTT is and that is the part about TRENT LOTT I truly am going to miss.

His office happens to be right around the corner from mine. There is many a day we will be on the elevator together going back after a vote. He will start picking at me about something. He will say: I know you have been worried about something. What is it? Invariably, again, he is right. He has had the ability to say a couple words that all of a sudden changed my perspective on whatever the issue was I was struggling with.

So, TRENT, we are mighty proud of you as a Southerner. We are mighty proud of you as an American. And we are certainly mighty proud of you as a Member of this body. You are truly going to be missed. But I treasure the last 13 years of having the privilege of serving with you in my House days as well as my Senate days.

God bless you, and may God bless your family.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate so many of these remarks. I would like to say a few things about TRENT.

I think TRENT's strength, first, is his roots. He knows where he came from. He knows how he was raised. He is loyal to his constituents and his people. He loves the people of Mississippi, and they love him. If he chose to move to Alabama and run for the Senate, he would be a winner there. He is well known in our State. He used to have a television program with the three Congressmen from that region, the ''Gulf Coast Report.'' It went for 35 years. It ended last year. He started that with former Congressman Jack Edward of Mobile and it had such a tremendous following. In fact, it was front-page news in Alabama when TRENT LOTT announced his retirement.

Secondly, TRENT was at the forefront of what clearly has been a historical movement of mainstream Republican thought in the South. It has been a trend that has been steady and strong and has shaped the Nation. It ended up helping provide a Republican majority in the House and the Senate to accomplish things that would not have been accomplished otherwise.

I am not that much younger than TRENT, but I remember when he made that fateful decision to run for Congress as a Republican in Mississippi. Those of us who were following politics at that time knew his decision was an important one. We young Republicans, throughout the South in particular, all watched with tremendous interest to see whether he would be successful. He and Thad both were successful that year. It was a movement of significant historical importance because many have followed his path.

TRENT has had an incredibly wise way of dealing with people. I remember sitting right over here, having not been here long, and a very important bill was on the floor. A very critical amendment was being decided, an amendment, if it had gone the wrong way, could have derailed the entire legislation. I had reasons to vote against it, but I had not made up my mind. There were a lot of reasons I could have voted against it. Some good friends were on the other side. He sidled up to me, and all he said was: Look at old Phil. This is his first big bill on the floor. It would be a shame to see him lose that bill.

(Laughter.)

He did not say any more. Those simple words touched my concerns, and I thought about them for a day and a half before I decided to vote with Phil and TRENT. He had a gift to sense your concerns, to know where members were.

I will mention two other things I think were of historical importance.

We could not agree on how to handle the impeachment. TRENT was the leader of the Senate. The Senate was supposed to try the House charge of impeachment. The Chief Justice who sat back here off the floor was asked: What procedures shall we use, Mr. Chief Justice? He leaned back in his chair and said: Well, it is the Senate's job to figure out how to conduct the impeachment trial. That is what the Constitution says. It is your problem, not mine. And still we could not agree.

TRENT thought and worried and did everything he could possibly do to reach an agreement on procedure. That agreement could not be reached, so he took an unprecedented step of calling the Senate together in the Old Senate Chamber. Do you remember that? That is when we had, what TRENT called, the great epiphany when Ted Kennedy and Phil Gramm spoke up and an agreement was reached. We did not embarrass the Senate. We did our duty. We followed through successfully. We met the constitutional responsibility we had. He was creative in trying to impress on us the importance of reaching that decision.

I can think of another one from the Republican side. In our movement in 2001 to reduce taxes the vote was close, with every single vote critical. Senator DOMENICI was the Budget chairman at that time, and I believe the critical vote was over the budget reconciliation. TRENT called a meeting of the Republicans in the Senate Chaplain's office.

(Laughter.)

The room has a high arched ceiling—so I guess we had a prayer meeting up there. You could look down the Mall and see the Washington Monument. Such a location had never been used before or since. There were a couple of votes TRENT had to have. He knew; he could count votes. Maybe there was just one vote he had to have. So that meeting was orchestrated carefully, and it worked. Our tax cuts passed, with every vote crucial and ultimately on the floor the vote was a 50–50 tie, with the Vice President breaking the tie. For 10 years, however, we will have had tremendous tax relief for Americans. It has surged our economy.

Without a truly skilled leader in both those instances, this Senate could have gone the other way and the history of our country quite differently.

I have enjoyed my friendship with TRENT LOTT and Tricia. I think he is a fabulous leader who has done remarkable things for our country. It has been an honor to serve with him.

If you come to Alabama, you can have my Senate seat, TRENT.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. TRENT, this is the time, on an occasion like this, where somebody always rises and says: Whatever could be said about this subject has been said, it is just that everybody has not said it yet. But in this case, it is not true. We have only been talking for 2 hours 7 minutes. It would take a lot longer than 2 hours 7 minutes to say all the things that could be said about your distinguished career.

But there are two things I wish to say, the two most powerful words in the English language: Thank you—first, on behalf of the late Paul Coverdell and his lovely wife Nancy.

I will never forget in March of 1993 meeting Paul—as I had for 20 years, as I led the Georgia House and he led the

Georgia Senate—at the International House of Pancakes in Buckhead at 7 a.m., his first time back in Georgia after being sworn in. I had him tell me about the place known as the Senate. All he could talk about was TRENT LOTT. He said: JOHNNY, TRENT LOTT has the two Ls. He can legislate and he can lead.

So on behalf of Paul, whose legislation—the Coverdell Education Act, and many other things—was done here, thank you for what you did for him. I know you always have shared with me how much you appreciate what ''Mikey'' did for you.

But, secondly, TRENT, thank you on my behalf. If every one of us in this room stood up and thought about it, we could take a specific incident that in our career has been accomplished that would not have happened were it not for your insight, your leadership, and your commitment.

For me, it was the pension bill last year and the pension of 91,000 Delta employees in Georgia. We got down to the lick log, as they say in Georgia, on the last day, in the last hour before the August recess. Bankruptcy was pending, and it was almost over. Thanks to your tenacity on Finance and your care and your willingness to be able to do what you did, that legislation passed. I got the credit, but the benefit belongs to you.

Thank you for what you have done for all of us.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise to pay tribute to my friend, my encourager, my mentor. Mae West once said: Marriage is a fine institution, but I am not ready yet for an institution.

Reflecting on the comments of my colleague from Georgia, I think when we get here, I don't know how many of us are ready for the institution. What I had—and what I know my other colleagues had—in TRENT LOTT was somebody who put his arm around you. He shared with you the importance of your word is your bond, the importance of family—more than things you can read in a rules manual or a procedural manual but the history of the heart and the soul of the institution, embodied by my friend and my encourager, TRENT LOTT.

This Chamber has been home to some of the great statesmen in American history. I say this not with hyperbole or superlatives, but I say it as a matter of established fact: that among the great statesmen in the history of this country, one is sitting in this Chamber today, who will move on to do other great things, I am sure.

Similar to me, he governs from the bank of the Mississippi. It is a little colder where I come from, the State I represent. But he is an outstanding representative of the heartland, the heart and soul of America.

On my way to the Senate complex, as I walk through, I sometimes stop and take a look at the words that are written in one of the office buildings by Everett McKinley Dirksen. I wish to read these words because this is inscribed on the wall: ''His unerring sense of the possible that enabled him to know when to compromise; by such men are our freedoms retained.'' Such a tribute belongs to TRENT LOTT.

Freedom requires that we all express our views strongly and to do that on the floor. But in the end, you need those who can knit together, who can craft legislation. We all have stories of being in Trent's presence and watching him do that. He truly is today's current master of the Senate. He understands the art of what it takes to get things done.

Some of us have said the worst sin in politics is not knowing how to count. If that is the case, then TRENT is pure as the driven snow because he knows how to count. And not only knowing how to count, what he does is use that in a way to kind of guide us to ultimately get things done. That is what it is about.

I believe what we are suffering from in this country today is a deep partisan divide. So the American public looks at and wonders about our ability to do what we have been elected to do. If there is somebody today who has the antidote to that infection, it is TRENT LOTT. Because in the end, that is what he strives to do.

We all have our stories. I served on the conference committee on homeland security to reshape the way in which we do intelligence, to look at somehow getting rid of the silos that were problematic on 9/11 that the 9/11 Commission talked about, and to figure out a way to put together a system of gathering intelligence which works together, is seamless.

I watched time and again, when it seemed like we were not going to get it done—and it was not, by the way, partisan; it was not just Democrat versus Republican; sometimes it was House versus Senate—and I can tell you, almost every time, on every occasion—and Chairman COLLINS could tell you the same thing, and Ranking Member LIEBERMAN could tell you the same thing—at the moment you needed that, where it seemed like it was not going to get done, the voice that arose was the gentleman from Pascagoula, the Senator from Mississippi, who would offer a little something that would kind of pull us back together and move us forward. In the end, we passed the bill. The Nation is better for it.

I had the opportunity earlier this year to be honored with Senator LOTT by the Ripon Society, with the Theodore Roosevelt Rough Rider Award. That is, by the way, the progressive wing of the Republican Party. TRENT got up there, when he received his honor, and said: Before I got here, I used to be called a conservative.

He is still a conservative, a principled conservative. But the reason he was recognized by the Ripon Society—and I think by folks regardless of what side of the aisle they are on, what side of the political spectrum they are on—is because of his incredible ability to find common ground, to pull people together.

In Minnesota, we all know of the Scandinavian who loved his wife so much he almost told her. There are many in this institution who care so much they almost get something done. But TRENT LOTT is one of those who both cares so much and he gets things done.

I thank the LOTT family for sharing him with our Nation. I know the foundation of TRENT's service is commitment to freedom, to faith, and to family. That is about as solid a foundation as one could have. That is something this first-term Senator has seen, has appreciated, and carries in his heart.

I thank him for his lifetime of service to all Americans. I ask that God continue to bless TRENT, Tricia, and the Lott family.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, there are others seeking to be recognized and I shall be brief. But I think of my good friend in many ways, not the least of which, we are two Senators who stood in the well in kilts with our knobby knees showing and voted—to the astonishment of all our colleagues.

You have helped me through the years in many ways, particularly on the Defense bill. You have served on the committee. When that bill was dogged, disparaged, cast aside, you always were there to bring it back, sometimes six or seven times in the course of the spring, until we were able to pass it, always, always being guided by your heart and your concern for the men and women who wear the uniforms and their families.

But I wish to speak of you in a very personal way. We had our differences in elections. Like BOB BENNETT, I was on the Alan Simpson team. I remember sitting in your office discussing that and voting for Simpson. You won, but you never held it against me or BOB or others. That is the way you managed this institution.

But I think back on my own career, insignificant as it is, and I reflect on the fact that I have been privileged to serve with 271 Senators in the 29 years that I have been privileged to serve. My dear friend THAD COCHRAN and I have that record together as we came to the Senate in the fall of 1968.

What I didn't know about the Senate—and surprisingly, I had the opportunity as Secretary of the Navy to come here for 5 years and testify many times and to come and respond to the calls of Members who, for whatever reason, wanted to talk to the Secretary about their particular problems—I never realized how all-consuming this body would be in terms of it becomes your family, they are your friends, and those bonds continuously grow year after year. When one Member is celebrating exhilaration, accomplishments,

be they on the floor of the Senate or be they in private life or whatever the case may be—winning an election, as THAD and I have done five consecutive times—you share those moments. But you also share the moments when a Member is faced with despair.

They often say the fall may be painful, but the road back is doubly challenging. I have watched you in those situations, and the strength that you and your lovely wife exhibited has been instilled in me. I pray to God that I never face some of the challenges that faced you: the devastation brought to your State, your graceful stepdown from the leadership, and your comeback, your magnificent and courageous restoration of your career in full—I say to you, Senator—in full. You made a tough decision, as I have done, not to return to this body and to our dear friends, but you did it on solid ground, and all of us join in our hopes that in your next challenge in life, you will make a contribution to this country you love, to the State you love, and to the Senate you love. Thank you for your friendship.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, this statement comes from the back row but no less love from us back-benchers. Let me tell you the Senate career that, for me, now completes 3 years has known no better friend than TRENT LOTT. I have certainly appreciated your willingness to mentor me. I was astonished to hear that BOB BENNETT considered you a mentor. I thought you did that for those of us who have just gotten here but, frankly, it looks as though you mentored about everybody in the Senate. So I consider myself very fortunate.

I think back to when we first met. I was first here in Washington as Secretary of Housing and Urban Development, and TRENT was the leader, the Republican leader of the Senate. We had occasion to meet, and shortly thereafter we were building a habitat for humanity house on a cold day, much like today, and I got the opportunity to know him on a more personal level and get to know Tricia as well. That has only endured and continued. I also very much appreciated you shepherding my nomination as HUD Secretary through the Senate, which I know was no easy lift, but you have my gratitude, in fact, then and now.

But, to me, as I look at my short career in the Senate, there was no issue that punctuates my time more than the very divisive issue of immigration. You didn't need to get involved in that—you really didn't. I know a lot of people in Mississippi probably wish you hadn't. The fact is, you saw a problem that needed solving. I remember you saying: Is there a problem? In fact, there was. And does this bill improve the situation from what it is today? And you said that it did, which I agreed with. Then you went on about trying to solve the problem, which is a quality that I greatly admire. You were moving the ball forward. You were trying to do what in your heart you felt was best for the Nation and something that would, in fact, move the ball forward and get it done. So you courageously worked, I know, sometimes against the grain. But I, for one, would rather have no one in a foxhole than TRENT LOTT during difficult times when they are lobbing them in at you.

So I very much appreciated the fact that you taught me a great deal in that difficult time, but also throughout my time in the Senate. I very much thank you for taking an interest in me and in my career, and I very much thank you for what you have done for our Nation and for your State.

As I look forward, my Senate career will be diminished by not having the opportunity to continue to work and learn from you, but I am grateful for the time I have had and what I have learned by your side. Thank you very much for your service and all the best to you and Tricia.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me first say of Senator LOTT I must make a slight confession. You know I am leaving next year, and one of the reasons I am leaving is because I have an ailment that has an impact on my brain. I say that in all honesty. I already told the whole world that. The point of that is I have difficulty remembering some things. I still am a pretty good Senator, so nobody is fighting about that. I just know that you and I have gone through some incredible legal situations, legislative situations, and I am trying to pull them up now in the next few minutes just to share them with you and to share them with everybody here.

I have been here 36 years, which is a little bit longer than TRENT, and that is six elections. You must know that I was in the middle of a lot of things or I couldn't have been here 36 years. I am not a back-bencher or an under-the-tabler. I am where the action is, and I lucked out on the committee that did a lot of exciting things.

One of the things TRENT LOTT has taught me about leadership is that it is quiet. It takes place without you knowing it is happening. That is what you did. When we had to put together the votes for the balanced budget and for the reconciliation tax bill, which was one of the most monumental acts, and we had to use that Budget Act drafted by the distinguished Senator BYRD and he didn't quite think we would be able to use it the way we did, and we had that battle and we won that on a vote, then we were using it to reconcile tax cuts for America. It is hard to explain, when you would get everybody around and then you would say: We are almost there, but we are not there. And here I am, I have been working on it forever, and we have this very unique process, and we just have to get the votes. We can't come back a second time on this kind of thing. We will get killed. It has to go right now. He would say we are one vote short or two, and you just knew that it was going to happen. He knew what was there, and when he would tell us to go, we would go, and sure enough, that is how it happened.

So I have had all kinds of situations, from the huge balanced budget, to—I remember when we reformed welfare. Many of these things came from the budget process, the way I used it on behalf of the Senate. We put in the numbers so that you couldn't avoid—if you did the welfare reform, you would get the protection of the budget. And I can remember that was an exciting day because it all of a sudden became bipartisan.

Do you recall, TRENT, that it didn't end up with just us; it was them. They came to the party, and so ultimately did the President. It was one great big party. But it was also, in the end, absolutely imperative that we had the reconciliation instruction that came with it that Senator LOTT—he wouldn't fuss with me. He wouldn't ask me to prove it. He would just say: Is that the way it is? I would tell him yes. And he said: Well, that is what we will do.

It was just terrific to be a chairman of important matters and have a leader like TRENT who would say: If that is what it takes, that is what we are going to do. We didn't redo it or rethink it because it got tough. Many times the path I chose was probably the harder one. He would say: If that is the way we are going to do it, we are going to do it. It was rather terrific to be part of a team like that.

Now, I want to tell you, it works both ways because TRENT LOTT was on the opposite side of something very important when he was over in the House. We did a Social Security change here to permanently fix Social Security—we thought—and TRENT—we heard from over in the House that the rocks and the stones weren't coming from the Democrats.

We said: Where are they coming from?

They said: They are coming from TRENT LOTT.

I said: Well, maybe I have to go over there and talk with him.

Then I said: Well, maybe I won't. Maybe I will just let him stew.

It was something Reagan was for and we were for, but his little team wasn't for. I think they were right. I think we made a mistake. But we didn't do that. We didn't get it done. Do you remember, TRENT? It died. You were over there and, clearly, you knew what you were doing, and I don't think you liked it very much because it was Republicans against Republicans.

But we did get back together, and for the one angst we had many memorable pluses that are just terrific when it comes to thinking back on the life of the Senator over a complicated, tough period of time, when we learned how to use a Budget Act for innumerable

things. In fact, the Budget Act was used, over a period of 16 years, by me, as chairman, with my staff, as an instrument beyond which anybody ever thought it would be used. It changed how we functioned as a Senate because it permitted us to do things through the reconciliation process that were absolutely impossible without that act.

Then we got around to the balanced budget. That was the big monster event of our time. We had to get that done, and we got it done, sure enough, by reconciliation instruction that was really gigantic, and then sitting down in a little room that I use over here that I call my hideaway. I hope somebody puts a sign on it after I leave because that little room was the room wherein we negotiated, four people negotiated the balanced budget.

TRENT was the guy who would come in every now and then to see if we were making headway and see if we needed help. It was Speaker Gingrich, myself, and somebody from the White House. Sure enough, when we were through, he was right there by our side, having participated as if he really knew what the budget was all about. He could put on a terrific face. He didn't have any knowledge of what I was doing in there, but he just asked: Is it going all right?

Yes, all right. Is it going all right? Fine. Then he would walk out and have a terrific press conference. They would all think he really knew what this budget was about. I mean, I have to admit, you don't have to tell him very much. We were still a long ways from getting there, and he would walk out and say: They are making great headway. This is really moving ahead.

I would go home after having not slept for 2 weeks, and I would be worried that he shouldn't be saying that because we were so far apart, and all he would say is: Don't worry. Just give them a little bit of optimism; we have to keep them alive a little bit.

I close by saying, TRENT, I know what it is to sacrifice to be a Senator. I did that. I came here, believe it or not, with my eight children—and I am going to just mention it once because you had it a little bit better, not much—but the pay was about $38,000 with eight children, and we couldn't find a way to change the pay because we were scared to. That is the kind of suffering we went through. TRENT did the same in his early days. When he and his wife came here, the Senate had decided for a number of years that we did not want to pay ourselves a salary, which is one of the worst things we did. A democracy should not do that. We must pay people for these important jobs.

That wasn't what kept him going. He loved the place, and his family loved it, it is obvious. His son was ambitious and rambunctious, wanting to get ahead, and he did get ahead. He was able to do that while his dad served here, and that is truly to their betterment and a compliment.

I say thanks for the sacrifice for serving us, for serving in the Senate, and for serving our Nation. It is important you are leaving at a time when you are strong and have a lot of energy left. That means you will have a second life and you will say to me what James Baker has said at least 10 times. He said: DOMENICI, there is life after the Senate. And I say that to you: May that life be as good as the Senate or better, and may your family enjoy it as much as they have enjoyed the Senate, and may it be successful for all of them.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I know that under the previous order, it is time for the policy luncheons. There are others here who may want to speak. I see Senator GREGG may well want to speak. Senator LOTT would like to respond. Senator BYRD also wants a few minutes.

I suggest the following: that Senator BYRD be recognized for 3 minutes, after which Senator LOTT be recognized for 5 minutes, after which we recess for the policy lunches. I know there may be others who wish to speak. Hopefully we can accomplish that sometime after the policy lunches. This is the last day we are here for our respective policy lunches. These are important lunches. We are going to have to begin them shortly. Therefore, I ask that consent.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I make an inquiry of the minority leader: Wouldn't it work out well if later on during quorum calls we have an opportunity to speak and then have all those speeches appear in the RECORD in continuity?

Mr. MCCONNELL. It would be my hope and expectation, I say to my friend from Oklahoma, that there will be floor time after lunch and that any Member who wanted to comment on Senator LOTT's career can do that. Of course, we ask consent that all be consolidated at this place in the RECORD.

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

Mr. BUNNING. Mr. President, I rise today to honor my friend from Mississippi, Senator TRENT LOTT. TRENT and I have been friends since my first year in the House in 1987.

He was the minority whip in the House during my first year in Washington, DC. Now that we are in the Senate together 20 years later he is my minority whip again.

TRENT and I have enjoyed our time together on Wednesday afternoons in Chowder and Marching. My wife Mary and I have enjoyed spending time with TRENT and his lovely wife Trish. TRENT and Trish are college sweethearts and two of the great warming personalities in our Senate family.

We are proud that members of the Lott family call Kentucky home. TRENT and Trish often come to the Bluegrass State to see their son Chet and his family.

He has served the people of Mississippi well for over 30 years. After the devastation of Katrina, the gulf coast region had no stronger advocate than Senator LOTT.

TRENT has risen from humble roots in his beloved Pascagoula to one of the top leaders in Congress. I know his family and the people of Mississippi are proud to call him one of their own.

Mr. President, I would like to thank TRENT for his contributions to the Senate and wish him and his family well as they open a new chapter in their lives.

Mr. CRAPO. Mr. President, I rise today to honor a dear friend and colleague here in the Senate whom I have served with in this body as long as I have been in the Senate. Over the course of his 35 years in Congress, Senator TRENT LOTT has developed a reputation for strong leadership, a bipartisan approach to legislating, and an unwavering commitment to Republican ideals and values. As you know, he is the only Senator to have served as whip in both the House of Representatives and the Senate, and it was under his watch as a younger legislator that our Nation saw significant economic recovery and increased national security in the 1980s that had the support of those on both sides of the aisle. Over the years, from my time in the House of Representatives to my time here in the Senate, I have looked to TRENT for collaborative examples of how to accomplish important, conservative goals such as tax reform, support for our military, and health care transformation, to name just a few. He has gained a remarkable, lasting reputation for being able to bring competing interests to the table, to work out successful answers to policy challenges—a quality that is in increasing deficit here in Congress these days. TRENT has committed his congressional service to Mississippians to furthering policies that stand for America: a strong national defense, responsible and fair tax policies that encourage economic growth, and health care that puts patient needs above Government mandates. I am especially heartened that TRENT remains unequivocal in his belief in second amendment rights.

TRENT and I have worked together over the past few years on the Finance Committee, and I have been pleased to have his support on legislation that we have moved through the committee, legislation that advocates tax policies that do not penalize Americans for saving or investing. TRENT understands that tax structures that favor small business investments, individual saving and investing, and a financial services system unburdened by onerous regulations are critical keys to a healthy economy for the United States, one that translates into a more stable global economy.

I have been pleased to host TRENT when he has come to Idaho, and I have had the pleasure of visiting the great

State of Mississippi. TRENT's retirement from the Senate, while in his best interest and in the interest of his family, will be a loss for the Senate and the promotion of conservative values here in Congress.

Mr. BURR. Mr. President, I rise today to honor a man who is my close friend but who, more importantly, is an American patriot and statesman.

Today, we pay tribute to TRENT LOTT, whom many, including myself, consider an institution within this great institution.

I have known TRENT for a number of years. He has served as an able and well-accomplished leader, a great Republican whip, and a distinguished Congressman and Senator from the State of Mississippi. A man of impeccable character, TRENT always shows the utmost respect for his colleagues and for Congress itself, always putting the interests of the country before his own. TRENT LOTT has a leadership style that I personally admire and I believe often went underappreciated. He loves this institution, and we respect him for that.

During his tenure in Congress, TRENT has been a legislative warrior fighting for commonsense solutions to our country's most difficult challenges. He does not seek credit for his achievements—they are too numerous to list—even though he has been instrumental in shaping our great democracy.

TRENT LOTT is a modest and honest man who has made the United States a better place from where it was when he first took the oath to serve in Congress decades ago. He is a true gentleman, and I have no doubt that his impressive legacy will live on for generations to come.

God bless TRENT LOTT and his beautiful family. Your service to this great Nation will certainly be missed but will never be forgotten.

Mr. ENSIGN. Mr. President. I rise today to celebrate the career of Senator TRENT LOTT—an accomplished leader, a great American, and a true friend. TRENT has spent more than three decades in Congress tirelessly fighting for a State and a people he dearly loves.

TRENT's path in life has followed closely that of the great American story. His humble beginnings, as the son of a hard-working teacher and pipefitter, established the foundation to value an honest day's work. These principles have remained ingrained in TRENT's heart throughout his historic rise to the Senate.

In his more than 30 years in Congress, TRENT has earned an immense amount of respect among his peers. Easily said, he knows all the ins and outs. While there are many things we can all learn from his legacy, the most notable of all is the power of compromise. Senator LOTT has proved to every one of us the impact reaching across the aisle can have on this country. It seems simpler these days to say ''I am a Republican'' or ''I am a Democrat'' and to leave it at that, but for TRENT Lott reaching across the aisle and working with others has led to results.

TRENT has shown all of us that we share the commonality of serving the American people in the Congress. We are here to make the best decisions we can for our country and its people, and bipartisan solutions are a vital component to the legislative process.

When looking back at Senator LOTT's accomplishments, the list is long and distinguished. In the areas of foreign policy and national defense, Senator LOTT has been a strong supporter of our armed services, stationed both domestically and abroad. He has fought hard for the security of our Nation and the protection of our service men and women. Likewise, he has not forgotten the commitment our veterans have made to this country and has upheld what he knows is our responsibility to support our veterans at every opportunity.

As a public servant, my colleague has fought strongly to keep Government off the backs of the American worker and set the stage for the Republican revolution through the progrowth gang the ''Five Amigos.'' Alongside Congressman Jack Kemp, House Speaker Newt Gingrich, Senator Connie Mack, and Congressman Vin Weber, TRENT advocated President Reagan's approach to politics, tax cuts to promote economic growth for everyone in America.

Never far from his mind is his beloved home State of Mississippi, the sparkle in his eye. He has stood by the people of his State with unwavering devotion. When the people of his State were devastated by Hurricane Katrina, Senator LOTT shared their pain with his own family's loss and jumped into action. He dedicated his efforts to secure disaster relief and restoration construction.

Senator LOTT has recognized the importance education plays in developing tomorrow's leaders and has been a staunch advocate of improving the education system in Mississippi. Over the past few years, Senator LOTT has sent several excess Senate computers to public schools in Mississippi in and effort to increase their students' access to the vast amount of information in the 21st century. His commitment to education in his State will be enjoyed for years to come.

I have had the great privilege of working with Senator LOTT on a variety of issues. During my years in the House of Representatives, I remember when, as the Senate majority leader, TRENT worked tirelessly to help pass the landmark welfare reform bill of 1996, such a monumental piece of legislation that it is already receiving history's praise.

It has been a pleasure to work with him in Senate republican leadership and to serve alongside him on both the Commerce and Finance Committees. Last year, on the Commerce Committee, TRENT and I worked together to establish broad video franchising reform. This year, as a member of the Finance Committee, Senator LOTT has been a very strong advocate for enacting permanent tax relief without increasing other taxes.

There can be no question that Senator LOTT is a man of results; his remarkable list of achievements illustrates this very point. But it is important to highlight that TRENT does not overpromise. He will tell you just as straight as he can, ''I'll be with you until I can't be with you anymore.''

Senator LOTT stands among few men in this world; a promise isn't simply a word to him, it is a commitment to make good on a pledge. TRENT carries around a small notebook in which he records every promise made to him or by him. Senator LOTT is a man of his word who will hold you to yours.

For the 7 years I have been in the Senate, I have been in a small group with TRENT who have met to pray together and to share each other's burdens. I have seen him on the highest mountain and the lowest valley. Through it all he sought his Lord for wisdom, comfort, and strength.

On a personal level I will miss serving alongside my friend. But I know wherever this life leads you, I am certain the Lord will bless both you and your incredible wife Trish. I also know you will bless those whose paths you will cross.

As his role as a Senator nears an end, I ask that we remember Senator LOTT's legacy to this country, his State, and its people. Senator LOTT, I wish you and your family the best of luck. It has been a privilege to serve alongside you in the Senate.

Mr. ENZI. Mr. President, as we come together for this last week of legislative activity before we adjourn for 2007, I appreciate having this opportunity to join my colleagues in expressing our appreciation for the many contributions to the Congress that have been made by one of our colleagues who will soon be retiring. We have heard many great speeches, seen a lot of passion and emotion—all well-deserved and heartfelt.

TRENT LOTT, who has a well-earned reputation as a hard worker and great fighter for the people of Mississippi, has announced that he will be leaving the Senate so he can spend more time with his family. Although I understand the reasons for his departure, I know I will miss him and his presence and active participation in our work and the day to day life of the Senate.

TRENT's story begins in a town called Pascagoula in Mississippi. It is where he was raised and it is the place he still calls home. His dad worked in the shipyards and his mother was a teacher. Together they taught him the great lessons of life, and when he left for college he was already showing the presence of the leadership qualities that would someday help to lead him to a career in politics.

TRENT enjoyed his school years and after a year of law practice, TRENT got

a job with Congressman William Colmer, who was from his hometown. When Congressman Colmer retired after 40 years in the House, he encouraged and endorsed TRENT as TRENT ran for and won his seat.

I have often heard it said that the great formula for success is preparedness plus opportunity. I know that TRENT believes it too, which is why when the opportunity came for TRENT to run for the House, he was fully prepared and that ultimately led to his success. He then served in the House from 1972 until his election to the Senate in 1988.

Here in the Senate, TRENT has compiled a remarkable record of achievements because he understands the importance of working together to reach common goals. I have a similar rule I have often put into practice during my service in the State legislature and here in the Senate. I call it my 80/20 rule. Simply put, it means we can agree on 80 percent of every issue. It is the other 20 percent that can sometime throw us off track and prevent a solution to the issue at hand. If we are going to make any progress, the key to success is to focus on that 80 percent and not allow ourselves to get sidetracked.

TRENT fully understands that principle and he has put it into effect throughout his political career. Whenever he was working on an issue he knew that it was better to walk away with half a loaf than wind up with nothing. He knew that, with half a loaf in hand, he could always work on negotiating for the other half sometime later on down the road.

That spirit of cooperation and compromise has been TRENT's hallmark and his guiding philosophy during his service in the House and Senate. That is why he was able to get so much done for his State.

There is no doubt that the people of Mississippi love TRENT and they greatly appreciate how hard he has been working for their best interests. That is why they kept sending him back to Washington after every election.

I will never forget when I was running for reelection in 2002 and TRENT came to Wyoming with his wife Tricia to help. He was a big hit and he received an enthusiastic response everywhere we went. It made a big difference to me to know that our leader in the Senate was willing to take the time to help a fellow Republican who was up for election.

I wasn't the only one, of course. Whenever TRENT saw an opportunity to help one of our nominees, he was always there to lend his support and provide whatever was needed to increase our chance for success.

TRENT has been very fortunate in his life, but nowhere has he done better than in his choice of a spouse. The old adage is true. He and I both ''over-married'' and our lives have been blessed with the presence of a spouse who makes it possible for us to do everything we need to do as Senators. Without them, our lives and our jobs would be impossible.

Now TRENT has decided to leave the Senate and pursue another adventure in his life. He will be greatly missed and, after more than 30 years of fighting for the people of Mississippi, he will be very difficult to replace.

TRENT will always be remembered as someone who had a talent for putting together agreements so that everyone came out a winner. He has been in more battles than I can count on the floor and in committee and through it all he has always stood up and fought for the things he believes in, like keeping our taxes low and providing a strong defense to keep us safe and free from harm.

In his statement about his retirement, TRENT reminded us of the Bible passage that tells us that everything has its own time, everything has its own season. For TRENT, this will be a time of great change and the beginning of another new season in his life. One thing that won't change, however, will be TRENT's continued service to God and the country he loves.

Mr. FEINGOLD. Mr. President, I join my Senate colleagues in wishing Senator TRENT LOTT well as he leaves the Senate. I have known Senator LOTT since I arrived here in 1993, and he has always been a model of civility, and someone whose word you can rely on. While we don't have a great deal in common politically, we still have worked together on important issues like media concentration and 527 reform. One of the best things about working in the Senate is finding ways to reach across the aisle and work together, and I am pleased that Senator LOTT and I could find that common ground. I think that is what the American people want us to do, and it is something that TRENT LOTT has always done very well. It was a pleasure from time to time to be on the same side as Senator LOTT. He is an effective and tenacious legislator, and I think we both enjoyed the strange bedfellows aspect of our work together. I particularly enjoyed appearing before the Rules Committee when Senator LOTT was its chairman.

Senator LOTT has given so much of his life to public service, serving 34 years in Congress, in a number of different leadership posts. I have appreciated his willingness to work together on a number of issues, and I have appreciated what a fair and courteous colleague he has been. I know that the people of Mississippi will miss his leadership, as will so many in this body. I wish him all the best as he leaves the Senate and returns to private life.

Mrs. HUTCHISON. Mr. President, I rise today to congratulate my friend, Senator TRENT LOTT, on his 35 years of service to the people of Mississippi in both Houses of Congress, and also to wish him well as he leaves the Senate, and begins the next chapter of his incredible life.

Senator LOTT was born in Grenada, MS, in 1941. His father was a shipyard worker, and his mother was a schoolteacher. He went to the University of Mississippi in Oxford, where he earned an undergraduate degree in public administration, and a law degree.

After finishing his education, he went to work for his local Congressman, William Colmer, for 4 years. When Congressman Colmer announced his retirement in 1972, he endorsed TRENT LOTT as his successor—even though Colmer was a Democrat, and LOTT ran as a Republican. TRENT LOTT won that election. And he was reelected to Congress seven times.

As a congressman, TRENT LOTT had a major, positive impact on his colleagues, and also on the economic vitality of America. After the 1980 election, he was elected to serve as House minority whip, and he became the first southern Republican to ever hold that position.

Counting votes, building coalitions, and moving legislation were things he seemed born to do, and he genuinely enjoyed the process. In 1981, he helped forge the bipartisan alliance that enacted President Ronald Reagan's historic, across-the-board tax cuts.

Those tax cuts have been extremely successful. Since they went into full effect, the U.S. economy has almost quintupled in size, the Dow Jones has surged from less than 1,000 to over 13,000, and a wave of revolutionary technologies, including cell phones and the Internet, have strengthened America's position in the global marketplace.

In 1988, TRENT LOTT ran for, and won, a seat in the U.S. Senate. Since he arrived, TRENT has earned strong marks from the people of Mississippi, and they have reelected him to the Senate three times.

Senator LOTT has never forgotten the needs and concerns of his constituents. I know about his compassion, dedication, and hard work because I have seen it firsthand.

In 2005, as we all know, Senator LOTT's house was destroyed by Hurricane Katrina—a storm that created so much destruction throughout the gulf coast.

Since then, Senator LOTT—along with his partner from Mississippi, Senator COCHRAN—have helped lead the fight to make sure that Washington meets its obligations to the people of the Gulf Coast states, who are rebuilding still today. His commitment during this time is a good part of why he decided to run for reelection.

Throughout his tenure in the U.S Senate, TRENT LOTT has demonstrated tremendous leadership ability.

After the 1994 election, he was elected Senate Republican whip, and in 1996, he succeeded another Senate legend, Bob Dole, as Republican leader.

During the next 6 years, Senator LOTT was a strong leader for several pieces of legislation that improved life in America in a wide variety of ways.

First and foremost was the landmark welfare reform bill of 1996.

The next year, Senator LOTT worked to produce a bipartisan agreement that cut taxes, cut spending, and most importantly, balanced the Federal budget for the first time in almost 30 years.

Then, in 2001, Senator LOTT led the fight for President Bush's tax cut package. Combined with the tax cuts that followed in 2003, lower taxes have once again recharged America's economy, even as the global economy grows more competitive

Since 2003, we have created 8.3 million jobs, which is more jobs than all the other major industrialized countries in the world combined. The economic growth caused by those tax cuts has also led to record tax revenue. Federal tax receipts are up more than 37 percent over the past 3 years. This has enabled us to cut the budget deficit in half, and if trends continue, we will be able to eliminate the deficit as soon as 2012.

During recent years, Senator LOTT has also taken a leadership role on other issues, including improving education and strengthening homeland security. In fact, he brokered the compromise that created the Department of Homeland Security. He was also instrumental in passing the Rail Security Act.

Senator LOTT's ability to round up votes and get results is clear for anyone to see. That is why his Republican colleagues elected him assistant Republican leader again last year.

I have had the privilege to serve with Senator LOTT as a member of the Republican leadership and have watched him affect the outcome of every major piece of legislation that has gone before Congress.

Last month, when Senator LOTT announced his intent to resign from the Senate, I was saddened—like all of my colleagues—to hear of his plans. However, like all of my colleagues, I also understand his desire to have time for himself and his family. After 35 years of public service, he deserves that and more.

America is a better place—and has a brighter future—because of TRENT LOTT.

I wish TRENT and Tricia, and their family all the best in the future.

Ms. COLLINS. Mr. President, as this session of the Senate draws to a close, I want to say thanks and farewell to one of our most dedicated Members, Senator TRENT LOTT of Mississippi, and to wish him all the best in the next phase of his life.

In his 36 years of service as a Member of both the House and the Senate, TRENT LOTT has consistently demonstrated his deep commitment to our nation and to his state. His amazing understanding of intricate Senate rules and procedures has guided us through many challenges. His outstanding work as our Republican whip has strengthened our caucus and our two-party system.

I have had the privilege of working with Senator LOTT on two issues of paramount importance to the safety and security of our Nation. Like me, he comes from a shipbuilding State and he fully understands how essential seapower is to preserving our freedom. We have worked together to strengthen our Navy and to pursue a dual-shipyard strategy because it is in the best interests of America.

As a leader of the Homeland Security and Governmental Affairs Committee, I had the opportunity to work closely with Senator LOTT during our investigation of the response to Hurricane Katrina. His knowledge of the gulf region was invaluable, and his compassion for the victims of that disaster was inspiring. Although his own home was destroyed by the storm, Senator LOTT was on the front lines from the start, directing resources where they were most needed and helping cut through the redtape. Before Katrina hit, he had planned to step down from the Senate last year, but with the needs so great and with a contribution yet to make, he instead ran again so that he could continue to serve at a time when his experience and dedication were most needed.

Although Maine and Mississippi are separated by great distance, both are rural States facing similar challenges, and I have always found Senator LOTT a strong ally in meeting them. I was especially pleased to cosponsor his Amtrak reauthorization bill, which recognized that the benefits of modern rail service must be made available to all States and to all of the American people.

Last April, I had the honor, at Senator LOTT's invitation, of addressing students at his beloved University of Mississippi. Specifically, I addressed students at Ole Miss's TRENT LOTT Leadership Institute, a designation made in honor of his commitment to public service. It is a commitment that has greatly benefitted our Nation, and it is the legacy for which Senator TRENT LOTT will always be remembered.

Mr. LIEBERMAN. Mr. President, it is with sadness and affection that I note the imminent departure from the Senate of my dear friend and distinguished colleague TRENT LOTT of Mississippi. TRENT and I came to the Senate together almost 20 years ago. Over that time, I have come to respect TRENT's leadership abilities, but most of all I have treasured his friendship and counsel.

TRENT and I come from different places but we share a deep love for our country and a deep respect and appreciation for this institution in which we have been privileged to serve. TRENT not only represented his beloved home State, but he became a national leader because his colleagues recognized that he had extraordinary abilities to make this institution work.

Like all successful and effective Senators, TRENT understood that for this institution to work for the American people, the 100 Members of this body must find a way to cooperate; despite the differences in region, ideology, party, and even personality. TRENT had a seventh sense of what motivated his colleagues and how they might approach an issue that was before the Senate. Sometimes, it was uncanny how prescient TRENT could be about the outcome of a particular vote on the Senate floor. He understood that one could compromise in order to achieve results without compromising core principles.

Yes, TRENT was a conservative Republican partisan when he needed to be. But TRENT also knew there were times when it was critical to put partisanship aside for the national interest. Particularly in the area of national security, TRENT comprehended that Republicans and Democrats must find a way to unite to promote America's interests.

In addition to being an effective legislator, TRENT is a man of considerable charm and warmth. Hadassah and I have great memories of the times we spent with TRENT and his wonderful wife Tricia. When we would travel abroad, TRENT was a terrific companion and always carried himself with honor, style, and grace. I even remember a moment when we were staying in a hotel in Scotland when we were forced to hurriedly exit in the middle of the night because of a fire alarm. Yet, there was TRENT, perfectly coiffed and unruffled. Our leader!

Although TRENT was always devoted to the institution of the Senate, he was also devoted to another critical American institution—the family. TRENT did not merely talk about family values—he lived them. TRENT saw no contradiction in being a good Senator and being a good husband and father. That is to his tremendous credit, and, for all of us, a tremendous lesson.

Above all, TRENT appreciated the miracle of America. He rose from modest means in Grenada, MI, to ascend to the legislative heights in Washington, DC. However, TRENT never abandoned the values of faith, family, and hard work that were his inheritance from his beloved parents, Chester and Iona Lott.

TRENT, as you begin this new chapter in your life, I wish you well. Your example of doing what is necessary to make this institution work is something we have all benefitted from. The people of Mississippi and the people of America are grateful for your service. And Hadassah and I look forward to continuing our friendship with Trish and you for years to come. May God bless you and yours, dear friend.

Mr. GREGG. Mr. President, I rise to speak about Senator LOTT. The Senate is a place—and we have heard it today for 2 hours with wonderful eloquence and thoughts and humorous stories and anecdotes about Senator LOTT—it is a place of words and language. It is also a place, obviously, of legislation, and

legislation leading to laws. But, most significantly, the Senate is a place of people, of individuals—individuals who come here from all over our Nation, representing their people but always representing America, and who meld into the institutions and traditions of this extraordinary place in various ways. Certain individuals leave an indelible mark. There are not too many, but there are some who have.

I would expect that TRENT LOTT will be one of those individuals.

I have had the great pleasure and honor of working with TRENT LOTT off and on for a long time. I was elected in the class of 1988 to the House of Representatives. He was elected Republican whip of the House at that time.

Somebody mentioned in their statement—and I served in the House with him and have served in the Senate with him for many years—that he won three major leadership elections by one vote. I know I, at least, voted for him in those three elections, so maybe I was that one vote.

Our wives and our families have integrated over the years and have been close and done a lot of interesting and fun things together. Kathy and Tricia are very close friends. TRENT and Kathy are close friends. And I am a close friend of Tricia. We really enjoy that friendship, and it goes back to a lot of different instances.

There are a lot of stories told about TRENT LOTT. One of my favorites is that TRENT tends to like to sing and dance. I guess that comes from his cheerleading days at Mississippi. But he has so much energy he has to let it out through song and dance. On occasion, he can be drawn into this. In fact, it does not take too much to get him to sing.

We were at a gathering once, where Tricia and I and Kathy were sitting around a table near a stage, and TRENT was up on the stage singing with his good friend, Guy Hovis, and then there was dance music that started. Tricia, knowing TRENT as she does so well, turned to Kathy and said under her breath: If you don't look at him, he won't ask you to dance.

Little did Tricia know that Kathy actually likes to dance too. So the two of them went off and danced away and had a great time. Tricia and I sat at the table dancing inside. But as a practical matter, he has an energy and a personality that is effusive and effervescent, and it draws everybody in.

He is truly the American story. He is not a southern story, he is an American story. He came from a family of moderate means. His father was a pipefitter. His mother was totally committed to him. He raised himself up and went to his beloved University of Mississippi, which I think he still thinks he is going there some days he talks so much about it.

His whole life has revolved around Mississippi and the people of Mississippi and the people he has helped in Mississippi. This is what has made him go: his ability to reach out and make people's lives better, to change their lives and improve their lives.

He has brought all those Mississippi values here. I think there is some sort of almost genetic quality to Members of the Senate from the South. They just have this ability to move through this body with ease and with comfort and make everybody feel relaxed and enjoy them. They do not have that stoic nature that we might have, those of us from the Northeast. Rather, it is just the opposite. They have an energy and an effervescence and a personality that brings people in and causes people to want to work with them.

Of course, numerous statements have been made about what a great individual he is, about going across the aisle and understanding how you go across the aisle and make things work here. That is absolutely true. He is a tremendous doer of legislation because he has the capacity to bring together coalitions. He knows how to reach out to people in a comfortable way. He also knows how to fight a fight and win it.

But it goes well beyond this issue of working to reach compromise to make legislation pass because he has had a passion for getting things done. He also has a philosophy of how we should govern. He is truly a conservative, a fiscal conservative, an individual who understands the importance of giving the individual opportunity, giving the individual the capacity to succeed in our Nation because he had undertaken that and accomplished it.

But it always goes back to his Mississippi roots, I believe. He now has—I think it is something Senator ALEXANDER described because Senator ALEXANDER and his wife, Honey, and Kathy and I had the good fortune to be invited down to visit him at Tricia's new home—we call it Tricia's home—in Jackson, MS, where they bought this very nice house they are restoring. It is an antebellum house. It is a beautiful house. He just loves the land. He loves the people who come to the house. The people he sees, he loves, throughout his day and when he is traveling in Mississippi.

Of course, he loves his tractors. He has this whole shed full of tractors. I am sure there must be maybe 7 tractors there, farm equipment. Of course, only 1 or 2 of them actually work. But as a practical matter, he loves them. He loves them. He loves to just drive around his property and make sure his fields are cut. He cuts them, and he makes sure they are properly taken care of. He is working his Mississippi land. He and Tricia built this beautiful home down there, where I suspect their purpose is to gather their family which is so important to them: Chet, Tyler, their grandchildren coming over on a regular basis. Kathy and I just looked at them and said: These are special people. These people represent the values we really have as Americans—not as southerners but as Americans—the value of family, value of honesty, value of integrity, the willingness to get things done and to work hard. Succeed, and then take advantage of your opportunities to make life better for others, and that was his whole purpose in the Senate—to make life better for America but especially for his constituents in Mississippi.

Of course, then came Katrina. What a devastating effect it had on him and Tricia. They had this beautiful home in Pascagoula which, again, Kathy and I had a chance to visit, an extraordinary house in a line of Victorian houses right on the waterfront. Out behind the house there was this magnificent oak tree, just huge. I have never seen such a spectacular and large tree. The storm came, of course, and it wiped out his house, it wiped out his brother-in-law's house, his sister-in-law's house, and every other house anywhere near there was devastated. He found his class ring, I believe, three blocks away, or somebody found it and gave it to him. All of their memorabilia, the things that meant so much to them, the photos of their families, their notes and comments they received from people, from Presidents and others, all the memorabilia that had represented his lifetime and Tricia's lifetime, of family and Mississippi activity was also spread and destroyed by the storm, and the house, of course, was eliminated by the storm.

But I asked him, because I was so startled, if the tree was still there. He said to me: Yes, the tree is still there. The tree is still there, this huge oak tree that is so beautiful, so magnificent and so elegant. As TRENT leaves this Senate, I think of this oak. He may be leaving the Senate, but he is still here, and he will be here. His memory will be here, and the way he did things, the way he taught those of us who learned from him will be here. He will leave a legacy which, like an oak, will stand for a long time in this body. It was an amazing and an extraordinary privilege to have the ability, the right, and the privilege to serve with him, and for Kathy and I to get to know him and Tricia over these many years. So we thank him for his service, and we look forward to continuing our friendship as the years proceed.

Mr. CRAIG. Mr. President, there is something that is being concluded tonight or upon the time we go sine die, and that is the career of Senator TRENT LOTT of Mississippi. While many have come to the floor over the course of the day to speak about TRENT, I have not had that opportunity because of several other meetings and a committee that was in session. So I wish to take a few moments to visit with all of my colleagues about my friend and my associate TRENT LOTT.

There is not a lot I can say to add to what has already been said about his quality as a person, his ability as a leader.

I first got to know TRENT in 1981 when I came to the House. He had already been there for 10 years and was

rapidly growing in stature amongst Republicans as a leader who would ultimately be chosen to work as a Republican whip in the House.

He and I grew to know each other and our wives got to know each other during that period of time and a clear friendship developed. But it was not until both of us left the House and came to the Senate that we developed a different kind of relationship and friendship that, frankly, most Senators don't have the opportunity to do.

TRENT LOTT and I and John Ashcroft, the Senator from Missouri, who became U.S. Attorney General under this administration, and a former Republican, and then to become a Democratic Senator and then to retire, Senator Jim Jeffords of Vermont, all four of us developed a very unique relationship that no other Senators shared. We found out that we could sing together and that in doing so, we could not only have fun ourselves, but that other people, sometimes with a smile, would suggest they enjoyed listening to us.

We formed a group called the Singing Senators, and over a period of about 4 years, we traveled from Los Angeles to Springfield, MO, to Branson to Houston to Nashville. We were on the ''Today Show.'' We sang at the Kennedy Center. What was most interesting was, we shocked folks. Not only after a lot of practice did we begin to sound pretty good, but can you imagine stuffy, blue pinstripe suit Senators all of a sudden singing ''Elvira''? That we did, and we had a lot of fun doing it, and we entertained people all over the United States.

But what came out of that was a friendship and a bond that probably few others have because the four of us traveled together with our spouses in all of these locations that I mentioned and a good many more, not only to entertain the public and to show we were human by our character, while we could still be Senators, but also to raise money for our party or to raise money for a Senate candidate.

I will never forget the time when we were in Los Angeles and there were about a thousand people out there waiting to hear us. We were singing off of a CD with our background accompaniment music, and the system broke down. And what do you do when the music stops? Well, most people quit singing. But we found out that we could sing a cappella, or without accompaniment. So we sang ''God Bless America,'' we sang a couple other songs, and then they got the music fixed. And I think the audience enjoyed us without music more than they enjoyed us with music. Anyway, we had a lot of fun.

But in the end we did something else. We went to Nashville and put all our songs together on a CD, produced several thousand CDs, just to give away, and found out that they were in demand. So we sold them all, and all of the money went to the Ronald and Nancy Reagan Alzheimer's fund. And, frankly, we found out to our great surprise that it raised a lot of money.

I know TRENT and John and Jim and I still today, every so often, will get a phone call from somebody who says: I just listened to your CD again, and you know, you guys were amazingly good for United States Senators.

Now, that is probably a side of TRENT LOTT that was not spoken to today, but it is a side of TRENT LOTT that you all ought to know—the smile, the joy, the fun we had of singing the kind of songs we sang in a way that Senators are just not supposed to do. For in the end, Senators are like an awful lot of other folks out there—we are human. We have a very human side to us, with our friends and our families, and that is what we learned about TRENT and Tricia Lott and John Ashcroft and his wife and Jim Jeffords and his wife, as we traveled around the country singing on behalf of Republicans, but really singing on behalf of America because we enjoyed it and we hoped others would enjoy it.

That is something I will miss when TRENT LOTT leaves because we have had an opportunity since that time to get together on occasion and sing a few songs and enjoy ourselves. TRENT LOTT, a great United States Senator from Mississippi, and a guy with a pretty good bass voice.

Mr. HAGEL. Mr. President, I rise today to pay tribute to our friend and colleague, Senator TRENT LOTT of Mississippi. When Senator LOTT steps down at the end of this year after 35 years of service to our country in the Congress, he will leave behind a legacy of leadership and service to Mississippi.

I have known Senator LOTT for many years. Our friendship dates back to when he was first elected to the House of Representatives in 1972.

In 1981, when serving as House Republican whip he played a central role in the formation of a bipartisan coalition which produced national security initiatives and promoted economic recovery under President Ronald Reagan.

In 1994, Senator LOTT became the first Republican to ever have been elected whip in both houses, and then went on to become Senate majority leader. He and his friend and fellow Senator from Mississippi, THAD COCHRAN, who were both elected to the House in 1972, were the first two Republicans to win statewide elections in the Magnolia State since Reconstruction.

In 2005, when Hurricane Katrina left nothing but an oak tree on the front lawn of where his home had been in Pascagoula, MS, Senator LOTT worked tirelessly for recovery funding and tax breaks for gulf coast homeowners and businesses who had lost everything.

My wife, Lilibet, who is also from Mississippi and I wish TRENT, Tricia, and their family every happiness in their new life. They have earned it. But we will miss them.

Mr. President, I know all our colleagues join me in congratulating Senator TRENT LOTT on a long, successful, and distinguished congressional career.

Mr. BOND. Mr. President, born in Grenada, raised in Pascagoula, and educated at the University of Mississippi—there is no denying where TRENT LOTT is from. He is a true son of Mississippi.

TRENT is one of my few colleagues who knows how to say ''Missouri'' right.

In all seriousness, it has been an honor to work with TRENT LOTT, and a real pleasure for Linda and me to get to know his wonderful wife, Trish.

Senator LOTT has had a remarkable career in Congress that has spanned seven Presidents, two impeachments, and most importantly, decades of progress that has made Mississippi and America stronger and more prosperous.

He saw Watergate up close and personal, oversaw the end of the Cold War, spearheaded enactment of historic welfare reforms, shepherded passage of tax relief in both the Reagan and Bush administrations that made America's working families more prosperous, and helped pass numerous historic trade agreements to create more U.S. jobs.

While his career in Washington began in the House, he quickly became a creature of the Senate and built a reputation as a parliamentary master.

Getting work done in the Senate is no easy task. I like to say it is a lot like getting frogs in a wheelbarrow. Some may call it herding cats. However you would like to say it, Senator LOTT knew how to get the job done.

Senator LOTT always knew how to count votes and get the best deal based on Republican priorities and principles. In the Senate, there is no higher compliment. And in that respect, TRENT is a Senator's Senator, reflected both in his work on behalf of Mississippi and on behalf of America.

On behalf of the country, his belief in fiscal responsibility led to a historic tax cut agreement that produced the first balanced budget since 1968.

His belief in investing in a strong national defense has made our country safer.

On behalf of his home State of Mississippi he has been tireless in his efforts to promote economic development and expand job creation. From investing in schools to improving infrastructure, his contribution has been extensive and lasting.

Thanks to Senator LOTT, Toyota, Lockheed Martin, Northrop Grumman, and many other companies have a home in Mississippi.

It has been a tremendous honor and privilege to serve with TRENT LOTT.

I join my colleagues in congratulating the Senator and thanking him for his many years of service and our friendship.

Mr. BARRASSO. Mr. President, I rise today to join in recognizing Senator TRENT LOTT.

Less than 6 months ago, I joined the Senate. I was selected to serve out the term of our dear friend, Craig Thomas, and given the responsibility to represent the people of Wyoming.

My experience has only been enhanced by the quality of the individuals with whom I serve. The welcome has been warm, the advice gratifying, and the diversity of my colleagues remarkable.

This morning's session is about the incredible service of one exceptional Member of the Senate, TRENT LOTT. President Reagan once said, ''I know TRENT LOTT as one of the most important leaders in the country on issues vital to all Americans.''

Shortly after I joined the Senate, Senator LOTT was kind enough to visit with me and share some advice. In addition to his advice on how to deal with the Senate as an institution, it was his advice of a more personal nature that is most inspiring. Senator LOTT stressed that to survive the chaos and challenge of serving in the Senate, it was important to never be far from the people you love the most. It was evident from his words that the depth of love for his wife Tricia, his family, friends, and the people of Mississippi was the key to his success in Washington. His inner strength comes from the people who supported him when times were tough and challenged him when he thought all was well. It is a lesson I will remember for as long as I am fortunate enough to represent the people of Wyoming in the Senate.

If he were with us today, Senator Thomas would want to extend his heartfelt best wishes to TRENT and Tricia. I know Susan Thomas wishes the entire Lott family many years of happiness and success. I join all of my colleagues in wishing all the best to this remarkable man.

Mr. INHOFE. Mr. President, the first call I received from TRENT LOTT was in 1986 when I first ran for Congress. Though the polls hadn't yet closed and I still didn't know that I won, TRENT called me up to congratulate me. In 1994 when I ran for my Senate seat, TRENT LOTT again called me on election night to tell me congratulations. TRENT and I have worked together for 21 years and he has always been the best political mechanic in Washington. I take great pride in having helped launch the successful political career of TRENT LOTT by being one of his first supporters in his bid for the Republican Whip position.

People quite often take shots at TRENT without justification. Don Imus used to say on his morning radio program that it looked like TRENT ''combed his hair with a sponge.'' Well, I have to admit it did look that way sometimes, but if that is the worst you can say about TRENT, I think he is doing just fine.

One lesson I've learned from TRENT is that you shouldn't take things too seriously. I've seen him laugh in the face of adversity on more than one occasion, most recently when TRENT's home in Mississippi was wiped out by Hurricane Katrina. Romans 5:3 tells us to rejoice in our sufferings because ''suffering produces perseverance; perseverance, character; and character, hope,'' and certainly I've seen that in the life of TRENT LOTT.

When he talked this morning about his four pillars of family, faith, friends, and freedom, the one that people didn't talk much about was his faith. I have prayed with him at a weekly meeting for many years, an I have to say this about him: he is a faithful and obedient person to his Lord and Savior Jesus Christ. So many of my colleagues say they have lost a friend, a colleague, and a statesman, but I have lost a brother. I rejoice in the contributions that TRENT LOTT has made throughout his life.

Mr. BROWNBACK. Mr. President, I wanted to take a few moments this morning to pay tribute to my departing colleague, Senator TRENT LOTT of Mississippi.

Senator LOTT has been a trusted friend, a hardworking legislator, and a skilled party leader on issue after issue in his 35 years of distinguished service in the House and Senate. He has been a tireless champion of conservative values over the year, but it is a testament to his unfailing courtesy and affability that he has been so popular and effective with his colleagues over the years, without ever surrendering those core values. This Senate will miss his presence and example, and his state and his Nation will miss his principled leadership.

I often think about what an incredible country this is where the son of a Kansas farmer and the son of a Mississippi shipyard worker can work together on the great issues of our day in the world's greatest deliberative body. I know that this country is better for the fact that TRENT LOTT, with all of his talents and abilities, was given that opportunity.

Senator LOTT was instrumental in the great political realignment that took place in the South throughout the 70s and 80s; in fact he was only the second Republican elected to Congress from Mississippi since Reconstruction. He went on to become one of the most effective political leaders of his day, perhaps one of the most effective leaders this body has every seen. Trent has been amazingly effective, in building coalitions, in working across the aisle, and in leading his party.

Those of us on both sides of the aisle who have worked with him over the years know that TRENT LOTT is a man of his word. In large part, that has accounted for his political effectiveness, both with the voters and with his colleagues. With SENATOR LOTT, there is never any question about where he stands and who he is, and that kind of integrity gains people's respect and admiration.

His integrity was never more apparent than when he stayed in the Senate out of a sense of duty to his state to see his people through the terrible natural disaster that was Hurricane Katrina.

After three decades serving the people of his State and serving his country in the U.S. Congress, we now say farewell to our valued colleague. He has served his country with resolve, honor, and energy. As he leaves us in order to spend more time with his beloved family, I join my colleagues in thanking TRENT and his wife Patricia for their service to their country, and I wish him all the best in his future endeavors.

Ms. MURKOWSKI. Mr. President, I have not had the privilege to serve in the Senate with our colleague, Senator LOTT, for as long of a period of time as many of those who have spoken today.

But it doesn't take that long to realize just how important the Senator from Mississippi's contribution to this institution has been.

We all know of his tremendous dedication to the institution that is Congress. Thirty-four years of public service between the House and Senate. His creation of the whip organization in the House that emphasized Member-to-Member contacts and outreach to the other party. Election to the Senate in 1988, as the Senate majority leader in 1996, and then as the Republican whip earlier this year.

But rather than lament the loss of a tremendous asset, I would like to celebrate his accomplishments.

When there is a problem to be resolved, TRENT can resolve it. When there is a compromise that needs to be brokered, TRENT will broker it. And when there is a shortage of tomatoes at the Lott household, well, TRENT always knew he could find a few extra in the garden a few doors down.

My husband and I have been fortunate these past 5 years to be neighbors with TRENT and Tricia. We share many things as neighbors—I blow the leaves down the sidewalk to his yard, and he blows them back to mine.

Jokes aside, whether it was the quick conversations between Members during votes, or a closed door sit down discussion on the issues, TRENT knew the pulse of the Senate. He works like a butterfly—going from Member to Member on the floor, lighting for a moment to discuss an idea or resolve an issue and then going on to another. Always friendly, always working to find the path forward.

His ability to develop those relationships and work out a deal to everyone's satisfaction is a skill that I certainly look to as a model for how the Senate should operate.

So it is with great fondness that I wish my friend and colleague well in his future endeavors. I wish him and Tricia well as they embark on the next stage of their adventures.

TRENT, thank you for your friendship, and for your service to this Nation and this institution.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, as a sort of starting point, I noticed that throughout today we have had a lot of legislative business, and I thought it was interesting this morning, when

many of my colleagues came down here to pay tribute to Senator LOTT, that while that was going on, and I was coming down here as well to listen to some of those and to offer my remarks at that time, I was handed a whip card to go start to do some whip work, because that is the task that Senator LOTT—and I have had the honor to serve on his whip team—is entrusted with here in the Senate.

So it was always focused on the task and always on the work at hand. Even as we were in his last day here in the Senate paying tribute to him, he continued to work hard at the responsibility that had been entrusted to him by his fellow Senators on this side of the aisle.

It was a great privilege, as I said, to be able to serve in that capacity and to learn from Senator LOTT. I think he has the distinction as perhaps the only person who served as the whip in the House of Representatives and now in the Senate. As he leaves, he leaves a great legacy. Many of us who have had the opportunity to learn under his tutelage about the way this institution operates have been blessed to have someone like him to be a teacher.

Senator LOTT always understood that although we deal with very serious, very weighty, sometimes complex and oftentimes consequential issues, it is also important that we not take ourselves too seriously. TRENT never did. Even those of us sort of plain Midwesterners who resisted the seersucker suit day and its attendant fashion statement recognized the value of many of the trends that Senator LOTT was responsible for instigating.

TRENT never lost sight of the fact that in the end—while we are elected officials, we are Senators, we have responsibilities to our constituencies, responsibilities under the Constitution, responsibilities to our country—that we are all human beings. In the end, despite our differences, the relationships are what will endure. He worked actively at building those types of relationships.

I first had the opportunity to meet TRENT when I was a Member of the House of Representatives. Like many of my colleagues who at the time served in the House, he was the leader in the Senate. But we had some opportunities to interact, and we always respected the work he did and the way he understood the Senate and its rules and its procedures and was able to effectively make it work to produce results. Ultimately, that was always his objective. He knew we were going to disagree, he knew there would be differences, but in the end his objective was always to get us across the finish line so the Senate could complete its work, and the work of the American people could be done.

I will certainly miss, as will many Senators, that personal touch, that sense of humor, that warmth, that smile—all those things that are part of his character and his personality that are so closely associated with the Senate.

My office is next to his on the fourth floor of the Russell Building. It was not uncommon for Senator LOTT to do the pop-in visit. He would pop into my office, always to have a discussion about perhaps what the issue of the day was. But there was not one of those pop-in visits where I didn't learn something, where just, again, having been exposed to him presented the opportunity to learn from someone who had mastered this institution after serving here for those many years; someone who also understood the House very well, 34 or 35 years, I think, in total in the House and Senate, as well as having served here as a staffer prior to that.

When Senator LOTT came to the Senate the very first time as a staffer—I don't know exactly the date, but I know it was sometime in the late 1960s—I was probably in first or second grade, somewhere in that vicinity.

Over the years, his service has helped accomplish a great many things for the American people. He has been a great leader for the Republican Party. As majority leader, as minority leader, as minority whip, majority whip—in all those positions he has held he has had one goal and objective in mind, and that is to help his team help this great country continue to prosper, continue to be safe and secure for future generations.

If I think there are any lessons that can be learned, things that I, perhaps, learned from TRENT during his service in the short time I have had the opportunity to serve with him, one would be to serve causes that are greater than yourself. I think he had a great sense of purpose about what was important in life. Clearly, that was the case or he would have gone off and done other things a long time ago.

Second, to be serious about your work. He was very much, as I said, a task master. I know from experience, serving on his whip team, that when there was a task at hand he was very focused and intently conscious of the importance of getting the job done and getting it done in a timely way. He was serious about his work. But the other thing he understood was he never took himself too seriously. He, as I said, invested in relationships in this body, knowing full well it is those relationships that will have the enduring value.

The final lesson that I got from TRENT is never forget where you came from. That was one thing he also modeled. He was a Mississippi original through and through. That was something you always sensed. His priority, his heart, was always with his home State. What came through loud and clear to all of us when his State was struck with the adversity that came from Hurricane Katrina and the aftermath of that was the enormous work he did to help his State to recover. He always had a sense of where he was from. He never lost sight of that, and who he represented.

There is a verse in the Bible that says:

> Where your treasure is, there will your heart be also.

I think you could always tell what things TRENT treasured. You could always tell where his heart was because of the things that he treasured. His faith was very important to him in a personal way. His family, his beloved wife Tricia, and his children, were always a top, first priority for him. Finally, his friends. That was something I think you heard abundantly today as people from both sides of the aisle got up and talked about their experiences and the relationships that he had built with them over the years. If you can judge someone, where their heart is, by where their treasure is, you always knew where TRENT LOTT's heart was. It was with his faith, it was with his family, and it was with his friends.

I am very proud and privileged to count myself among those friends.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for as long as I wish to consume. That will not be very long. I cannot talk about Senator LOTT in 3 minutes.

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

Mr. BYRD. I thank my colleagues, Mr. President.

Mr. President, in his political memoir, ''Herding Cats: A Life in Politics,'' our distinguished colleague, the former majority leader, Senator TRENT LOTT, noted that he viewed his ''years in Washington as a magnificent experience, with many more mountaintops than valleys.'' How is that? Let me say that again: He viewed his ''years in Washington as a magnificent experience, with many more mountaintops than valleys.''

What a wonderful way to look at one's experience in the U.S. Congress. Everyone in public life knows there are valleys. Life may be unfair, but in public life, that unfairness, I daresay, is magnified tenfold. But as Senator LOTT explains, he prefers to look at the mountaintops, and his political life has been one of many mountaintop experiences.

This son of a shipyard worker and public school teacher was elected to the U.S. House of Representatives in 1972. He was in the House for 16 years, where he distinguished himself by serving with great aplomb on the House Rules Committee as his party whip. I know something about that party whip. That ain't easy.

In 1988, he left his safe and secure seat in the House to run for the Senate. Reach for the stars. In the Senate, Senator LOTT has served as Republican conference secretary, Republican Senate whip, Senate minority leader, and Senate majority leader. As the Senate

whip, Senator LOTT became the first Republican ever elected to the whip positions in both Houses of Congress.

As the Republican Senate leader, Senator LOTT served with dignity and with diplomacy. Diplomacy was his tool. He was a facilitator who sought to bring differing political factions together on key legislative issues.

TRENT LOTT established solid, productive relationships with the Senate Democratic leaders in order to keep legislation moving, moving, moving to the floor. Make no mistake, as a conservative Republican, Senator TRENT LOTT has always been combatively—combatively; underline that word, combatively—partisan in his thinking and his approach to public policy, but—a big conjunction here—but he never allowed his partisanship to become stubborn or nihilistic or destructive. No, never.

Senate Majority Leader REID—that is HARRY REID, Senator HARRY REID, majority leader—recently commented on how closely he has worked with Senator LOTT. They negotiated. They negotiated. Together they worked out compromises, which, as they say, is the art of politics and the legislative process. Majority Leader REID then explained:

> Even though Trent Lott is certainly a true conservative, we were able, in his pragmatic fashion, to work things out.

It is not easy. Allow me to state this in another way. Senator LOTT always put the good of this institution—right here, this institution—and the good of our country first; that is, above partisan political interests or political party. For that, I have always respected him, TRENT LOTT, and I have always admired him.

Senator LOTT takes great pride in his roots and his southern heritage. I, too, am a southerner and am proud of that. My great uncle was killed fighting for the Confederacy. As a champion of his beautiful and beloved home State of Mississippi, he was always on call for the people of the Magnolia State. This was best seen a few years ago when he was considering retiring from the Senate at the close of the 109th Congress, but feeling an obligation to help his State to recover from the deadly and devastating impact of Hurricane Katrina, TRENT LOTT decided to stay with us, and I, for one, am glad he did. Thank you, TRENT.

In his political memoir, ''Herding Cats,'' which I mentioned a few minutes ago, Senator LOTT included a special chapter entitled ''The Differences Between Friends and Colleagues.'' ''Differences Between Friends and Colleagues''—what a powerful and insightful look this is into the political realities of life and work on Capitol Hill. Senator TRENT LOTT pulled no punches—none—as he discussed the differences between the two. He bluntly recalled telling one person: You didn't help me when you could have. Senators, think of that. Think of that statement if it was said to you: You didn't help me when you could have. That is piercing, leaves nothing unsaid. I guess that about sums it up: You didn't help me when you could have.

I will miss Senator TRENT LOTT. I wish him and his very lovely wife Tricia—tell her I said hello on behalf of Erma and myself—I wish him and his lovely wife Tricia health, happiness, and success as they now embark upon the next phase of their lives. I pray they will enjoy nothing but the best. They have earned it.

Mr. President:

> It isn't enough that we say in our hearts
> That we like a man for his ways;
> And it isn't enough that we fill our minds
> With psalms of silent praise;
> Nor is it enough that we honor a man
> As our confidence upward mounts;
> It's going right up to the man himself
> And telling him so that counts.
>
> Then when a man does a deed that you really admire,
> Don't leave a kind word unsaid,
> For fear that it might make him vein
> Or cause him to lose his head;
> But reach out your hand and tell him, ''Well done'',
> And see how his gratitude swells;
> It isn't the flowers we strew on the grave,
> It's the word to the living that tells.

Thank you, TRENT.

Mr. STEVENS. Mr. President, while I was deeply saddened when Senator TRENT LOTT told me he would retire at the end of the year, I understood completely why he made this decision.

TRENT and Tricia have been trying to restore their lives in Mississippi following the devastation of their home as a result of the terrible devastation which struck our East Coast during the Katrina and Rita hurricanes. They lost their home—and most of their possessions, and, they need time to recover.

There is no Senator with whom I have served who has had a deeper commitment to our Nation. TRENT was the whip of our party in the House of Representatives when I was whip here in the Senate. We initiated weekly conferences to try to share the progress and intentions of our leaders at that time. From those days until now I have considered TRENT one of the best friends I have had in my lifetime.

TRENT and I have served together on several committees of the Senate. Our primary work together has been on the Commerce Committee where TRENT has been our leader on the aviation and maritime commerce subcommittees. His work on our Commerce Committee will be sorely missed.

TRENT's own words on ''herding cats'' is well known here. He has had more success in achieving bipartisan results than most people outside the Senate know. TRENT has not sought the credit for what he has accomplished—it has been enough for him that he knew the job was done.

His role as a member of the ''Singing Senators'' is well known. What people should know is that he had the good sense to ask this Senator not to join—they didn't need a monotone!

As I told the The Politic, it is doubtful the Oak Ridge Boys will come back to the Capitol. TRENT brought them to the LBJ Room—where he asked them to sing ''The Late Night Benediction at the Y'all Come Back Saloon.''

It is hard for me to visualize the Senate without TRENT LOTT. I believe every Senator here now knows what he has done. He stepped down from the leadership—kept a smile on his face and went back to work. He regained the leadership as he was selected to be our whip—and the Republican leader's comments show that TRENT LOTT became the whip any leader would dream to have: loyal, supportive, full of energy to get the job done, and all with that smile that we all know so well.

So, as I said in the beginning, it is with sadness that I join in wishing TRENT and Tricia the best that life has to offer as they leave this Senate family. Catherine and I wish them the best and will pray for their success in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi, the Republican whip.

Mr. LOTT. Mr. President, I can't help but feel honored and humbled by all that has been said here. My mother would have loved it and would have believed it all.

I feel totally inadequate to properly respond to much of what has been said. I thank my colleagues one and all, and, of course, the venerable symbol of this institution, Senator BYRD, and his comments, ending as he always does with magnificent quotes, from memory. So maybe it is appropriate that I would begin briefly by telling some of my experiences with Senator BYRD.

When you enter my son's home in Kentucky, on the wall, framed, is a tribute he gave to my first grandchild—a grandson—the week he was born. I was majority leader and came on the floor that Friday, and he asked me if I would be around for a few minutes; he had something he would like to say. It was truly one of the most beautiful things I had ever heard in my life. Maybe it was because I thought my grandson was the most beautiful I had ever seen, but it was so magnificent, and he ended with a quote of how a grandfather wants his grandson to remember him. So it hangs there in a place of great pride. ''Chester Trent Lott, III'' is the title.

Senator BYRD and I have worked together, and of course we have disagreed. There have been magic moments. I remember when I was involved in our little singing group, he came on the floor one day and asked me if I had a little time; he had something he would like to show me. So he went down to his office and he showed me a video of himself at the Grand Ole Opry playing great fiddle. So we were bonded by music, by heritage, by faith, and in so many ways.

I could tell a story about certainly each one of these colleagues here and a lot on the other side and how I have enjoyed being here and have enjoyed my

work, and a lot of it has been on a personal, one-to-one basis. Sometimes, when I really, really cared about something, on a personal basis, for my State or for the Senate or our country, I would go to that Senator's office. I remember one time it took me quite some time to track down Pat Roberts, because he was hiding from me, but I found him.

I remember one time I needed a vote, and I needed some votes on the Democratic side. So the simple thing I have always thought is, you know, go where the ducks are. If you are looking for votes, you have to go talk to them, you have to pursue those votes. So I went to Senator BYRD's office. As always, he graciously welcomed me into the inner sanctum. I think I smelled a cigar, which delighted me, and I sat down, and he listened to me as I made my pitch. I talked about the attributes of this nominee for a very important position and why it was so important, I thought, to the institution and why it was important to me and my State. He listened, he asked a couple of questions, and asked me to repeat the name.

At the end, he said: Well, I think everything will be okay. He didn't say: I will vote for him. He just said: I think everything will be okay. I figured it was good enough and time for me to take my leave, and I did. I talked to my senior colleague, Senator COCHRAN, and said: What does that mean? He said: I think it will be okay.

So the vote came, and it was okay. He was one of a number of Democrats who did vote for that confirmation. It was just sort of the epitome of Senator BYRD. I respect him as a great Senator, I respect him because of the way he loves this institution, and I respect him as a friend.

I take occasion, when I am in the Senate, sometimes when I am leaving, to go over and say: How are you doing, Senator BYRD? Because I know how he felt about Erma, I know how he loved Billie, and he has so many things that appeal to me and that make him a great man. I single him out now because of the beautiful remarks he just made and because really he is emblematic of the relationships I have had with so many of my colleagues here.

I guess, to tell you the truth, I really was kind of hesitant about this moment and about being here today and what you would say, but it all sounded so good, now I am thinking of changing my mind and maybe announcing for President or something.

But to our leaders, Senator HARRY REID, the majority leader—he and I did work together on many occasions and without a lot of fanfare. I remember we would bring up a bill, and 100 amendments would always appear. I got to thinking it was the same 100, but then he and I would go to work, with me in the leadership of my party and he as the whip on his side, working with Senator Daschle, and we managed to get it done over and over again. We established a relationship of trust and honesty with each other that is so critical.

I think he has the toughest job in the whole city, being the majority leader in the Senate, and not just because I had it but because I got to see what it was all about. The President has the whole administration, the Speaker has the Rules Committee, but the leaders of the Senate, on both sides of the aisle, they lead because of who they are and the power of persuasion they have and the respect for the position they hold. Nothing in the Constitution gives them special powers.

So I appreciate what HARRY REID has said. He has been a friend, he has been a supporter, he has offered me encouragement when I was down and when I was up. He has been very generous and magnanimous in what he has had to say, and I admire him. I wish him only the best because when he succeeds in working and making this institution work and produce a result, most of the time the country succeeds.

To our Republican leader, MITCH MCCONNELL, you knew just a little bit too much about my background, all these personal references, but I appreciate it. It means so much to me. You have been a great friend. We have been in the leadership together, we have kept our word to each other, we have been supportive of each other in tough times and good, and I really enjoyed having you work with me in the leadership when I was leader, and I have been so honored and thrilled to be a part of your leadership team.

I told you that I knew what your job was and I knew what the whip job was, and I would be your whip and I would support you. And I want the record to show here, and for one and all, I think you have been a magnificent leader for our party this year. It has not been easy. It has been tough. Both of you are going to get criticized, but I have been riding shotgun for you, and it has been a great pleasure, my friend. You have done a magnificent job for our party.

I have to recognize our most senior Republican, too, Senator STEVENS. He told me yesterday he didn't like my nickname for him, so I am working on a more appropriate one for him, but he has been a good and loyal friend too. When I was a whip in the House and he was a whip here in the Senate, he took me under his wing, even took me on some flights with him. But I admire you so much, Senator STEVENS.

And I have to say to my colleague from Mississippi, it has been quite a ride—35 years—but we have enjoyed each other's company. No matter how tough things get, we could always sit down and talk about Ole Miss. I really thought I would be the head coach this year, but that didn't work out. But the thing I will always say about Senator COCHRAN, and typically of him, after Katrina, which was a seminal event in my life, obviously in the lives of my families and neighbors and friends, and my State, we had so many needs, and Senator COCHRAN immediately went to work and produced appropriations—more than one—and he got everything we needed. He didn't jump up and down and brag about it.

He helped not only my State but, as Senator VITTER said, Louisiana and the entire gulf region, and here is what really impressed me about it. We all took credit for what he did—I did, our Governor did, our mayors did—and he sat there quietly in the second row in Biloxi, MI, on the 1-year anniversary of Hurricane Katrina, and public official after public official got up and took deep bows for what they had done. Finally, I had all I could stand, and I got up and said: I am glad we all got to take credit. Now it is time we recognize the man on the second row who actually did it. I will forever be grateful for what you did after Hurricane Katrina, which was obviously a very tough event.

To my staff, who are lined up back here—I have a great team. Typically, Senate staffers do so much of the work and we take the credit, but I have been blessed with super staff this year, and there are some former staff members in the balcony. I have a rule in my office that once you work for TRENT LOTT, you always work for TRENT LOTT no matter who pays your salary, and, you know, it seems to work. I never let them go. They are always on call and they are always there, and I thank you all for that.

I want to do something, too, that I have done before. We don't do enough to thank our entire Senate family, everybody from the elevator operators to our policemen and the people here. I think the staff of the Senate here on the floor appreciates it. I have always tried to think about you too. One of my speeches about the sun is setting, isn't it time to go home—as most of you know, I was serious when I said I wanted to go home and have supper with my wife Trish, and on occasion, I did it and didn't come back either.

But to all of the staff: Thank you. You have helped in so many ways. Our leaders on the staff—I think of Elizabeth Letchworth, Dave Chiappa, and Marty. They just do great jobs, and so I want to express my appreciation to them.

To my State of Mississippi, they have shown me a lot of leniency. They have honored me, and they have put up with me sometimes, and it has been quite a pleasure to represent that State. I love it, always will, and will always be working for the State.

But especially to my wife Tricia and our two children, Chet and Tyler, and now our four grandchildren, they have been very supportive, and they have always stood by me. My wife has been a lot more than a wife and mother, she has been a real helpmate. I thank them for all they have done.

I do want to say again to the Senate itself, I have learned to love the institution. Senator BYRD occasionally accused me of trying to make the Senate

into a mini-House, and I have denied it, but maybe I was, in my desire for order and neatness. The messiness of the Senate sometimes was hard for me to take.

But I love this place, and I was thinking about it today—the friendships. They are real here, but they don't go away. Some of our colleagues have gone before us whom I have dearly loved as friends and not just colleagues, people such as Connie Mack, Dan Coats, Phil Gramm, and Paul Coverdell was mentioned. These are friendships which will last forever.

DIANNE FEINSTEIN. One of my regrets in deciding to retire is that now we have sort of formed a team, and I think maybe she is a little peeved at me that she took a stand with me after I took a stand with her, and now I am going to the house. But this is a great Senator, and she is a symbol of what I hope the Senate will remember to do, and that is to really go the extra mile to be a friend and to have a personal relationship.

She took on the seersucker Thursday. When we lost everything, she was the one who made sure my wife had some glasses for us to drink out of. She didn't do it for publicity, and I never talked about it publicly, but it was a very special gesture.

I thank my colleagues for letting me be in the leadership. Thanks to my colleagues and the American people for allowing me to have some fun while being in the Senate. I commend it to you, for the future. I didn't form the Singing Senators, the quartet, just because I like to sing base or because I enjoyed music, but because I wanted to show that side of the Senate. Could the Senate really have soul? Could the Senate really have music in its heart? As bad as we sounded, there was method in my madness. I also thought it would lead me to find ways to get one of our Senators to vote with us more. I think it got one more vote than we would have otherwise.

But the kilts—you know, just being a little looser I think is a good idea every now and then. I believe whatever you do in your life you should find a way to enjoy it and have fun. I have to say I have had fun in the Senate because I really enjoyed it. That is all there is to it. But I tried to find a way to do some things that made us closer as friends.

I am glad we recorded some history with the Leaders Lecture Series. I urge my colleagues to restart that, bring in experts to talk to us, men and women who led the Senate, who led the country, who know the history of our country and the history of this institution, and give us some opportunity to have an intellectual discussion about what the Senate is, what it has been, and what it can be.

I do hope we will always find a way to be just a little bit family friendly. Remember, we all have families at home, back in our States. Our leaders sometimes could give us a little reward; if we would behave and allow them to get to a vote quicker, maybe we could get home to our families a little quicker.

Senator BYRD mentioned the fact that I have been on mountain tops and down in the valleys. I thought many times about my high school class motto. As class president—we had a class flower, we had a class color, we had a class song, we had a class everything. We had a class motto that has lived with me since those years at Pascagoula High School in 1959. Our class motto was:

> The glory is not in never failing, but in rising every time you fail.

I have had opportunities to fail, and I have had opportunities to persevere, as the people I represent. It has been a great motto, one I have learned to live by.

I am not going to give a long speech today. I quoted a great philosopher about how you should speak on occasions such as this. He said: You should speak low, you should speak slow, and you should be brief—John Wayne. I am going to try to honor that. I am not going to give you a list of achievements because I have been so pleased with what my colleagues have had to say. But among the things I really am proud that we have done in my years in the Senate: We have built our military, we have made it stronger, we gave them better pay, we gave them better retirement benefits. I will always be proud of that. We had tax cuts, tax reform, and strengthened the economy, even things such as safe drinking water. I had communities in my State that literally couldn't drink water out of the faucets. We have improved on that. We had insurance affordability, welfare reform, transportation.

When I announced my retirement a couple of weeks ago, one reporter asked about what was I most proud of. I said: To tell you the truth, I am not the kind of guy who sits around meditating on what I am going to put on a marker somewhere. I am proud of all of it. But I think I am the most proud of the effort we had with colleagues on both sides of the aisle, working very closely with Senator DOMENICI and Senator GRASSLEY and others. So in my 6½ years as majority leader we have had balanced budgets, four, and surpluses two of those four. It hasn't happened since 1968, and we are kind of struggling again. That is something we need to do. Fiscal responsibility is a very important part of what we can do for our children and our grandchildren. I hope we will find a way to do that again in the future.

I have one regret. I guess I was part of the problem along the way. The one thing I always hoped we could get done for our children and our grandchildren we have not been able to do, and that is to find a way to preserve, protect, and ensure that Social Security will be there for our children and grandchildren in the way that it is here for us now. I hope we will find a way before it is too late to get that done.

With regard to recommendations, I have no anger, complaints, I have nothing but hope and joy in my heart for the future. I am so appreciative of the way the Senate and the Congress and the American people stepped up and helped us after Hurricane Katrina. But if there were just two things I would like to urge the Senate to do—I have touched on them, but I repeat them now—No. 1, find a way to make sure Senators have a life and have some time with their families. When you lose that, you have lost an important part of those pillars that make us who we are—family and friends, faith and freedom. You have to make sure you pay close attention to that and learn to know each other and know each other's families. It will make us better people.

Then, last, find a way to keep the human side. It has been hard for me, with my Scottish roots, to tell people when I really do appreciate them and love them; to call people when they are celebrating and call them when they are hurting. But when I hurt, myself, I know how much it has meant to me to have some of you call and offer your support and your encouragement. Find a way to do that. It is more important than anything else that happens in the Senate. Keep that personal, human touch.

Always find a way to disagree if you have to, but don't be disagreeable. There has come sort of a meanness, sometimes, that I do not think is befitting of the institution. I hope we will find a way to stay away from that.

Again, I repeat something I said a moment ago. This morning when I was doing my morning Bible devotional, the message that came through to me was one of hope and joy for the future. I look forward to my opportunities after the Senate. I am not going to say a fond farewell because I am not leaving. I will not be here, but my heart will be with you and I will be watching and I will stay in touch for the rest of my life.

Thank you so much for being able to serve with you. I thank you all for what you have had to say today. I do have a quick card in my topic. I do want to talk to you about some folks who will be coming up later this week.

Thank you very much. God bless this institution.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I hope we all heed TRENT LOTT's words that he spoke so beautifully right now. He spoke from the heart, and he spoke from experience. As I listened to him, I thought: We do sometimes forget about what is important in life. I think he brought that back to us.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:09 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business.

Who seeks recognition? The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I will happily yield to the chairman of the Judiciary Committee. I am going to speak for 10 minutes as in morning business.

FISA

Mr. LEAHY. Mr. President, I thank the Senator.

Mr. President, I strongly oppose the blanket grant of retroactive immunity in the Senate Intelligence Committee's bill to amend the Foreign Intelligence Surveillance Act. This administration violated FISA by conducting warrantless surveillance of Americans for more than 5 years. They got caught. If they had not gotten caught, they probably would still be doing it.

When the public found out about the President's illegal surveillance of Americans, this administration, and the telephone companies who may have assisted them, were sued by citizens who believed their privacy rights were violated. Now, this administration is trying to convince Congress to terminate those lawsuits, in order to avoid accountability. We should not allow that to happen.

The administration knows that these lawsuits may be the only way that it will ever be called to account for its illegal program of warrantless surveillance and its flagrant disrespect for the rule of law. In running its program of warrantless surveillance this administration relied on legal opinions, prepared in secret by a very small group of like-minded officials, who crafted those opinions to fit the administration's agenda. Jack Goldsmith, who came in briefly to head the Justice Department's Office of Legal Counsel, described the program as a ''legal mess.'' The administration does not want a court to get a chance to look at that mess, and retroactive immunity would ensure that there is no court scrutiny of their actions.

Senator ROCKEFELLER and I have been consulting since this summer to find ways to obtain access to the information our members need to evaluate the administration's arguments for immunity. The administration has consistently refused to provide this information to the Judiciary Committee. In fact, in light of the administration's stonewalling, Chairman SPECTER was prepared to subpoena this information from the telephone companies during the last Congress. Finally, we obtained access, not only for the chairman and ranking member, but for members of the Judiciary Committee. However, I believe all Senators should have access to this information, as well as those staff with the appropriate clearance.

Instead of conducting warrantless surveillance in violation of FISA, trying to cover it up, and then trying to justify the coverup, this administration should have come to Congress immediately and asked for the authority it is now claiming it needs.

I have drawn a different conclusion than Senator ROCKEFELLER about retroactive immunity. I oppose granting blanket retroactive immunity. I agree with Senator SPECTER and many others that blanket retroactive immunity, which would end ongoing lawsuits by legislative fiat, undermines accountability.

Immunity against future litigation is not the issue; the issue is retroactive immunity. If they followed the law, and FISA was not violated, the telephone companies would automatically have immunity and there would be no need for Congress to now duplicate that immunity.

I also would note that title I of the FISA law was changed during markup in the Senate Judiciary Committee. When we come back to this bill next year, it will be my intent to bring much of what we did in the Judiciary Committee before the Senate for a vote.

Again, I want our intelligence agencies to be able to intercept the communications of those people overseas who are trying to do harm to the United States. We all agree with that. But I want to make sure that Americans' communications cannot be acquired by the executive for just any reason. If the Government is going to listen to the communications of Americans it must abide by the legal system that has served us so well throughout the history of this country: court determination of the legality of surveillance before it begins, and court oversight throughout the process.

We hear from the administration and some of our colleagues that we must grant immunity or the telephone companies will no longer cooperate with the Government.

Senators should understand that if we do not grant retroactive immunity, telecommunications carriers will still have immunity for actions they take in the future. If they follow the law, they have immunity.

Instead, I will continue to work with Senator SPECTER, as well as with Senators FEINSTEIN and WHITEHOUSE to try to craft a more effective alternative to retroactive immunity. We are working with the legal concept of substitution to place the Government in the shoes of the private defendants that acted at its behest, and to let it assume full responsibility for any illegal conduct.

I believe that requires reaching agreement that the lawsuits should be able to reach the merits rather than be short-circuited by Congress, and that the program be subject to judicial review so that its legality can be determined.

Again, this administration violated FISA by conducting warrantless surveillance for more than 5-years. They got caught and they got sued. The administration's insistence that those lawsuits be terminated by congressional action is designed to insulate itself from accountability.

Retroactive immunity would do more than let the carriers off the hook. It would shield this administration from any accountability for conducting surveillance outside the law. It would leave the lawsuits that are now working their way through the courts dead in their tracks and leave Americans whose privacy has been violated no chance to be made whole.

These lawsuits are perhaps the only avenue that exists for an outside review of the Government's actions. That kind of assessment is critical if our Government is to be held accountable. That is why I do not support legislation to terminate these legal challenges and I will vote to strike it.

The PRESIDING OFFICER. The Senator from Missouri has yielded earlier to the Senator from Vermont.

Mr. GREGG. Would the Senator yield so I may propound a unanimous consent request that I be recognized at the completion of her remarks?

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

The Senator from Missouri is recognized.

CREDIT CARD COMPANY DECEPTION

Mrs. MCCASKILL. Mr. President, I first want to comment on what a pleasure it was listening to several hours of tribute to Senator LOTT. I have not served with Senator LOTT for very long, but at the point in time that I, hopefully, would be allowed to decide to retire from the Senate, I could only hope I have such kind things said about me in so many different ways.

I was glad I got an opportunity to listen to 3 hours of Senators talking nicely about each other. It is an important thing to do this time of year, and I think, frankly, it is an important thing to do more often, and we do not do enough of it around here, particularly across the line.

I rise today to speak as in morning business for a few minutes about something that is on everybody's mind this time of year; that is, credit cards. Now, I know why it is on my mind, because my fingers are having to do the shopping because I cannot get home to Missouri, and so I am having to click, click, click on the Internet. I now know my credit card number by heart

because I have entered it so many times in the computer trying to get gifts for my family and my children. So I am very aware of my credit card this time of year.

I have spent some time this year in the Senate looking at the issue of credit cards, and as we all are wringing our hands and gnashing our teeth over the subprime mortgage mess, I think we all need to begin to wring our hands and gnash our teeth about some of the credit card practices in this country. We have allowed the credit card industry to play a little fast and loose with fairness.

I certainly fundamentally understand that people's obligations in terms of their credit, their unsecured credit on a credit card, are primarily their responsibility and it is important that people be responsible when they enter into debt, and it does not matter what kind of debt it is, whether it is credit card debt or any other kind of debt. On the other hand, I have spent some time trying to read through the fine print on some of these credit card agreements. Frankly, I have been trained as a lawyer, I have worked as a lawyer for most of my adult life, I have been a State legislator, I have now worked at the Federal level legislating, and I can't understand a lot of the fine print on some of these credit card statements. If I can't understand the fine print on a lot of these credit card statements, what shot does someone who has not spent as much time around the law as I have?

If you look at what is going on with the unsecured credit card industry in terms of some of the fast-and-loose play with the rules, the kinds of tricks that are being played—I will give you a great example. We now know your interest rate can go up if you get near your credit limit. We now know you can call and get an authorization to charge money on your credit card, and they will let you do it even if you go over your credit limit, and then they are going to charge you every month an extra fee because you went over your credit limit, which they said was okay for you to do. You never know this.

Imagine my interest when I learned in a hearing this year that they can raise your interest rate on your credit card just by getting more credit cards. So if you are going into a department store and they say: Hey, you can get 15 percent off today if you open a credit card, you can get 10 percent off today if you open a credit card, the act of opening those credit card accounts can increase your interest on another credit card. Now, who would have thunk that? No one ever explains that to the American consumer. No one ever explains that getting at or near your credit limit on a number of credit cards could require your interest rates to go up even if you are paying your bills on time, even if you have always paid exactly what you are supposed to pay on time every month.

It is very important that we get a handle on this. This is a great example. A member of my staff who knows I have been very interested in this brought this in to me this week. We just had a hearing where we learned that if you get to your credit limit, it is possible they will raise your interest rate even if you paid everything on time. Well, what is this? This staff member of mine had several thousand dollars left in available credit on one of his credit cards. So what happens? He gets checks in the mail from his credit card company, and the first one is made out. Guess how much it is made out for. It is made out for an amount that will get him very close to his credit limit. So the idea here is if you fill them all out, guess what. Bingo. You are over your credit limit, and then all the fees and the extra interest rates start.

Well, I have to tell you—by the way, there is nothing on this that says: If you go over your credit limit, not only will we charge you fees, but we are probably going to raise your interest rate. That is never explained to the American consumer. That is not fair play.

Make it very clear to your credit card customer exactly what they are going to pay for and when. Fifty percent of the people who have credit cards in this country right now are paying minimum balances only, and they don't understand they are in a hole they can't dig out of.

The credit card companies say: We have not had that much increase in defaults. Well, I will tell you, here is what is different: A lot of the credit card debt in this country—hundreds of billions of dollars of the credit card debt in this country—has been rolled into home equity lines of credit because of this housing boom we were on, and everyone was combining their credit cards, and a lot of that debt has been transferred to mortgage debt.

This is stuff that needs to get fixed, it needs to be fair, and the rules need to be clear to anyone because I will tell you, if we don't get it fixed, we are going to be wringing our hands and worrying about the next big problem in our economy, and that is all this unsecured credit that goes unpaid.

I think the credit card is a wonderful tool for Americans. It has allowed our country to consume at great levels, has kept our economy pumping. But at the end of the day, if we don't require the credit card companies to make full disclosure in a way that everyone can understand exactly what they are charging for this very expensive form of credit, we are going to regret it.

There are two pieces of legislation. First, Senator LEVIN and I have introduced a Stop Unfair Credit Card Practices Act which prohibits some of the most egregious examples I have talked about that unfairly deepen or prolong credit card debt held by consumers.

The other piece of legislation is one I am cosponsoring with Senator KOHL that deals with college students. Nothing strikes more fear in the heart of a parent who has two children in college than the idea that someone wants to send them credit cards right now.

I love my two children in college very much. I think they are smart and wonderful people. But, believe me, neither one of them has the resources to handle a credit card right now. The only resources they have to handle a credit card right now are mine. If they want to send me the credit card, that is fine, and if I want to help my kids, that is fine, but the idea that we are now selling lists of college students to credit card companies so they can send them—by the way, one of these credit card officials actually had the nerve to say in a hearing that he found college students to be a very good risk. Well, yes, because their parents pay it off because they do want not want them to have bad credit when they get out of college. But college students do not have the wherewithal to take on unsecured debt. They are having a hard enough time just getting to class and getting everything done, much less taking on unsecured debt.

We need to stop some of these practices that are victimizing the American consumer. We can do it. We can do it in the Senate. I look forward to working with my colleagues in the new year to see if we can't make it a better year for middle-class America that is buried under credit card debt without the playbook to show them how to get out.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I relinquish my right to be recognized at this moment as I have another commitment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BENNETT. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

FEC VACANCIES

Mr. BENNETT. Mr. President, I rise to note with some sadness that we are reaching a point at the end of this session where it appears we will adjourn without acting on any of the nominees for the Federal Election Commission. The effect of this will be to leave the Federal Election Commission with only two functioning commissioners, when the law calls for six. It is worse than that. The law insists that no action can be taken by the commission without the votes of at least four. So by having only two left, we will leave

the Federal Election Commission with no capacity to function.

I have a history with the Federal Election Commission which makes me sensitive to the importance of this group. When I was elected, there was an allegation made against me which I considered highly partisan. It went before the FEC and before the entire commission a vote was taken, with the three Republicans upholding the position I took and the three Democrats holding the position on the other side. Because they could not muster four votes, nothing was done. In my view, this was justice. But the thing I found difficult was the fact that the partisanship on the FEC was so heavy, there was an almost automatic 3–3 vote on everything. It makes far more sense for the commissioners to work together to recognize the merits of the case, rather than simply responding in a knee-jerk partisan fashion to the individual or group that is bringing the charge. In my case, that is what was happening. A Democratic group brought the charge that I had violated the law. The three Democrats on the FEC automatically agreed with that, and the three Republicans automatically disagreed. I don't think, frankly, any of them spent any time examining the merits. If they had, I am sure I would have been unanimously exonerated, but that is not the way it worked in those days.

It got to the point here on the floor where a piece of legislation was introduced saying, whenever there is a tie in the FEC, the general counsel will break the tie. Along with Senator MCCONNELL, I and others did our best to defeat that bill because it would have de facto made the general counsel of the FEC the sole decisionmaker for that body.

I am happy to report that those days seem to have passed. We now have an FEC where the vast majority of the votes are unanimous, where partisanship seems to have taken a back seat to an attempt to get things right and act on the merits rather than the partisan challenge.

Four of the members of the FEC are recess appointees who must be confirmed. The President has sent forward four names—two Republicans and two Democrats. In the standard tradition, practice, procedure, and precedent of the FEC, the Democratic leadership in the Congress got to pick the two Democrats. The Republican leadership got to pick the two Republicans. Always before we have moved these nominations forward en bloc, maintaining the balance between Republicans and Democrats, with Republicans approving the Democratic nominations, and Democrats approving the Republican nominations.

In our committee, the Rules Committee on which I have the honor to sit, we sent all four of the names en bloc to the Senate. There was great controversy about one of them, which I will address, but in the spirit of the past history of the committee, instead of singling out this one individual to come to the Senate without recommendation, we said we will treat all four of them alike, and all four names came to the Senate without recommendation so that the Senate could work its will.

Now because of the controversy surrounding one of the Republican nominees, it becomes clear we will not have a vote on any of the four, producing the deadlock I described at the opening of my remarks. We will have only two functioning FEC commissioners beginning next year, and the FEC will not be able to rule on any of the controversies that may arise in the 2008 election. Furthermore, the FEC will not be able to distribute any Presidential matching funds in the 2008 election. This comes as bad news to some of our colleagues in the Senate, because many of them were dependent upon and expecting the matching funds to come out of the Presidential campaign fund. They will not get them, because these nominees will not be approved. Who is the one who is causing all of this problem? His name is Hans von Spakovsky. He has been attacked by outside groups on the grounds that he is somehow insensitive to minority voters.

I wish to spend a moment examining that particular attack. It all comes back to a position Mr. von Spakovsky took when he was at the Civil Rights Division of the Justice Department and recommended the pre-clearance of a voter ID law. There were those who were career attorneys in the Civil Rights Division who said a voter ID law is terrible and should not go forward. But Mr. von Spakovsky disagreed with them. Then, acting on Mr. von Spakovsky's recommendation, the management of the Justice Department said: No, we are going to go forward.

According to those who have attacked Mr. von Spakovsky, he was overruled by a court. The court did issue an injunction, saying that the voter ID law could not be enforced, thus leaving the impression that von Spakovsky is an ideologue, while the career attorneys were simply doing their job and the court stepped in to protect the country from this ideologue. In fact, the injunction had to do simply with the timing of the implementation of the law and was not a determination on the merits of the case, with the court saying it didn't want the law enforced right now but wanted to wait until the matter could be fully considered.

After the case was heard, a Federal judge, one appointed by President Carter, although that probably shouldn't make any difference, and the one who had initially issued the injunction, upheld the constitutionality of the Georgia voter ID law and, in that fashion, ratified the position Mr. von Spakovsky had taken all along. Mr. von Spakovsky's position was consistent with the ruling of the Federal court that said the career attorneys who argued with him were wrong. He was on the right side of the law; they were on the wrong side of the law. Yet he is being attacked as somehow being the ideologue who must be kept off the FEC lest the FEC be turned into some kind of partisan hotbed of difficulty and dissension.

The fact is, Mr. von Spakovsky has served on the FEC as a recess appointee for 2 years. We need not project what he would do if he were confirmed. We can look at what he has done in that 2-year period. To that point, I repeat that the vast majority of the cases that have been dealt with since he has been on the FEC have been unanimous. He has not been a lone voice seeking to destroy the FEC or turn it into some kind of partisan hotbed. He has acted completely in the mainstream, in the opinion of the other members of the FEC.

Let me quote from one of the Democratic members of the FEC, repeating again these people are appointed for their partisan positions. This is not a circuit court where you want to find someone who is above partisanship. This is where the law specifically says there will be three Republicans and three Democrats.

This is what Mr. Walther, a Democratic member of the FEC, had to say at the December 14 FEC meeting. This is from a very recent article. He said Mr. von Spakovsky was ''a terrific person to work with'' as a colleague, a ''fine commissioner.'' The article continues: ''He (Walther) spoke after Mr. von Spakovsky made a traditional nominating speech, praising Mr. Walther's qualifications to be vice chairman. Mr. Walther's comments echoed a speech during the FEC meeting by Mr. Lenhard to close his yearlong chairmanship by praising bipartisan cooperation on the commission and recounting the FEC's accomplishments in resolving enforcement cases.''

One of the things we hear around here during confirmation battles is, the President ought to make more mainstream nominations. Not for this one; this one, by law, is supposed to be partisan. But here is a man who has had 2 years of experience, 2 years of service, being praised for his activities, clearly in the mainstream, being attacked for a position he held before he came to the FEC where polls have been done and found that 81 percent of Americans, with only 7 percent dissenting, agree with Mr. von Spakovsky's position that we ought to have voter ID.

We have photo ID requirements in order to keep cigarettes out of the hands of teenagers. We have photo ID requirements in order to keep terrorists off airplanes. I have had the experience in my home State of Utah, where I like to think I am fairly well known, of being asked for a photo ID when I have presented a credit card, in an effort to avoid identity theft.

Isn't preventing voter fraud as important as keeping tobacco out of the

hands of teenagers or preventing identity theft? Eighty-one percent of Americans agree with von Spakovsky's position on this matter. Yet he is being attacked as being outside the mainstream for what his critics call a partisan position.

Because of the holds that have been placed on Commissioner von Spakovsky's nomination, we now come to this impasse where the FEC will be left with only two Commissioners, unable to rule on any potential violation that may occur in the 2008 election—a Presidential year, along with all of the Senate races that are up, and every Member of the House of Representatives. The FEC will not be able to rule on any violations because they will have only two Commissioners—all because of an ideological bent pushed by groups outside of the Congress saying that this one man, because he agrees with 81 percent of the American people, is somehow disqualified for being too partisan.

The principle has always been that the Republicans pick the Republican nominees for the FEC and the Democrats pick the Democratic nominees for the FEC—a principle that makes sense. I do not know very much about the Democratic nominees for these positions who will not be confirmed, and, frankly, I do not care because they are not mine to select. They have been picked by the Democratic leadership to represent the Democratic position, and I am willing to vote for them on that basis.

Mr. von Spakovsky has a 2-year history of acting intelligently, with great integrity, and great collegiality in this position, and it is a tragedy that the whole Commission will be denied the opportunity to function in a Presidential year; that those Presidential candidates who are depending on Presidential matching funds will not get them because outside groups have demonized this one public servant. It is a sad day that this kind of thing is happening with respect to our governmental appointments.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I see the distinguished Senator from West Virginia. I certainly do not want to preempt him if he wants to go next. Does the Senator have a preference? If not, I will go ahead, if that is OK.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

IN MEMORY OF THOMAS B. MURPHY

Mr. ISAKSON. Mr. President, I rise on a sad occasion for me personally and for my State, but also in some sense a proud time for me to be able to acknowledge the life and times of Thomas B. Murphy.

Last night, at 10 o'clock, in Bremen, GA, in Haralson County, Thomas B. Murphy died from the complications of a stroke that for the last 4 years kept him, at best, semiconscious and in a very difficult state.

But in those previous 79 years of life, he is probably the most remarkable political figure in the history of the State of Georgia. Elected speaker of the house in 1974, he maintained that position until 2002—for 28 years—longer than any speaker of any legislature in the history of the United States of America.

He was the son of a primitive Baptist preacher by weekend and a railroad telegraph man by day. He was a product of the Depression. And he was Irish. He was tough as nails but had a heart of gold. He was a Democrat through and through, and proudly stated his absolute distaste for any Republican.

For 8 years of my 17 years in the Georgia Legislature, I was the Republican leader of the Georgia House. To give you an idea of what a minority is really like, I was 1 of 19 Republicans, and there were 161 Democrats. I understood what being a minority leader was all about.

Tom Murphy was a powerful, forceful leader. But from the day I met him, when I was first elected in 1976, to the last day I held his hand, this past April, by his bed in Bremen, GA, he was always fair, he was always good, and he did what was best for the State.

Tom Murphy did not play golf. He did not play tennis. He raised tomatoes in his garden. His house is a modest brick ranch in Bremen, GA. His trade as a country lawyer was exceeded only by his skill as a politician. He never cared for money. He never cared for fame. He never cared for attention. His favorite day of the year was March 17, St. Patrick's Day, for which he would summarily adjourn the Georgia Legislature so he and his entourage could go to Savannah, GA, and be a part of the second largest St. Patrick's Day parade in America, in Savannah, on St. Patrick's Day.

His second favorite thing was to hold his grandchildren in his lap as he sat on the throne of the speaker of the house of representatives, and let them watch over his presiding of the Georgia House.

But this common, tough, fine man did so much for our State it is almost difficult to describe. We would not have a Metropolitan Atlanta Rapid Transit Authority were it not for Tom Murphy. He delivered the rural vote for the urban city of Atlanta in 1974 to get mass transit and to raise the taxes to do it. If you ever watched the Super Bowl in the Georgia Dome, the Georgia Dome would have never been built were it not for Tom Murphy.

As to the Georgia World Congress Center, there is not a Member of this Senate who has not been there because almost every convention in America goes through there once every couple years. It would never have been built were it not for Tom Murphy. Our rural roads and highways, the Governor's Road Improvement Program, would never have happened were it not for Tom Murphy.

But of all the great legacies and edifices that will be named after him, and have been named after him, his legacy will live on not through buildings and institutions but through people because Tom Murphy cared the most about people. And he cared the most about people who were poor and people who were disadvantaged.

Tom Murphy's legacy is the children who were born in poverty who came out of poverty and became successful because of the programs he put in place as speaker of the house. Tom Murphy's legacy will live on because of those who know, as a foster child or as a child in trouble, it was Tom Murphy who was there to give a hand up, not a handout.

Tom Murphy will be honored this Friday in the State capitol, where he will lie in state, and where his funeral will take place—a State capitol where for 28 years, through five Governors, he ruled the State of Georgia—not in the sense of a ruler or a tyrant but in the sense of a proud man whose time and destiny came together in the great State of Georgia. I will mourn his loss for all I learned from him.

I end my remarks by telling you about that day I sat by his bed this past April and held his hand. He could not communicate, but I knew he was awake. I said: Mr. Speaker, I am now in the U.S. Senate. And I just wanted to tell you I am a better man, and I probably got there because of the painful and wise lessons I learned from you.

A tear came in his eye, and he squeezed my hand. I knew, as we communicated first in 1976, we communicated once again. And from the day I knew him in 1976, to the last day I knew him this year, I respected him, I honored him, and I loved him.

Georgia appreciates the service Tom Murphy gave to all her people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

LIHEAP

Mr. SANDERS. Mr. President, let me begin by thanking my good friend, the distinguished chairman of the Appropriations Committee, for yielding.

The reason I rise is to deal with a very important issue that impacts millions of our fellow Americans, and that is all over this country, with the price of home heating oil soaring, people are wondering about how they are going to stay warm this winter. My very fervent hope is that the Congress, both the Senate and the House, will address this issue before we adjourn for the Christmas holidays.

I commend Majority Leader REID, Minority Leader MCCONNELL, the chairman of the Appropriations Committee, Senator BYRD, Chairman HARKIN, and others for, in fact, adding a significant sum of money—over $400

million—to the Omnibus appropriations bill. This is important, and I appreciate that. I think people all over this country appreciate that.

Unfortunately, however, this total of $2.6 billion in funding for LIHEAP, the Low Income Home Energy Assistance Program, that so many people, so many elderly people depend upon in order to stay warm in the wintertime, while it is an 18-percent increase from last year, it is still 23 percent below what was provided for LIHEAP just 2 years ago in nominal dollars. Meanwhile, as everybody knows, the cost of home heating fuels has soared. Compared to 2 years ago, heating oil prices are projected to be 50 percent higher this winter. The price of propane will be 38 percent higher, and electricity prices will be 14 percent higher. These high prices, coupled with the reduction in LIHEAP assistance compared to 2 years ago, mean States will be forced to either reduce the number of people who will be receiving LIHEAP or else to significantly cut back on the amount of money that people will be receiving. There is no question about what will happen if that occurs: People in the United States of America will be cold. It is possible that some may actually be freezing.

Two years ago, thanks to the leadership of Senator SNOWE and many other Senators, LIHEAP funding was increased by $1 billion above the appropriated level because it was then the belief that we faced a home heating emergency. Well, if we faced a home heating emergency at that point, let me tell my colleagues we face one today that is even more severe. In the State of Vermont and all over this country, we are having elderly people living on fixed incomes who are looking at the soaring prices of home heating fuels. They are scared to death. It seems to me that we have the moral responsibility as the Senate of the United States of America to do something for those people before we adjourn.

I thank my colleague, Senator LEAHY from Vermont, as well as Senators COLEMAN, KLOBUCHAR, SNOWE, OBAMA, DOLE, BAUCUS, SUNUNU, CANTWELL, COLLINS, CASEY, LIEBERMAN, LANDRIEU, KERRY, KENNEDY, and CLINTON for supporting an amendment that will essentially increase LIHEAP funding by $800 million, half of which will go into the normal LIHEAP formula, half will go into emergency funding to be used at the discretion of the President.

While those Senators are already onboard, I know there are many other Senators—Republicans, Democrats, and Independents—who are also wanting a vote to show the people back home that we have not forgotten them and that we do not want any Americans to go cold this winter.

Let me simply conclude by suggesting to you that the people of our country all over America are losing faith in the U.S. Government. That is no secret. Polling for the President, polling for Congress is at an almost all-time low. They think we are concerned about a whole lot of issues, but we are not concerned about them. It seems to me that before we go home to our well-heated homes, before we go home to our vacation time, that we not turn our backs on some of those who are most in need. I think we have to act boldly to restore faith in the U.S. Government, and I hope that before we leave, we can get a vote on this floor with bipartisan support, and that we can move this process forward.

Mr. President, with that, I thank my good friend, Senator BYRD, the outstanding leader of our Appropriations Committee, for yielding, and I yield back the remainder of my time.

Mr. BYRD. Mr. President, I thank the very distinguished Senator for his remarks.

Mr. LEAHY. Mr. President, the Senator from West Virginia has the floor, but would he yield me at least a couple minutes in reference to what my colleague from Vermont just spoke about?

Mr. BYRD. Yes, Mr. President. I am glad to do so.

Mr. LEAHY. Mr. President, I thank the distinguished chairman. I agree with what the Senator from Vermont has just said. In our State, cold weather is not a rarity, it is a fact of life, especially this time of the year. The thermometer on my front steps goes down to 20 below zero. Many times there is no mercury showing because it has gone below that.

Now, that is not theoretical cold, that is cold you die from. I know what it has cost us in filling the tank for my own furnace this year, and I wonder how many people who are not privileged to have the kind of salaries all of us do, how they possibly do it. It is not a matter of just help; this is a matter of life or death. It is not a matter of just comfort. We are not talking about the weather being in the fifties and perhaps you can just put on more sweaters or more coats; we are talking about it being 5 or 10 and 15 and 20 degrees below zero, or even today in Burlington, VT, it began at zero. The temperature was at zero, and then it warmed up from last night. In those situations you die if you don't have heat. It is not a question of being comfortable; you die. It is as simple as that. You die. There are a lot of people who cannot afford this.

I will work with the distinguished Senator from Vermont, as I have with my colleagues on both sides of the aisle, in trying to get more money after this bill is passed for LIHEAP. I know the distinguished Senator from West Virginia has supported us every single time on LIHEAP. He also knows what it is like in those rural areas of West Virginia where people barely eke out a living and what happens to them when the snow is falling and it is cold outside and the children are crying because they are cold and the parents are doing everything possible to keep them warm. We will work on this.

I thank the Senator from West Virginia for yielding me the time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

CONSOLIDATED APPROPRIATIONS ACT, 2008

Mr. BYRD. Mr. President, the Constitution grants to Congress an extensive array of powers, each of which in one way or another touches the lives of every 1 of the 300 million people who live in America today. But of all of those powers so carefully inscribed in article I, none is so powerful or so necessary for the welfare of our country as the power to appropriate monies—monies from the Federal Treasury. But it is not simply within the power of the Congress to appropriate funds for the operation of the Government. It is a duty that must be exercised each year without fail and without excuses. The operation of the Government to enforce our laws, to serve our people, to protect our liberties depends upon Congress providing the funds that are necessary to do so.

The bill that will soon be before the Senate, the Consolidated Appropriations Act of 2008, is essential legislation for the country. It includes 11 of the 12 annual appropriations bills. In all, it appropriates $473.5 billion—spelled with a B, Mr. President, a capital B. That is $473.50 for every minute since Jesus Christ was born.

It appropriates $473.5 billion for the operations of nearly every agency in the Federal Government, save for those funded by the already-approved Defense Appropriations Act.

The bill contains an additional $42.2 billion in emergency spending, including $31 billion for the war in Afghanistan and for force protection for our troops—American troops, our troops—in Iraq. I wasn't for going there; I was against our going into Iraq. But we are there. We are talking about our troops who are there in Iraq.

The President's budget, as submitted, simply did not include sufficient funds for the health of our veterans. This bill provides $3.7 billion more than requested to make sure the Veterans' Administration can provide better care for our veterans.

The bill also includes $3 billion of emergency spending for border security, $622 million for drought relief, $300 million for firefighting in the West, and $250 million for low-income home energy assistance. Emergency funds totaling $2.4 billion are also included for peacekeeping operations in Darfur, refugee assistance, and other foreign assistance programs. We also approved $194 million for the replacement of the bridge which recently fell into the Mississippi River.

The consolidated appropriations bill contains an unprecedented level of transparency and accountability for Member-requested projects and earmarks. Each and every earmark contained in the bill or described in the explanatory statement is accounted for

in the tables that are part of the joint explanatory statement. These tables describe the project, they describe the level of funding approved, and they provide a list of the Members of either the House or the Senate who requested the item. It is there, as clear as the noonday's Sun in a cloudless sky. How is that, BERNIE? We are not supposed to address other Members directly, but in this instance, I know I will be forgiven.

These tables, as I say, describe the level of funding approved and a list of the Members of either the House or the Senate who requested the item. All information required by Senate rule XLIV is included in the explanatory statement accompanying the amendment. Read it, Senate rule XLIV.

The total dollars that are earmarked is reduced—hear me now—by 43 percent. That ''ain't'' chickenfeed. The total dollars that are earmarked is reduced by 43 percent compared to the appropriations bills signed into law by the President 2 years ago.

It is imperative this bill be approved not the week after next, not next week but this week. Last May, Congress passed a budget resolution that balanced the budget by 2012 and permitted Congress to approve appropriations bills at a level of $21.2 billion above the President's request.

The Senate was able to work constructively on a bipartisan basis to address the needs of the American people. After the deadly bridge collapse in Minnesota, the Senate voted 88 to 7 to provide additional funds to repair crumbling bridges. At a time when crime rates are on the rise, the Senate voted for a bill that puts more cops—yes, they protect you, they protect me—more cops on the street by a vote of 75 to 19. While oil prices are soaring, the Senate voted 75 to 19 to pass a bill providing more help to low-income families so they can pay their heating bills this winter.

After the shocking state of the Walter Reed Army Medical Hospital made the news, the Senate voted 92 to 1 to approve a bill increasing VA spending to allow better care for our returning warriors.

Because our borders are in need of additional enforcement to stem the tide of illegal immigration, the Senate voted 89 to 1 to approve an amendment with billions more for border security.

This bipartisan cooperation on moving the appropriations process forward, while addressing the crucial needs of this country, would not have been possible without the diligent work of the committee's ranking member. Who is that ranking member? The distinguished and able and venerable Senator THAD COCHRAN—may his tribe increase. That is from Abou Ben Adhem, in case you have forgotten.

It is refreshing to know that in this era in which each political party is urged to view the other as a mortal enemy, there is hope for at least one oasis of comity in which the duty to govern is still taken seriously. I thank my friend, Senator THAD COCHRAN, and all the other Members of the Appropriations Committee for their hard work, their diligent work to produce each—now listen to this—each of the 12 appropriations bills and for all their cooperation in the assembly of this Consolidated Appropriations Act.

Sadly, the President does not share our view that we must invest in America, apparently. The President—your President, my President, our President—proposed to increase the Defense budget by 10 percent. The President proposed to increase foreign aid by 12 percent. The President—your President, my President, our President—proposed $195 billion of emergency spending for the wars, and yet the President believes this 7-percent increase we sought for domestic programs was fiscally irresponsible. As a result, he, the President—your President, my President, our President—threatened to veto 9 of the 12 appropriations bills.

Under our Constitution, the President has the power to veto. He does. Nobody disputes that. And the President made it clear, crystal clear, as clear as the noonday's Sun in a cloudless sky, that he intended to veto our bills.

We are already 10 weeks into the new fiscal year. It is time to govern. There is a time in the affairs of men when we say it is time to govern. There must be compromise from time to time, and so working together across the aisle, such as Senator THAD COCHRAN and I—we shake hands, we argue, we debate, and we contend with one another. At the end of the day, we put our arms around each other and walk out of this Senate together. So working together across the aisle, we have cut $17.5 billion from the original levels approved by the Appropriations Committee. As a result, domestic programs receive only a 3-percent increase. I am not pleased with this outcome, but I urge all Senators to support the consolidated bill.

Within the limits set by the President, we have funded as best we could, the essential priorities of this Nation—your country, my country. For our veterans, this package includes a record $43.1 billion in funding for the VA. That is a lot of money, $43.1 billion in funding for the VA, an increase of $3.7 billion over the President's request.

The bill provides $37.2 billion for veterans health care, and an additional $124 million is included to hire more VA personnel to reduce a 6-month backlog of benefit claims.

Funding for the National Institutes of Health is $613 million above the President's request.

Energy prices are going through the roof, and we provide $788 million more than the President requested for the Low-Income Home Energy Assistance Program, which gives 2 million more families additional help for winter heating bills at a time of these record oil prices.

Despite the fact that violent crime is on the rise—hear this, violent crime is on the rise—for the first time in 15 years, the President wanted to cut State and local law enforcement, but—there is that conjunction ''but''—we have restored $1.2 billion to that unwise cut.

Under the President's request, 600,000 women, infants, and children would lose important nutrition assistance. We fully fund—yes, we fully fund—the WIC program.

This package also makes education a priority—education a priority—by increasing Head Start by $114 million, stopping the proposed cut of 30,000 slots for early childhood education. This additional $118 million for No Child Left Behind means that tens of thousands of disadvantaged students will get the help they need to succeed in school. For college students, the amount for Pell grants is increased to $4,731 per year.

The President proposed to eliminate or slash numerous programs for our rural communities, such as rural health, rural housing, and clean water programs, but we have restored money for all of those programs.

The President wanted to slash funding for vital infrastructure programs, but we—the Congress—have increased funding: For highways? Yes. For repairing bridges? Yes. For airport improvements? Yes. And for Amtrak. Amtrak. All aboard for Amtrak.

At my direction, the bill includes a $20 million increase above the President's request for mine safety. Now I know something about that. I know something about the need for mine safety. I am the son of a coal miner.

This money will save lives.

Despite the failure of FEMA to adequately respond to Hurricane Katrina, the President wanted to slash funding by over $1.5 billion for first responders. We restore those cuts—how about that—and actually increase funding by $544 million.

I am pleased also that the bill includes $31 billion for the wars in Iraq—I was against that war. I said we ought not go in there; we have no business being in there, but we are in there—and Afghanistan—I was for that war—including $16 billion for the war in Afghanistan, over $10 billion for force protection in Iraq, such as body armor and systems to defeat IEDs, $1.1 billion for the Wounded Warrior program, and $4 billion for other programs. It is a balanced package—a balanced package—and I support it.

The bill invests in the security of our homeland and supports the men and the women who are on the front lines of protecting our communities. The Border Patrol will hire 3,000 more Border Patrol agents to protect our borders. We nearly double funding for port security, chemical security—we know what that is about down in the Canaan Valley of West Virginia—and transit and rail security. The Justice Department will hire 100 new U.S. Marshals, 200 DEA agents, and 160 FBI agents, and we provide funding for hundreds of

new cops at the State and local level. Finally, we more than double funding, to a total of $108 million, for screening and treating illnesses suffered by those who bravely responded to the 9/11 attacks at the World Trade Center.

Because so many Americans are worried about their mortgages and the specter of foreclosure, this bill adds $180 million to provide credit counseling and foreclosure mitigation to subprime borrowers.

These are not just meaningless numbers on an obscure government ledger. There are consequences for our failure to invest in America. Did everybody hear that? There are consequences for our failure to invest in America. Bridges fall, fires destroy, hurricanes devastate. People get sick from food that is not inspected and drugs that are not adequately tested. Our schools, our roads, our transportation systems are all in need of serious attention.

This bill is a genuine effort to compromise so that we can move forward. It is a balanced bill. It is the result of over a month of bipartisan negotiations. For the sake of the welfare of our Nation, it is time—time, time—to govern. The ''gotcha'' politics that prevail in Washington must end. To continue it damages our country from within and damages our country from without and discredits both political parties—your party, my party—both political parties.

With respect to the explanatory statement for the bill, the House-approved amendment to H.R. 2764, was filed with the House Committee on Rules by Representative OBEY at approximately midnight Sunday night, December 16, 2007. Accompanying the amendment is an explanatory statement contained in the CONGRESSIONAL RECORD of December 17, 2007. That statement, like the amendment, is the product of bipartisan, bicameral negotiations. The joint explanatory statement is the final vehicle for conveying congressional intent with respect to purposes for which appropriations are made.

In order to assure that there is no ambiguity as to congressional intent, the House amendment includes a provision that provides that the explanatory statement submitted by Mr. OBEY and printed in the RECORD will serve the purpose of a conference report for determining congressional intent. I fully endorse this provision, for in its absence, this Administration, which strives to overturn statutory language in its bill signing statements, would completely ignore congressional intent.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to be able to join my distinguished friend from West Virginia in advising the Senate that we have before us the Omnibus appropriations bill. It has been a long and difficult road getting to this point.

The President, in February, delivered a budget request to the Congress that included a robust increase for our Armed Forces, very few increases for nondefense discretionary programs, along with many proposed program cuts. Then, in the spring, the new majority in Congress laid out a very different vision for discretionary programs, one that called for some $23 billion in additional spending. We have before us an Omnibus appropriations bill that reflects many of the spending priorities of the Congress, both from the majority and minority perspectives, but the bill also reflects the very real concern about overall spending levels held by the President and most Members, certainly on the Republican side of the aisle.

The bill is, without question, an imperfect product of an imperfect process, but I think every Member of this body would rather have the opportunity to vote on appropriations bills individually rather than lumped together in one giant omnibus bill. I regret that the Senate did not take up and consider all 12 of the appropriations bills individually. When we fail to take up all of the bills, we invite the creation of an omnibus bill, lumping all the other bills together, such as this one, and we weaken the opportunity for the Senate to influence the content of these bills and shape the final legislation. I hope next year the leader will redouble his efforts to make time for consideration of all the appropriations bills, even though it is quite possible that we will again disagree with the President over appropriate amounts of discretionary spending.

Having said that, this omnibus bill is, in my view, superior to many of its predecessors in one sense: It contains virtually none of the legislative matter that is so often added to omnibus bills. And I give great credit to the chairman, my friend from West Virginia, and our two leaders, Mr. REID and Mr. MCCONNELL, for this fact. The business of the Appropriations Committee is complicated enough without importing legislative baggage from other committees in a way that often undercuts the delicate bipartisan and bicameral negotiations in other arenas.

I also note that the bill includes none of the riders or funding prohibitions that the President previously identified as likely to prompt a veto. While I am sure this is a disappointment to some Senators, it is an important factor in our being able to support the omnibus portion of this bill.

I also wish to touch briefly on the subject of earmarks. Much has been made about earmarking throughout the year. Clearly, there have been past cases of abuse, just as historically there have been abuses of legislative powers in other areas. I hope the heightened scrutiny and transparency of the appropriations process will eliminate any such abuses going forward. The Appropriations Committee and its staff have made extraordinary efforts to add transparency to the process going back to well before the enactment of the ethics reform bill.

I think all Senators are comfortable in openly defending the funding priorities they advocate and suggest be included in appropriations bills, and they should be. This is another reason why it is so important that the Senate make time to consider all of the appropriations bills in an orderly process.

The total amount of congressional earmarks funded in this bill is well below the level included in the fiscal year 2006 appropriations bills. I know the amount is reduced because we hear the protests from our colleagues and from our constituents as well. Whether the amount of earmarking in this bill is ideal, I don't know. I suppose it depends on the interests of the beholder. What I do know is Congress should never yield its right or its power to make annual spending decisions and include those decisions in the appropriations bills. Congress should not leave it up to the executive branch, and it should not be persuaded that last year's decisions are the right ones for the next year. That is why we have an annual process. Enacting a long-term, continuing resolution might appear to be an easy way to avoid controversy and disagreements. It is an abdication of our responsibilities.

If Congress has to undergo vetoes of appropriations bills and make modifications to bills as a result, so be it. But ultimately we need to finish our work in a timely fashion and provide Federal agencies and departments with a set of directives and spending priorities that reflect the collective will of the legislative branch in consultation with the executive branch. That is why we have hearings at the beginning of the annual appropriations process, to get the views of the administrators of the programs, to invite executives from the various departments to tell us what their challenges are, tell us what the President's priorities are, what the Cabinet Secretaries have to say about their needs and their suggestions for appropriate funding levels. We take those into account. These are serious issues that have to be considered by the Congress. That is what the Appropriations Committee tries to do every year, in reviewing the President's budget requests and the information we receive at our annual hearings.

Finally, I wish to say something about a part of this bill that is without question one that has to be fixed. The amendment adopted by the House of Representatives includes $31 billion to fund the deployment of American men and women overseas in the global war on terror. But the House amendment restricts operating funds to those fighting in Afghanistan and does very little to support our troops deployed in Iraq. While I understand the political needle the House was attempting to thread when it wrote this amendment, I think the message it sends to our men and women who are deployed in these countries is unfortunate.

The Senate dedicated a serious amount of floor time to the debate of Iraq policy this year. The debate was, of course, earnest and sometimes informative. Amendments have been offered and votes were taken on issues related to the war. Yet while the debates demonstrated a strong and sincere desire among Members to successfully conclude operations in Iraq as quickly as possible, there remains no broad consensus on any particular alternative to the policy currently advocated by the President or Ambassador Crocker or General Petraeus.

Let's be honest, that policy has produced undeniable successes in recent months. I am sure deeply felt disagreements remain on the subject of Iraq policy. But we have tens of thousands of American men and women who are deployed in Iraq and Afghanistan, performing missions assigned to them by our Government and with the blessing of Congress at the outset. Those men and women need the resources to succeed. To try to change American policy in Iraq by slowly starving our troops of resources they need is unfair to them and very dangerous to our Nation's interests. We should reject the House language and provide adequate funding to support our troops until well into next year.

I wish to end my remarks by thanking and commending our chairman, Mr. BYRD, my dear friend. We have worked together in writing and negotiating these appropriations bills and this package that is coming before the Senate. I know we haven't been able to agree on everything, but we have reached an accommodation so that we present this now at this point and urge its adoption. I thank all Senators who served with us on the committee for their diligent efforts.

Last year, we had a large appropriations train wreck. We do not want that again. It produced a large supplemental funding bill. But we brought together a bill this year, despite new rules and hard negotiations—renegotiations. I thank all our members for their hard work on both sides of the appropriations committee, and I am happy we will be able to present this bill to the Senate.

Mr. BYRD. Mr. President, I thank my able friend for his generous remarks, for his good work on the committee, and for his kind leadership. I wish for him and all his loved ones a very merry Christmas, in the old-time way.

I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. STEVENS. Mr. President, I ask unanimous consent to speak as in morning business for about 4 minutes.

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

THE RETIREMENT OF DR. BILL HOGARTH

Mr. STEVENS. Mr. President, at the end of the year my good friend Dr. Bill Hogarth will be leaving his position as the leader of the National Marine Fisheries Service. Bill is the Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration, and his departure will mark the end of a 6-year tenure in this post.

Throughout Bill's career with the National Marine Fisheries Service, I have had many opportunities to work with him on Fisheries issues critical to the State of Alaska, to the Nation, and to international fisheries management organizations. Bill's knowledge of our fisheries and commitment to science-based management have helped to conserve and rebuild many of our most important fish stocks, both domestically and internationally.

Last January, the President signed our reauthorization bill for the Magnuson-Stevens Fisheries Conservation and Management Act, which mandates an end to overfishing by requiring fisheries management councils to adhere to science-based catch limits. As we wrote that legislation, my colleagues and I worked with Bill to ensure this goal would be met. His expert advice and insight into our Nation's fisheries regulations proved to be indispensable.

In Alaska, which has half the coastline of the United States and produces half of our Nation's fisheries products, Bill has also demonstrated a firm commitment to both conserving and supporting our State's fisheries. Under his tenure, the fisheries service has invested in the scientific research and facilities that will enable sound conservation of Alaska's fish stocks. Bill has also ensured effective implementation of all fisheries legislation important to our State.

Alaska native communities have also benefited under Bill's leadership. He knows that the survival of our Alaskan villages relies on maintaining access to fisheries and marine mammals, and therefore Bill worked hard to ensure that this access is upheld. At this year's meeting of the International Whaling Commission in Anchorage, during which Bill served as Commission Chairman, he secured the subsistence bowhead whale quota for Alaska Native communities. This was a significant victory at a contentious meeting, and our communities owe Bill a debt of gratitude for his achievements.

I am pleased that Bill will be remaining on as Chairman of the International Whaling Commission. I look forward to continuing to work with him in this capacity. This will build on his other achievements in the international arena—such as the International Commission for the Conservation of Atlantic Tunas, where, as Chairman, he was at the forefront of the fight against illegal, unreported, and unregulated fishing—a serious threat to all global fish stocks.

I thank Bill for his many years of service to our fisheries and fishing communities. I also thank him for his cooperation and friendship as we worked to achieve our common goals of fisheries sustainability. I think he has done a grand job for the Nation. I wish Bill and his wife, Mary, all the best in the future.

I yield the floor.

I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KYL. Mr. President, I ask unanimous consent in advance if I exceed the 10 minutes under morning business that I be allowed to continue unless a colleague comes here wishing to speak.

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

FISA REAUTHORIZATION AND TROOP FUNDING

Mr. KYL. Mr. President, we are in a little bit of a lull here before we reach the final conclusion of this session of this Congress. But much of the debate is revolving around two pieces of legislation, one of which has been at least temporarily removed from the floor, the reauthorization of the Foreign Intelligence Surveillance Act, and the other one which is critical for us to act upon before we can leave Washington, DC, and return to our home States, and that is the ability to fund the troops whom we have sent on missions abroad in places such as Afghanistan and Iraq.

That funding has basically come to an end. The Defense Department has had to rob Peter to pay Paul, moving money from different accounts in the Defense Department in order to pay the ongoing effort of our troops. That is not the right way, the most efficient way, to ensure that our troops have what they need when they are fighting abroad. It is critical that we get the funding to the troops. The President has had a request out now for more than 10 months to try to get the funding on an emergency basis to them. Our minority leader will have an amendment later on this afternoon that will seek to add money to fund the troops, at least through sometime next spring. It is critical that we achieve that objective. That is the critical piece of business we have to attend to before we can leave.

I thought, in connection with both of those national security issues, that some comments that our friend, the former Speaker of the House of Representatives, Newt Gingrich, made back in September to the American Enterprise Institute were of special relevance and we might well consider

some of the things he said in thinking about how to move forward with this funding. Representative Gingrich said that to some extent the debate we are having right now is the wrong debate about what is necessary to defeat our enemy and win the war against the terrorists. The bottom line is, it cannot be done on the cheap. War is kill or be killed. You risk everything in war. As a result, what we have to do is think anew about the kind of bold effort and difficult undertaking this really entails. It does entail real risks, and we have to recognize that there are significant requirements for change in the way we operate.

Congress can't continue to provide money, just dole it out a few weeks at a time, hoping that will be sufficient for the troops. They have to be able to count on Congress to back them when we send them on a mission.

To some extent, as Representative Gingrich said, it is important to adopt a spirit that in some cases it is better to make a mistake of commission and then fix the problem than it is to avoid achievement by avoiding failure. In this regard, we have to have a national dialog about the true threat we are facing from this irreconcilable wing of Islam and what is necessary for us to defeat it, both in the ongoing conflicts in Afghanistan and Iraq as well as other places around the world where intelligence becomes our key tool in helping to defeat the enemy.

One of the things Speaker Gingrich did was to refer to some remarks Daniel Pipes, an expert on the Middle East, made about Islamists. He made it clear that they have significant assets at their disposal. They have potential access to weapons of mass destruction, a religious appeal that provides deeper resonance and greater staying power than the artificial ideologies of fascism and communism. They have an impressively conceptualized and funded and organized institutional machinery. They have an ideology capable of appealing to Muslims of every size and shape anywhere in the world. This is problematic. Finally, these militant Islamists have a huge number of committed cadres, some estimate as many as 10 percent of the Muslim population of the world, which, of course, is a far greater total than all of the fascists and communists combined who ever lived. As Daniel Pipes would say, this is a significant and impressive array of assets and potential against the Western world against which these Islamists have declared war.

Specifically, with reference to the intelligence I mentioned we have to focus on, the CIA Director, GEN Michael Hayden, testified a couple of months ago about his own judgment of these strategic threats facing the United States. Among the things he said was that our analysis with respect to al-Qaida is that its central leadership is planning high-impact plots against the U.S. homeland. They assess this with high confidence. So this is not just a guess about what might happen. With high confidence, they believe al-Qaida is planning high-impact plots against our homeland, focusing on targets that would produce mass casualties, dramatic destruction, and significant economic aftershocks. So our very survival as a free people is challenged by this large threat, and defeating it on a worldwide basis is inherently going to involve a very large effort, a degree of change we have yet to face.

We need a debate about the genuine risk to America of losing cities to nuclear attack or losing millions of Americans to engineered biological attacks. We also need a very calm dialog about the genuine possibility of a second Holocaust if the Iranians were to get nuclear weapons and use them against Tel Aviv or Haifa or Jerusalem.

All of these larger issues are sometimes lost in the debate about arcane provisions of something like the Foreign Intelligence Surveillance Act that we are seeking to reauthorize. We have to keep in mind what the object is. We have to defeat a very capable enemy which not only has the means but the will to defeat us in a war literally to the end.

We also need some realistic examination of the progress—or lack thereof—we are making in the larger war. I think we have to realistically assess where we are with respect to that. In the last year or so, Hamas has won an enormous victory in Gaza; Hezbollah has won a substantial victory in south Lebanon; Iran, Syria, Lebanon, Afghanistan, the Taliban sanctuary in the Waziristan, substantial instability in Pakistan, even in the Philippines and, to some extent, even in Great Britain. The estimates of terrorist sympathizers and potential sympathizers are far greater than the resources being applied to monitor them.

Again, to summarize this point with respect to intelligence surveillance, we have, even here in the United States, the spread of a militant extremist radical vision. It is funded by money from the Middle East, including Saudi Arabia. It is on the Internet, on television, it is in extremist mosques and schools. This advocacy of martyrdom, of jihad, suicide bombing, and violence against a modern civilization is not restricted to places abroad; it exists even in the United States.

At the end of our conflict in Iraq and of the debate about our intelligence collection activities, there is a simple test, and that is whether a free people are celebrating because the American people have sustained freedom against evil or, God forbid, violent evil enemies of freedom are celebrating because Americans have been defeated. Life would be easier if there was a more modulated answer, but there is not.

In war, there is a winner and a loser. If the American people will sustain this effort, we will win. But if American politicians decide to legislate defeat, then, of course, America could be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS-CONSENT REQUEST—H.R. 2771

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 2771, the legislative branch appropriations bill; that the only amendment in order be a substitute amendment at the desk which is cosponsored by Senators LEAHY, COLEMAN, KLOBUCHAR, SNOWE, OBAMA, DOLE, BAUCUS, SUNUNU, CANTWELL, COLLINS, CASEY, LIEBERMAN, LANDRIEU, KERRY, KENNEDY, and CLINTON—this amendment provides for $800 million in additional LIHEAP funding—that there be a time limitation of 30 minutes for debate equally divided in the usual form on the amendment; that upon the use of that time, the amendment be agreed to, the bill be read a third time, and the Senate, without any intervening action or debate, vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Vermont, I support this issue. All you have to do is look in the Washington Post today at their editorial. It says, among other things:

> This could be the start of an epic winter. If the past few winters here in the northeast have taught us anything, it is to be prepared to do whatever winter allows at the moment it allows.

We have to be prepared for a cold winter. We have some money in this bill that we hope to pass sometime in the next several hours to take care of some of the needs of the problems relating to the issue of LIHEAP; that is, money for people who are desperately poor and need help to keep their homes warm. That is what this is all about. I have told the Senator from Vermont that I am going to do everything within my power to get this issue before the Senate as soon as possible. Winter is not going to end at Christmastime. Winter is going to be here. We can move to enlarge the funding for this bill. That is a commitment I have. I think with the list of cosponsors he has on this proposed unanimous-consent request, it is something we should be able to get done.

The problem the distinguished Senator finds himself in is, it is late in the year. This is the first year of this session of Congress. There are always a lot of reasons for not doing things this late in the year.

I have admired this fine Member of Congress for many years, being with the people he best represents, people who don't have any representation. I admire what the Senator has done. I hope we can move forward on this now.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, on behalf of several Republican Senators, I object.

I would also note that I believe there may be one other unanimous-consent request, and I would be happy to suspend while that is made and then conclude my remarks in 3 minutes. I think the Senator from Rhode Island would like to speak, or I can go ahead and conclude, and then the Senator from Ohio could make his request—whatever the pleasure of the leader is.

Mr. REID. Has there been objection?

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Arizona be recognized for up to 5 minutes to finish his statement, and then I would like to be recognized.

The PRESIDING OFFICER. The Senator from Arizona.

TROOP FUNDING

Mr. KYL. I will conclude in about 3 minutes.

Mr. President, the point I was making is this: It is easy to lose sight of the larger objective when we get down into the details of specific legislation, as we must do. It is important to understand it and to get it right, but we also have to keep our eye on the ball. To mix metaphors, you have to look at the forest and not get drawn down into the trees too much. The forest here is a very dangerous enemy which means to do us harm. They have the means to do it. They have the will to do it. We are fighting them in two different kinds of conflicts. We are fighting them in hot war in Afghanistan and Iraq. It is a serious proposition. Young men and women have been sent to these places to do battle, to lay their lives on the line to carry out the mission on behalf of the American people to secure those places for liberty. Not all of them will come home. Not all of them will come home without casualty. This is serious business. It requires our full attention, with a knowledge of the nature of the threat.

We cannot send them to do this job without being willing to provide them the funding they need to sustain their effort. Part of the debate today is ensuring that at least for the next 4 months, they will have enough money to get the job done.

By the same token, we have an enemy all over the world, including in the United States, which is plotting, our intelligence community assesses with high confidence, to carry out a devastating attack if they have the opportunity to do so. It is critical that we use the assets we have available to collect intelligence against these organizations and people wherever they are. The best way to defeat the radical Islamists who mean to do us harm is to prevent it in the first place. That is what good intelligence allows us. That is why it is important for us to reauthorize the Foreign Intelligence Surveillance Act.

My point is, on two of the great issues that are before us today, we have a violent enemy that needs to be defeated. The best way to do that is to support our troops and our intelligence agencies and the men and women who are carrying out the missions we have asked of them in defeating this enemy.

We have to understand the threat and understand that in America, in this great democratic Republic of ours, the American people are the center of gravity in any war. It is their support that is needed in order to achieve victory.

Our young men and women on the battlefield and our people serving us in the intelligence community are counting on us, the representatives of the American people, to see to it that they have what they need to carry out their missions.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that if this consent is granted, the first person recognized be Senator JACK REED, who wants to talk about a staffer, someone who works for him.

Mr. MCCONNELL. Will the leader yield? I did not hear him.

Mr. REID. If the consent is granted, I want Senator REED to be recognized for up to 8 or 10 minutes, let's say 10 minutes. Following that, I ask unanimous consent that the Senator from Ohio, Mr. BROWN, be recognized for up to 5 minutes.

UNANIMOUS CONSENT AGREEMENT—H.R. 2764

Mr. REID. Mr. President, I ask unanimous consent that when the Senate begins consideration of the message from the House on H.R. 2764, the Foreign Operations bill, there be 1 hour for debate equally divided between the two leaders or their designees on invoking cloture on the motion to concur in the House amendments; that the Senate vote on that cloture motion upon the use or yielding back of that time; that the mandatory live quorum be waived; that if cloture is not invoked, the Senate then proceed to amendment No. 2 of the House; that Senator MCCONNELL be recognized to offer a motion to concur in that amendment, with an amendment; that Senator FEINGOLD then be immediately recognized to offer an amendment to that motion; that there be 1 hour for debate equally divided in the usual form in relation to Senator FEINGOLD's amendment; that if his amendment does not attain 60 votes in the affirmative, it be withdrawn; that upon the disposition of his amendment, Senator LEVIN be recognized to offer his amendment to the motion; that there be 1 hour for debate equally divided on his amendment prior to a vote on his amendment; that if it does not attain 60 votes, it be withdrawn and the Senate immediately, without any intervening action, vote on Senator MCCONNELL's motion to concur; that if his motion does not attain 60 votes in the affirmative, it be withdrawn; that upon the disposition of House amendment No. 2, the Senate proceed to House amendment No. 1; that Senator REID then be recognized to move to concur in the amendment of the House, with an amendment containing the text of the House-passed AMT bill, H.R. 4351; that there be 1 hour for debate on his motion equally divided between the two leaders or their designees; that upon the conclusion of that time, the Senate vote on the motion; that if the motion does not attain 60 votes in the affirmative, it be withdrawn; that if it is withdrawn, Senator REID then be recognized to offer a motion to concur in the House amendment; that there be 2 hours for debate equally divided between the two leaders on that motion; that no other motions to concur or amendments be in order prior to the disposition of Senator REID's motions to concur.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, with regard to the 2 hours so designated for the AMT debate, I request the opportunity to modify: that Senator ISAKSON have 5 minutes, Senator CHAMBLISS have 5 minutes, Senator DEMINT have 15 minutes, Senator ENZI have 5 minutes, Senator GRASSLEY have 15 minutes, and Senator COCHRAN have 15 minutes—that is for the final vote, Mr. President, not the AMT vote.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Hearing none, it is so ordered.

Mr. REID. Mr. President, speaking on behalf of—and Senator MCCONNELL certainly can speak on behalf of himself—I appreciate the cooperation of everyone. These are very difficult issues, and there is a lot of work we have not done. But that is the way it always is at the end of a session like this. So I appreciate everyone's cooperation. I hope no one has been offended with my being a little pushier than usual, but I had a little pushing on my side anyway, pushing me to get this done. Everyone has a lot to do.

We have one Senator who needs to get things done tonight. She has a sick daughter. She has to go home. We have a lot of issues we need to address.

So we will now hear from Senator REED and Senator BROWN, and then we will be on the bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President. First, let me thank the majority leader for arranging this time.

TRIBUTE TO DENNIS P. RILEY

Mr. REED. Mr. President, I rise to pay tribute to an outstanding Rhode Islander and a superb employee of the Senate who is retiring after 34 years of Federal service—my friend, my colleague, someone I admire immensely, Dennis P. Riley.

Dennis Riley has worked in my Providence office since I was elected to the Senate. But before that, he was a longtime employee of Senator Claiborne Pell, my predecessor. Dennis was born in Pawtucket, RI, on March 3, 1948, and attended St. Raphael's Academy. He went on to earn a bachelor of science in history and political science at the University of Wisconsin in 1971.

He taught history for a brief time in the Pawtucket School System and was a graduate student in the Masters in Teaching Program at Rhode Island College. In 1972, he became the field coordinator for U.S. Senator Claiborne Pell's reelection campaign and formed a bond with Senator Pell and public service that lasts to this day.

Dennis came to serve on the personal staff of Senator Pell, first as a staff assistant in Washington, DC, from 1973 to 1978. But in recognition of those skills and the commitment he brought to bear as a staff member for Senator Pell, Senator Pell chose Dennis to serve as his campaign manager for his next successful reelection effort. So Dennis returned to Rhode Island and successfully planned and executed the Senator's reelection campaign.

From 1979 to Senator Pell's final day in office, Dennis worked as assistant director of the Senator's Rhode Island office. He was a trusted employee of Senator Pell, and, more importantly, Dennis remains close to the Pell family today.

As Senator from 1961 to 1997, Senator Claiborne Pell's legacy includes establishing Pell grants as well as creating the National Endowment for the Arts and the National Endowment for the Humanities. Senator Pell was also noted as a diplomat, and he served with distinction as chairman of the Foreign Relations Committee. Senator Pell's legacy is a model for all of us, particularly for myself. Dennis Riley is a testament and a part of that tradition of talented and conscientious public servants who labor, perhaps in the shadows, but it is their work that is decisive in our success on the floor.

After Senator Pell retired, and the people of Rhode Island gave me the chance to continue his good works, Senator Pell spoke so highly of Dennis that I asked him to join my staff. It is one of the best decisions I have ever made. He brought with him a keen knowledge of the workings of the Senate, a history and knowledge of Rhode Island politics, good judgment, great wisdom, and great character. In the ensuing years, we have become dear friends, and he is a trusted adviser.

During his tenure with my office, Dennis has worked on special projects and has assisted hundreds of agencies and organizations as they sought Federal assistance and thousands of Rhode Islanders who needed help, who needed someone to listen to their stories, and to let them know there is a government that cares about them, because Dennis Riley is a person who cares deeply, not just about Government but about the people we serve.

In Rhode Island, he has been involved in crafting many public policy initiatives, and he has been particularly active as my point person on Federal grants and the applications process for the Appropriations Committee.

He has shepherded projects through. He has brought people together for the common good. He has made a significant impact on the economic vitality of my State. Although Dennis's name will never be lauded in the news reports or press releases, his hand is seen in so many efforts to make our State an even better place to live, work, and raise our families.

Everyone who knows Dennis sees him as a kind and decent man, with a great heart, a great mind—someone we are proud to call a dear friend.

His compassion and quick Irish wit are legendary. For years, transplanted Rhode Islanders in Washington, DC, and politicos in our State eagerly awaited, every day, the ''Riley Report''—a carefully crafted summary of the day's topical stories, political news, and a retelling of the events of the day in Rhode Island. This complete and unbiased commentary of the author provided the ''real story,'' very often, of what was going on in Rhode Island.

Well, after his distinguished service to the Senate for 34 years, Dennis now will be retiring to his beloved home in Little Compton, RI, with his wife—the love of his life—Kathy McLaughlin Riley. Kathy is a warm and lovely person, who has devoted her life to educating children. She is an elementary teacher at the Elizabeth Baldwin School in Pawtucket, and she will soon join Dennis in retirement.

In their well-deserved retirement, Dennis and Kathy plan to travel extensively. They are avid baseball enthusiasts, and they plan to visit all the ballparks they have not yet seen. It will be an inspiring and interesting trip for both of them.

He will also be spending time caring for his family, including creating more memories with his many nieces and nephews who so treasure his company. I wish both Kathy and Dennis much happiness and fulfillment in the years ahead.

Now, on behalf of myself—and also I will take the liberty to speak on behalf of my esteemed predecessor, Senator Claiborne Pell—I would ask all my colleagues in the Senate, who treasure, as I do, the loyalty and the devotion of their staffs, to join me in paying tribute to a stellar Senate employee, Dennis Riley.

Rhode Island has been honored by his service, and the Reed staff will fondly remember his time with them. We formed a lasting bond that will never be severed, and we treasure that bond.

As Dennis files the final ''Riley Report,'' I wish him every good wish.

Now, Dennis is Irish, and that means he has a rather somber view of the world. He has a saying on his office door that reads: ''There is nothing so bad that it can't get worse.'' That is a typically Irish sentiment. As we send him off, however, let me offer another sentiment. Dennis:

> May the saddest day of your future be no worse
> Than the happiest day of your past.

Thank you for your friendship, and thank you for your service.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

FOOD PANTRIES

Mr. BROWN. Mr. President, on Monday, in Hocking County—a small-town, rural county in southeast Ohio—residents began forming a line at the Smith Chapel United Methodist Church Pantry before dawn. By 8:30, when volunteers began distributing food, the line of cars stretched for more than a mile and a half. By early afternoon, more than 2,000 residents had received food. That is over 7 percent of the local population. Mr. President, 1 out of 14 people in this county had received food from this food pantry. Eight years ago, the same pantry was serving 17 families a month. Two thousand people in one day; 17 families for the whole month 8 years ago.

The Freestore Foodbank in Cincinnati, OH, has seen a 52-percent increase in demand this year. Many of these new patrons are working people. They are working minimum-wage jobs. Some hold two jobs. They are not just the homeless. They are not just the dispossessed. They are all kinds of people who have had a series of bad luck in the last several months.

With food prices going up, fuel prices going up, wages stagnating, and subprime foreclosures continuing to hit home, working middle-class Americans are finding it difficult to find room in their budgets for food.

More Americans in need; less food available—the result is far too much human suffering. Think of this. In the wealthiest Nation in the world, people are waiting in line for a subsistence level of food, and some of them are not even receiving that. The men and women and children waiting in line for food are men and women and children you have passed on the street—mothers and fathers trying to feed their kids, children too proud to admit there is no lunch money in their pocket, no food in the refrigerator, no holiday meals ahead; no food.

Grandmothers raising their grandchildren, living on fixed incomes, relying—because they have no choice but to rely—on food pantries, on food donations, on food banks.

The unemployed, the sick, the aged, the homeless, the mentally ill. And in Hocking County, 1 out of 14 people went to one food bank on 1 day. There are people who live in the communities that all of us serve. Food banks in Ohio, in Montana, Michigan, Illinois, Arizona, New York, New Mexico, North Dakota, and Rhode Island and in every State of the Union are underfunded and overextended. Food banks too often are rationing rations, trying to prevent children and families from going hungry over the holidays. In Lorain, OH, my hometown, the Salvation Army Food Pantry ran out of food completely and was forced to close temporarily. The society of St. Vincent de Paul Food Pantry in Cincinnati has been forced to give families 3 or 4 days of food instead of the customary 6 or 7 days of food when people come to see them. In Athens County, OH, earlier this month, the director of the Family and Friends Choice Pantry was actually ''praising God we are in a snowstorm and not many people showed up'' because if they had, her pantry would have run out of food. In Ohio as a whole, 70 percent of food pantries don't have enough food to serve everyone in need.

That is why earlier last week I offered legislation to act to alleviate the current food shortage. That is why I want to see us include $40 million in emergency food aid for food pantries across my State and across the country. I appreciate the leadership of Senator DURBIN and Majority Leader REID in wanting to include this at the next opportunity come January to get this $40 million out to the States, out to churches and food banks and food pantries so that the 1 out of 14 people in Hocking County and people in need all over this country can get the assistance we can afford to give them.

Mr. DURBIN. Mr. President, will the Senator from Ohio yield for a question?

Mr. BROWN. I yield to the senior Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to ask through the Chair—I want to first thank the Senator from Ohio for his leadership on this issue. He is new to the Senate but not new to this issue.

Times have changed in America, and not for the better when it comes to food pantries. People need help. I just this Sunday visited the Greater Chicago Food Depository and learned that there is an 11-percent increase over last year in the number of people coming into food pantries served in the greater Chicagoland area, and most of them have jobs. These are people who, when they fill up the gas tank and need another $20 to fill the tank, realize they are not going to have enough money to buy food for their children that they planned on buying, and they make a stop at the food pantry.

I would like to ask the Senator from Ohio whether he is familiar with Second Harvest, which is a major national organization that involves itself in the processing of contributions from private industry and from the Federal Government into food pantries, and whether he has any experience in dealing with the Second Harvest food pantries in his area or other food pantries.

The last point I would like to make is that we were told on Sunday that people who care, particularly during this holiday season, should go to secondharvest.org, but find their local pantry, find where they can drop off food, volunteer for an hour, make a donation, do something that will make you feel good about yourself this holiday season.

But I would like to ask the Senator from Ohio whether he has been contacted by these agencies dealing with Second Harvest.

Mr. BROWN. Mr. President, I thank the senior Senator from Illinois for his work on food issues and on other issues, including everything from subprime to minimum wage and all issues where we can play a role in improving the lives of people who, as the Senator from Illinois said, are working, in most cases, full-time jobs.

Second Harvest is one of the great organizations in this country—in Illinois, in Ohio, in Nevada, and in Vermont, all over this country. I urge people, understanding that Second Harvest is not getting the donations they used to get, they are not getting enough help from the Government, they are not getting as much from supermarkets and from businesses as they got before, and they, frankly, are not getting as many charitable donations because people who gave before sometimes are in need themselves because it is often people who don't make a lot of money who are the most generous with their money and with their assistance, to plea to people in our States, businesses, individuals who are as lucky as we are in this Chamber, to help Second Harvest, to go on Web sites and look in the yellow pages and look around their communities where they can help people so that this will actually make a difference. So I thank the Senator from Illinois for his interest.

Mr. REID. Mr. President, I mentioned to my friend from Ohio a fact that I just heard. I hope it is wrong, but if it is wrong, it is not much wrong. The average income of people who vote in America today is $70,000 a year. I am very happy we have people who have a little—people of means who are voting, but the reason I mention that is the last two issues that have been brought before the Senate, one dealing with LIHEAP—that is, how people stay warm in the wintertime; that was by the Senator from Vermont, Mr. SANDERS—and now the Senator from Ohio is talking about food banks. In Nevada, 25 percent of the homeless are veterans, and we have a very difficult problem, especially in Las Vegas. The weather is warm most of the time. We have people who are homeless there who are destitute. Food banks is the difference between being very hungry and having something to eat.

I, at one time, in disguise, spent 2 days with the homeless. It was a number of years ago that I did that, but it is something I will never forget. People are not there because they want to be. They are not there because they are lazy. There are some who are alcoholics, and there are some who have drug problems, there is no question about that. But there are so many of these people who have emotional problems who have no community health centers where they can go, so they are just down and out.

All the Senator from Ohio is saying is that food banks, the places where the poorest of the poor go to get a meal, don't have food. I want the attention to be directed to the last two things we have tried to work on: keeping people warm in the wintertime and helping people so they are not starving. So I appreciate this.

The people who are cold in the wintertime don't have people to come and lobby for them. People who are homeless don't have people here lobbying for them, coming in their limousines and parking over on Constitution Avenue, and sometimes they are in their Gucci shoes and they have to walk all the way across half a block to come and lobby for some of the tax breaks they want. For people who are hungry and people who are cold, that isn't the case. So I appreciate very much the Senator from Ohio bringing to the attention of the Senate something that needs to be done.

CONSOLIDATED APPROPRIATIONS ACT, 2008

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate the message from the House on H.R. 2764.

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate a message from the House.

The legislative clerk read as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2764) entitled ''An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes,'' with amendments.

CLOTURE MOTION

Mr. REID. Mr. President, I move to concur in the amendments of the House. I have a cloture motion.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to

H.R. 2764, State, Foreign Operations Appropriations, 2008.

Harry Reid, Jeff Bingaman, Barbara A. Mikulski, Byron L. Dorgan, Daniel K. Inouye, Patrick Leahy, Max Baucus, Mark Pryor, Debbie Stabenow, Kent Conrad, Patty Murray, Bill Nelson, Jack Reed, Ken Salazar, Blanche L. Lincoln, Tom Carper, Herb Kohl, Ben Nelson, Dick Durbin.

Mr. REID. Mr. President, the manager of this bill is going to be the chair of the Foreign Operations Subcommittee. Senator BYRD has designated Senator LEAHY to manage this bill. During the hour that is prior to this cloture vote, we have a few people who want to speak; maybe not all the time will be used. I hope during the evening people will be considerate of talking when they have to. These issues are fairly well pronounced now. We know what they are. We have a domestic spending bill that has been worked out through the House and the Senate, Democrats and Republicans. We have the White House which has been involved in that. That part should be fairly easy. It may not be everything we want, it may be more than what some want, but it should not take a lot of time.

We have three amendments relating to the debate on the war funding. One is the McConnell amendment which will try to increase war funding up to $70 billion out of the $196 billion the President has asked for. We also are going to have an amendment offered by Senator FEINGOLD that will deal with a matter we brought before the Senate on other occasions which calls for our troops to be back by the middle of May of this next year, leaving troops to take care of counterterrorism, force protection, and training the Iraqis to a limited extent. Then we have an amendment which will be offered by Senators LEVIN and REED that will call for additional funding for Iraq, but in addition to that, it will have some accountability that is now not in existence.

Mr. President, as the majority leader, I designate Senator LEAHY as the controller of our time during the debate on this matter.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided between the two leaders or their designees prior to the vote on the motion to invoke cloture.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will hopefully not even need the full hour, and we will be able to go ahead and have the cloture vote. I believe Senator GREGG is going to be managing on the Republican side once he gets here. Hopefully, it will be possible to just yield back all of our time before the end of the hour and go to a vote. I will yield in just about 3 minutes to Senator MURRAY from Washington State for 10 minutes.

Mr. CRAIG. Mr. President, will the Senator consider yielding to me for no more than 5 minutes on a separate issue before we get heavily into the debate?

Mr. LEAHY. Mr. President, the time has been equally divided, and I ask unanimous consent that the Senator from Idaho, when recognized, be able to take 5 minutes from the time set aside on the Republican side.

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

Mr. LEAHY. Mr. President, I am pleased that the Congress will send the Openness Promotes Effectiveness in our National Government Act—the ''OPEN Government Act—S. 2488, to the President for signature before the end of this year. With House passage of this bill today, and the Senate's passage of it last Friday, this historic, bipartisan, bicameral legislation becomes the first major reform to the Freedom of Information Act, FOIA, in more than a decade. The American people will have a new law honoring the public's right to know under the tree this holiday season.

I commend House Government Reform and Oversight Committee Chairman HENRY WAXMAN for moving quickly to enact this bill, and for his leadership of the successful effort to pass FOIA reform legislation in the House of Representatives. I thank him and his staff, including Anna Latin, Michelle Ash and Phil Schiliro, for all of their hard work on this legislation. I also commend Representative WILLIAM ''LACY'' CLAY, JR., for sponsoring this legislation in the House.

I also thank the members of my staff who worked on this bill—Lydia Griggsby, Lauren Brackett, Erica Chabot, Bruce Cohen and Leila George-Wheeler—for all of their hard work on this bill.

I also commend the bill's chief Republican cosponsor in the Senate, Senator JOHN CORNYN, for his commitment and dedication to passing FOIA reform legislation this year.

I am also appreciative of the efforts of Senator JON KYL for cosponsoring this bill and helping us to reach a compromise on this legislation this year. I also thank the more than 115 business, news media and public interest organizations that have endorsed this legislation.

As the first major reform to FOIA in more than a decade, the OPEN Government Act will help to reverse the troubling trends of excessive delays and lax FOIA compliance in our government and help to restore the public's trust in their government.

This legislation will also improve transparency in the Federal Government's FOIA process by: restoring meaningful deadlines for agency action under FOIA; imposing real consequences on Federal agencies for missing FOIA's 20-day statutory deadline; clarifying that FOIA applies to government records held by outside private contractors; establishing a FOIA hotline service for all Federal agencies; and creating a FOIA Ombudsman to provide FOIA requestors and Federal agencies with a meaningful alternative to costly litigation.

The OPEN Government Act will protect the public's right to know, by ensuring that anyone who gathers information to inform the public, including freelance journalists and bloggers, may seek a fee waiver when they request information under FOIA.

The bill ensures that Federal agencies will not automatically exclude Internet blogs and other Web-based forms of media when deciding whether to waive FOIA fees. In addition, the bill also clarifies that the definition of news media, for purposes of FOIA fee waivers, includes free newspapers and individuals performing a media function who do not necessarily have a prior history of publication.

The bill also restores meaningful deadlines for agency action, by ensuring that the 20-day statutory clock under FOIA starts when a request is received by the appropriate component of the agency and requiring that agency FOIA offices get FOIA requests to the appropriate agency component within 10 days of the receipt of such requests.

The bill also clarifies that the Supreme Court's decision in Buckhannon Board and Care Home, Inc. v. West Virginia Dep't of Health and Human Resources, which eliminated the ''catalyst theory'' for attorneys' fees recovery under certain Federal civil rights laws, does not apply to FOIA cases.

Furthermore, to address concerns about the growing costs of FOIA litigation, the bill also creates an Office of Government Information Services in the National Archives and creates an ombudsman to mediate agency-level FOIA disputes.

In addition, the bill ensures that each Federal agency appoints a Chief FOIA Officer to monitor the agency's compliance with FOIA requests, and a FOIA Public Liaison who will be available to resolve FOIA related disputes. And, the bill creates a better tracking system for FOIA requests to assist members of the public and clarifies that FOIA applies to agency records that are held by outside private contractors, no matter where these records are located.

Finally, this bill contains a number of key improvements championed by Chairman WAXMAN. The bill includes ''pay/go'' language that will ensure that attorneys' fees that are awarded in FOIA litigation are paid for with annually appropriated agency funds.

The bill also eliminates a provision on citations to FOIA (b)(3) exemptions contained in the earlier Senate bill. In addition, the bill includes a new provision that requires Federal agencies to disclose the FOIA exemptions that they rely upon when redacting information from documents released under FOIA.

And the bill adds FOIA duplication fees for non-commercial requestors, including the media, to the fee waiver penalty that will be imposed when an

agency fails to meet the 20-day statutory clock under FOIA.

The enactment of FOIA reform legislation this year is an important milestone in the effort to restore openness and transparency to our government. By sending this meaningful FOIA reform bill to the President this year, the Congress also sends a powerful message to the American people that the era of excessive government secrecy has come to an end.

While I am pleased that the reforms contained in the OPEN Government Act will ensure that FOIA is reinvigorated for future generations, my work to strengthen FOIA will not end with the enactment of this legislation.

There is much more work to be done to ensure that we have a government that is open and accountable to all Americans. And I will continue to work with Senator CORNYN, Chairman WAXMAN and others to further strengthen this vital open government law.

I urge the President to promptly sign this open government legislation into law at the earliest opportunity.

So again, I am pleased today that the Congress is going to send the Openness Promotes Effectiveness in our National Government Act—also known as the OPEN Government Act—and for those who follow this issue, FOIA. They are going to send it to the President before the end of this year. With passage of this bill today in the House and the Senate's passage of it last Friday, this historic, bipartisan, bicameral legislation becomes the first major reform of the Freedom of Information Act in more than a decade. The American people are going to have a new law honoring the public's right to know, and they will have it during this holiday season.

I commend the House Government Reform and Oversight Committee chairman, HENRY WAXMAN, for moving quickly to enact this bill and for his leadership. I wish to thank him and his staff, including Anna Latin, Michelle Ash, and Phil Schiliro, for all of their hard work on the legislation.

I commend also the chief Republican cosponsors in the Senate, Senator JOHN CORNYN and Senator JON KYL, for joining me in this effort.

The reason this legislation is so important is that throughout my whole career in the Senate, I have always supported the idea of the Freedom of Information Act. We all know no matter who is in the administration, whether it is a Democratic or a Republican administration, that when they do things they want us to know about, the press releases flow. When they make a mistake—and all administrations do—they would just as soon we not know about it, whether money has been wasted or whether a policy has not been followed. The Freedom of Information Act allows the American public—and after all, the Government serves them—to find out, through individual private citizens, and through the press, what is happening in their government. It has saved billions of dollars over the years because of what they found out, but more importantly, it has kept our Government honest. I wrote the Electronic Freedom of Information Act which allowed us to use the Internet and electronic files for that purpose.

But this month, the Open Government Act—the first major reform in more than a decade—is going to help reverse the troubling trends of excessive delays, the lax compliance with FOIA and will help restore public trust in our Government. It will improve transparency and restore meaningful deadlines for agency action under FOIA. It will also impose real consequences on Federal agencies who miss the 20-day statutory deadline. It will clarify that FOIA applies to Government records that are held by outside private contractors. The Open Government Act will establish a FOIA hotline service for all Federal agencies, and create a FOIA Ombudsman, which will provide a meaningful alternative to costly litigation.

Chairman WAXMAN wanted pay-go language to ensure that attorney's fees that are awarded in FOIA litigation are paid for with annually appropriated agency funds, and that has been included in this bill.

This is an important milestone. The Open Government Act contains reforms that ensure FOIA is reinvigorated for future generations. I don't intend to give up after this effort, of course. We will continue to work with our oversight. We will continue to pursue efforts on FOIA. But what we have said is that no matter who is the next President, they will have to run a Government that is more open than it has been in the past, and all 300 million Americans will have a better chance to know what happens in their Government.

This is a great step forward for the access of a free press, and for an honest and open Government in this country.

Mr. President, I yield such time as the Senator from Washington State may need of the time I have. I yield 10 minutes to the Senator from Washington State.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as chairman of the Transportation, Housing, and Urban Development Subcommittee, I have mixed feelings as I rise to talk about the transportation and housing division of this Omnibus appropriations bill.

This bill is the result of a lot of hard work, and there is a lot to be proud of. At the same time, I regret that over the last month, we have had to strip some $2.1 billion in resources from it. As all of us know, the Omnibus bill before us has a total cost that is slightly higher than the levels requested by President Bush, and much of the press coverage surrounding this bill has highlighted the fact that we have shrunk this bill down to the levels that were requested by the President. But when it comes to the transportation and housing division of this bill, I wish to make it clear to my colleagues that the budget reflected in this bill is not the President's budget. Instead, this bill makes great strides in rejecting President Bush's hardest and harshest cuts in transportation and housing, and it includes critical initiatives that are new that will make important improvements to transportation safety.

I am proud of what this bill accomplishes. It provides funding to hire and train new air traffic controllers, and it rejects the President's efforts to cut funding to modernize the air traffic control system. It responds to our need to address crumbling infrastructure, especially our Nation's highway bridges, and it responds to the worsening congestion our families experience on our highways and our runways.

This bill rejects the efforts by the administration to slash funding that would ease congestion at our airports. It rejects his efforts to push Amtrak into bankruptcy and leave millions of Americans stranded on the platform. And it rejects his attempt to walk away from the needs of millions of Americans who depend on the Federal Government to keep a roof over their heads, including our elderly and our disabled.

Finally, this bill reaches a helping hand to the millions of families who are worried at this holiday season about whether they will be able to keep their homes in the coming year. Millions of people are facing foreclosure on their homes in the coming months as mortgage payments are rising out of control. There are communities in this country where every third home or even every other home is being abandoned by homeowners who cannot make their payments.

This bill addresses that crisis by targeting almost a quarter of a billion dollars to ensure that our families get the counseling they need. This kind of housing counseling can make all the difference for homeowners who are struggling to make payments and to keep their homes. The amount this bill provides for housing counseling is more than 4½ times the level that was asked for by President Bush.

Earlier this year, my very able partner Senator BOND and I held numerous hearings on the most important transportation and housing challenges that face this Nation. Together we negotiated every line of a very complicated spending bill with each other and then with our colleagues in the House. We were able to put together an appropriations bill that was reported, in fact, unanimously by our committee and passed the Senate with 88 votes. We then negotiated a conference agreement that earned the signature of every single conferee on both sides of the aisle on both sides of the Capitol. So we produced a truly bicameral, bipartisan bill.

Unfortunately, even though House Democrats, House Republicans, Senate

Democrats, and Senate Republicans were agreed on a balanced package that did address our transportation and housing needs, the one person who did not agree with us was President Bush. Because of that, we are blocked from sending our Transportation bipartisan bill to his desk for a veto.

Since that time, we have had a couple of very difficult negotiations and, as a result, we have had to strip almost $2.1 billion of funding out of our part of the bill. There are real consequences to those additional cuts on which the President insisted. Transit riders across the country are going to ride in outdated buses because there is not enough money to replace them. Construction of new light rail systems in some of our most congested cities is going to be slow. Discretionary highway programs have been stripped of the dollars that would have been available for national competitions.

Because of the President's demands, we were required to cut matching funds that we were sending to the States to support expanded passenger rail service. We reduced the initial commitment made by our conferees to expand the number of family unification vouchers. That is a program that provides the necessary housing assistance so foster children and their struggling parents can be reunited in a stable household.

We were required to slow the release of a satellite navigation throughout our national aerospace.

As I said, I have mixed feelings about this bill. We were dealt a very difficult hand by the President's budget demands, and in order to live within those constraints and move forward, we had to make some difficult cuts, and those cuts mean we have had to put off important investments in transit, in highways, and in community development, among many other areas.

Still, I appreciate the work of my colleagues to ensure that this bill rejects the President's worst transportation and housing cuts. Instead, this bill responds to the most critical needs in transportation and housing and makes sure our broken bridges and highways get repaired, that our crowded airports are safe, Amtrak is protected from bankruptcy, and we are protecting our most vulnerable citizens from homelessness.

Finally, I do want to spend a couple minutes on a related subject. In the last few days, the Appropriations and Finance Committees were able to reach an agreement on the way FAA funding will be made available in the future. I am letting my colleagues know, this past fiscal year was supposed to be the year Congress finished important legislation to reauthorize our Federal aviation programs. That included the core authorizations for the operations of the FAA, as well as the agency's procurement budget, research budget, and Federal grant program that are used to improve and expand our Nation's airports.

I regret Congress was not able to make more progress on the legislation this year, but thankfully this appropriations bill now includes a number of important authorities and funding that will keep the FAA functioning and keep the airport and airway trust fund solvent.

This conference agreement extends the current aviation excise taxes until the end of February, and it includes provisions to extend the existing war insurance risk program, as well as third-party liability protections.

The bill also includes funding that rejects the President's proposed cuts to essential air service which guarantees air service to a lot of our rural communities, something about which many of us care. And it rejects the President's proposed cuts to our effort to modernize the air traffic control system and invest in airport infrastructure.

Congress has not been able to finish the FAA reauthorization process in part because of the disagreements among the Senate committees about what their role is in overseeing and funding FAA programs. There are also disagreements about what type and mix of taxes and fees are supposed to be used to fund the FAA. But I am pleased to report that we have now successfully worked through one of those disagreements. Over the last 2 days, the two committees have come to an understanding about how funding for FAA programs will be moving forward.

I ask unanimous consent to have printed in the RECORD the exchange of letters between the leadership of the two committees.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 20, 2007.

Hon. MAX BAUCUS,
Chairman, Committee on Finance,
U.S. Senate, Washington DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Committee on Finance,
U.S. Senate, Washington DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: We understand that your Committee will convene this afternoon to mark-up the ''American Infrastructure Investment And Improvement Act.'' We write to express our great concern regarding provisions of your draft legislation that would create a new mandatory funding mechanism for the modernization of the FAA's air traffic control system. According to documents distributed by your Committee, your proposal would exempt certain modernization funds from the annual appropriations process and the oversight of our Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies. In our view, such an action would be inappropriate and detrimental to the Congress's ability to review and control FAA spending.

The Committee on Appropriations shares your goal for the modernization of our air traffic control infrastructure with a next-generation system. Indeed, this year, as in past years, our Committee has directed resources to the development of this next generation system beyond the levels sought in the FAA's own budget request. At the same time, however, our Committee has gone to great lengths to highlight and control wasteful programs where the FAA has encountered dramatic cost overruns for systems that are delivering fewer improvements than were originally promised to our Committee and the taxpayer. Unfortunately, such instances are not a rare occurrence at the FAA.

As is discussed in our Committee report accompanying the Transportation Appropriations Act for 2008, fully 25 percent of the FAA's 37 major procurement projects have encountered schedule delays or substantial cost overruns since their initial contracts were signed. Since 2001, the accumulated schedule delays for these programs now exceed 296 months and the associated costs to the taxpayers have grown by almost $1.7 billion. When you compare the performance of these programs to the FAA's estimates at each program's inception, accumulated delays now approach 400 months and cost growth exceeds $5 billion. Innumerable audits by the DOT Inspector General and Government Accountability Office make clear that, while improvements are being made in the FAA's procurement processes, the agency still has a very long way to go before the Congress and the taxpayer can be assured that funding for a next generation system will be spent wisely.

Our Committee is committed to providing that funding but is equally committed to overseeing the agency's efforts to ensure that such funding isn't wasted. Given the FAA's record, we do not see any merit in putting any part of the FAA modernization budget on ''automatic pilot'' and substituting our Committee's oversight role with that of an un-elected ''Modernization Board'' that is not answerable to the taxpayers that are bearing the agency's costs. We believe that efforts to exempt any part of the FAA's funding from annual Appropriations Committee oversight is particularly unwise and potentially wasteful. We strongly oppose such efforts and ask that you revise these provisions before the bill is brought before the Full Senate for debate.

We look forward to working with you this year and in the years ahead to launch a modernized air traffic control system in a manner that is both accountable and affordable.

Sincerely,

ROBERT C. BYRD,
Chairman.

PATTY MURRAY,
Chairman, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

THAD COCHRAN,
Ranking Member.

CHRISTOPHER S. BOND,
Ranking Member, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
Washington, DC, December 11, 2007.

Senator PATTY MURRAY,
Russell Senate Office Building,
Washington, DC.

Senator KIT BOND,
Russell Senate Office Building,
Washington, DC.

Senator THAD COCHRAN,
Dirksen Senate Building,
Washington, DC.

Senator ROBERT C. BYRD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS BYRD, COCHRAN, MURRAY, AND BOND: We are in receipt of your letter dated September 20th, 2007, in which you cite

your collective concern regarding provisions in the American Infrastructure Investment and Improvement Act that relate to the manner in which tax revenues authorized in the Act are provided to the Federal Aviation Administration for its procurement needs. We all share the same interest in modernizing our air traffic control system as quickly and efficiently as possible.

We appreciate your concerns regarding the role of un-elected entities in developing Federal policy, and we believe strongly that Congress should retain its constitutional authority to raise revenue and appropriate funding.

In your letter, you voice your concern that our bill, as drafted, might result in the FAA receiving annual mandatory funding outside of your Committee's control. You also voice concern that provisions of our bill could result in an external un-elected board, rather than Congress, having the authority to make Federal funding allocations to specific FAA procurements.

In order to eliminate any ambiguity regarding these matters, it will be our intention to immediately modify the text of our bill when it either reaches the Senate Floor or is incorporated into any other vehicle so as to ensure that these concerns are addressed. Specifically, the bill will be modified to ensure that no new mandatory funding will be provided to the FAA and that the Committee on Appropriations will continue to retain its current role of determining the final funding level for all programs, projects, and activities within the Federal Aviation Administration through annual and supplemental appropriations acts.

Our national aviation enterprise faces a great many challenges in the years ahead as air traffic continues to grow faster than available capacity. Our Committee is committed to working as a partner with your Committee to ensure that we establish and maintain the safe and efficient state-of-the-art air traffic control system that the American taxpayers want and deserve.

MAX BAUCUS.
CHUCK GRASSLEY.

Mrs. MURRAY. Mr. President, the final paragraph of the letter our Appropriations Committee received from Chairman BAUCUS and Ranking Member GRASSLEY of the Finance Committee states that they look forward to working with our Appropriations Committee as partners in advancing the needs of our aviation system.

As one member of the subcommittee that oversees aviation funding, I express my strong interest in working as a partner with both committees to come up with a bill that fully addresses the future needs of our national aviation system. I hope that important effort will be one of the Senate's first priorities when we reconvene next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration S. 2499, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2499) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, as we approach the end of 2007, one cannot help but look ahead and see that there are many challenges that await us in the second session of the 110th Congress, specially in addressing issues relating to health care. In 2008, we will need to take a serious look at many issues in the Medicare Program. Among them will be continuing to work on developing a solution for Medicare's flawed physician reimbursement system. As usual, I look forward to working with my partner on the Senate Finance Committee, chairman, Senator MAX BAUCUS, in our usual bipartisan way to address this and many other issues.

However, before we could adjourn this first session and go home to enjoy the holidays with our families, there was still urgent work to finish. That was the purpose of this exercise. In the legislation we considered today, there were several provisions that rise to the level of ''must do's.'' These included ensuring that physicians do not receive a drastic cut in their Medicare reimbursement and extending a number of expiring provisions including the State Children's Health Insurance Program.

Ensuring health care access to my constituents is a top priority of mine and the possibility of a negative update for physicians was of great concern to me as well as to doctors and patients in Iowa and elsewhere. When discussions began to solve this problem I was in favor of a 2-year update. I know that several of my colleagues were as well. But in continuing negotiations with the House and Senate colleagues it became apparent that a 2-year fix was not possible.

I wanted to do more. I know Senator BAUCUS wanted to do more. We were unable to reach consensus even on the Republican side either and, therefore, the Finance Committee was unable to move ahead with the legislation that Senator BAUCUS and I had been developing. Unfortunately, for a variety of complex reasons, we are now here with a much more limited package. This is a disappointment for many of us. So the purpose of moving forward with a 6-month package now is to provide the opportunity for the Finance Committee to address these priorities next year.

One of my first priorities has been to ensure access to rural hospital services. Since hospitals are often not only the sole provider of health care in rural areas, but also significant employers and purchasers in the community, it is especially important that they are able to keep their doors open. One group of hospitals that I am especially concerned about are ''tweener'' hospitals, which are too large to be critical access hospitals, but too small to be financially viable under the Medicare hospital prospective payment systems. The struggles these facilities face in Iowa are real and serious. I am very disappointed we were not able to help these hospitals in this package. I look forward to working with Senator BAUCUS and other Members to include ''tweener'' hospital improvements in next year's package.

Second, we must address the problem of specialty hospitals. I have been an outspoken advocate against these facilities for several years now. My primary concern with these facilities is the inherent conflict of interest that exists when physicians have an ownership interest in the facilities to which they refer patients. The best interest of the patient should always be the deciding factor when a referral for treatment is made, not the financial self-interest of the doctor who is treating the patient. I strongly support a competitive marketplace and free market forces, but not at the expense of decreasing access to health care for the poor and uninsured or decreasing the quality of care for and safety of patients. I have been and remain concerned about the ability of community hospitals to provide care to all patients. I also look forward to working with Senator BAUCUS on addressing this issue in our package next year.

There are a number of other important issues that need to be addressed as well. We need to take on the reforms of the Medicare Quality Improvement Organization Program, we need to inject some sunshine into the payments that drug companies make to doctors, and we also need to make sure that Medicare is part of the solution when it comes to greater use of electronic prescribing and electronic health records.

In the meantime, we have this package with the following provisions that extend a number of Medicare, Medicaid and SCHIP provisions.

This legislation prevents the 10.1 percent cut to physician payment that would have occurred as of January 1, 2008, and instead gives a 6-month 0.5 percent update for physicians through June 30, 2008. In effect, this provides a 10.5 percent increase in physician fees from what they would otherwise have received beginning in January under current law. While this is not what many of us had in mind when we began this process, providing an update through next June will allow more time and the opportunity for a bill to fully go through the legislative process beginning with a committee markup next year.

This legislation also continues to provide additional payment incentives for physicians and other health care practitioners who report quality measures in the Physician Quality Reporting System. We must ensure that health care providers can afford to continue to practice medicine. We must also ensure that beneficiaries have access to physicians and other health care providers. And we must provide incentives for quality improvement.

We also accommodate physicians ordered to active duty in the Armed Services by extending for 6-months a provision that permits them to engage in substitute billing arrangements for longer than the 60 days allowed under current law when they are ordered to active duty.

Our legislation also revises the Physician Assistance and Quality Initiative Fund, which is intended to help stabilize physician payments and promote physician quality initiatives.

This new fund will be available in 2008 to help minimize fluctuations in physician payments and promote physician quality initiatives.

The physician payment changes will be offset, in part, by an adjustment to the Medicare Advantage stabilization fund. Our legislation does not repeal the stabilization fund but rather preserves the fund for future years. We use the $1.5 billion available in 2012, while preserving the fund in 2013. Given the continued strong participation by plans in the program right now, the legislation preserves the fund so that Congress can add more funds in future years if they are needed.

The legislation extends Medicare private plan cost contracts through 2009, which, without this legislation, are due to expire at the end of 2008. These are longstanding plans that provide health care to Medicare beneficiaries in many communities but have been unable to convert to Medicare Advantage plans. In addition, the legislation includes a 1-year extension to Medicare Advantage special needs plans through 2009. At the same time, the legislation puts a moratorium on new special needs plans. When Congress enacted the Medicare Modernization Act in 2003, it created a category of plans intended to provide specialized care models for certain populations, including Medicare beneficiaries who are also eligible for Medicaid, those who are chronically and severely ill or disabled, and those who are institutionalized (for example, in nursing homes). While these plans have proliferated, it is unclear how well they are meeting their mission of specialized care. The legislation freezes the program at the plans currently approved so that Congress and CMS can monitor the plans' performance and determine if any changes are needed.

In addition to reforming the manner in which Medicare pays for physician services, this legislation will extend several expiring provisions enacted in the Medicare Modernization Act to help ensure that beneficiaries will continue to have access to needed medical services. This includes provisions applicable to rural payments to physicians, extending the 1.0 floor on the work geographic adjustment, continuing direct payments to independent laboratories for physician pathology services, and continuing Medicare reasonable cost payments for lab tests in small rural hospitals.

Our legislation also provides a 6-month extension of the therapy cap exceptions process that was included in the Tax Relief and Health Care Act last year to ensure that beneficiaries receive the physical, occupational, and speech language therapy services they need. It also extends the existing payment methodology for brachytherapy services and extends it to therapeutic radiopharmaceuticals through June 30, 2008.

As in previous legislation that Congress has passed, this legislation will continue to improve accountability in the Medicare Program. There are situations when Medicare is not the primary payer for a beneficiary's health care, but it is currently difficult to identify these situations. This legislation will improve the Secretary's ability to identify beneficiaries for whom Medicare is the secondary payer by requiring group health plans and liability insurers to submit data to the Secretary.

The legislation will ensure beneficiary access to long-term care hospitals. These facilities will receive regulatory relief for 3-years. In order to ensure patients are receiving appropriate levels of care at long-term care hospitals, facility and medical review requirements will be established, and the Secretary will be required to conduct a study on long-term care hospital facility and patient criteria. Also, there will be a limited moratorium on the development of new long-term care facilities and a freeze to the annual long-term care hospital payment update for one quarter in rate year 2008.

The legislation will also ensure beneficiary access to inpatient rehabilitation facility services by addressing the 75-percent rule. This rule has been criticized as too blunt an instrument for ensuring that appropriate patients receive care at these facilities. Under current law, a percentage of Medicare patients must have at least 1 of 13 listed medical conditions in order to be classified as an inpatient rehabilitation facility. This percentage or compliance threshold is currently at 65 percent. This legislation would permanently freeze the compliance threshold at 60 percent and allow comorbid conditions to count permanently toward this threshold. The Secretary will be required to study beneficiary access to inpatient rehabilitation services and care at inpatient rehabilitation facilities and to make recommendations for alternatives to the 75-percent rule. In addition, there will be a freeze to the annual inpatient rehabilitation facility payment update from April 1, 2008 through fiscal year 2009.

This legislation will also continue to promote more accurate hospital payments. One aspect of Medicare hospital payments that has been subject to much criticism is the area wage index. Many say that the current method of calculating the wage index does not reflect a hospital's actual labor costs and is instead arbitrary in nature so that similarly situated hospitals can receive significantly different wage index values. Since the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, hospitals have been able to obtain relief from this unfair situation temporarily.

The legislation also provides more accurate payment for Part B drugs. It implements recommendations of HHS Office of Inspector General and requires CMS to adjust its average sales price, ASP, calculation to use volume-weighted ASPs based on actual sales volume. It also establishes appropriate reimbursement rates for generic albuterol and for glycated hemoglobin diabetes laboratory tests.

In the Medicaid arena, the legislation extends the provision of disproportionate share hospital payments to Tennessee and Hawaii for the first three-quarters of the current fiscal year. These payments were authorized for these States for the first time in last year's Tax Relief and Health Care Act and this is an extension of that policy.

The legislation also delays implementation of recently released regulations on school-based services and rehabilitation services in Medicaid so that the Finance Committee can appropriately review those regulations.

And finally, the legislation also includes an extension of the State Children's Health Insurance Program, SCHIP, through March 31, 2009. This provision makes additional funding available so that States do not have to scale back SCHIP. This SCHIP extension will ensure that no State has to cut back their program due to insufficient Federal funding.

I remain hopeful that when the 110th Congress reconvenes next year, there will be a renewed effort to reauthorize and improve SCHIP.

The bill we considered today addressed the things Congress needed to do before going home for the holidays. I am pleased we were able to act quickly and unanimously to pass the bill. I know many of my colleagues wanted to do more. I know some of my colleagues are disappointed because their individual priorities could not be included. It is unfortunate. I do hope we can do more when we come back next year.

Next year is an election year. The caucuses in my home state of Iowa are but days away. We have important business to conclude in Medicare and Medicaid and SCHIP. We have a Democratic Congress that has to work with a slim majority in the Senate and a Republican President. At times this year, I am not sure my colleagues on the other side of the aisle fully grasped the consequences of that reality. It certainly shows when you consider what we could have done this year and what was ultimately accomplished. I sincerely hope we do a better job of being bipartisan albeit in a political year.

Let me be clear that I stand ready to roll up my sleeves and get back to work come January. I am committed to moving ahead with the broader Medicare package when we return here next year. To make law, that package

will have to be one that the President will sign. It will require bipartisan cooperation and hard work. I am ready to get the job done. There are many problems that need to be addressed, and we can address the myriad issues that we left on the table. We can review and act on the proposed Medicaid regulations that have so many people vexed. We can pass a SCHIP reauthorization that can become law. We have learned the pathway to failure this year. I stand ready to join any of my colleagues who want to join me on the path not taken in 2007 to a more productive 2008.

As we move to the end of the first session of the 110th Congress, I want to extend my grateful appreciation to my health staff and others for the work they have done in 2007. My staff director on the Finance Committee, Kolan Davis, has been with me for many, many years and provides me invaluable counsel. My chief health policy counsel, Mark Hayes, accomplishes more every day than any other hundred people on the Hill combined and for his tireless work ethic, I am truly thankful. My Medicare Part A counsel, Mike Park, labored through the last several weeks though he was sick as a dog because it is that important. My Medicare Part B counsel, Sue Walden, ably deciphered the multiple variations we considered for providing an update to the physicians. The newest member of my team, Kristin Bass, who handles Medicare Parts C and D, helped us reach thoughtful compromises on numerous challenging issues. My Medicaid staffer, Rodney Whitlock, deftly handles the most controversial of issues day in and day out. I particularly want to pay tribute to my SCHIP staffer, Becky Shipp. We may have not accomplished what we hoped to do with SCHIP this year, but we wouldn't have been remotely close without Becky's expertise and effort. My team benefits from the able assistance of Sean McGuire and Shaun Freiman going above and beyond the call of duty to make sure the little things get done. I also want to thank Senator MCCONNELL's point person on health care, Meg Hauck, for working with us throughout the year. The Finance Committee benefits from that strong working relationship.

We work as hard as we possibly can to achieve bipartisan consensus in the Finance Committee and so I also want to pay tribute to Senator BAUCUS' staff: staff director Russ Sullivan, Michelle Easton, Neleen Eisinger, Billy Wynne, Shawn Bishop, David Schwartz, and Catherine Dratz.

We benefit greatly from the Congressional support staff as well. Tom Bradley, Tim Gronniger, Shinobu Suzuki, Jeanne De Sa, Eric Rollins and all of the hard-working scoring gurus at CBO. Jim Fransen, John Goetcheus, Kelly Malone, and Ruth Ernst at Senate Legislative Counsel. Jennifer O'Sullivan, Rich Rimkunas, Chris Peterson, April Grady, Elicia Herz, Sybil Tyson, Mark Hamelburg, Erin Taylor and all the folks at CRS. Mark Miller and all of his staff at MedPAC. They make us look a lot more intelligent and effective than we actually are some days.

Finally, I want to thank some folks at CMS. Liz Hall, Erin Clapton, Ira Burney, Richard Strauss are people who help make sure we get things right even when we aren't in complete agreement.

In closing, I want to thank all those folks for their hard work in 2007 in service to the people of Iowa, Montana, and all of America. Thank you.

Mr. HATCH. Mr. President, I rise in support of this package and want to commend my colleagues on a job well done.

To be fair, it would have been my preference to do a broader bill and resolve the myriad of Medicare-, Medicaid- and CHIP-related issues we have been discussing for many months now. Given that this has proven impossible, my overriding concern is that we move ahead with flawed correction to the physician reimbursement formula, as this bill does.

Indeed, while most of us would have preferred to have a longer term physician fix, this bill is a reasonable compromise. Physicians will be able to practice medicine without having their Medicare reimbursement rates significantly reduced. And that means that Medicare beneficiaries will continue to have access to quality health care.

I also am pleased about other provisions in this legislation, particularly those related to policy on long-term care hospitals and inpatient rehabilitation facilities, IRFs. With regard to long-term care hospitals, Senator CONRAD and I introduced legislation, S. 1958, Medicare Long-Term Care Hospital Patient Safety and Improvement Act of 2007. I am proud that the long-term care hospital provisions in today's Medicare legislation are based on the legislative language from the Conrad-Hatch bill. The legislation before us provides regulatory relief to allow continued access to current long-term care hospital services; requires new facility and medical reviews to ensure that patients are receiving appropriate care; and authorizes a study by the Secretary of Health and Human Services, HHS, on long-term care hospitals and patient criteria. This legislative language reflects compromises that were made between the various trade groups for long-term care hospitals and finding policy solutions which generate savings for Medicare.

As a proud cosponsor of S. 543, Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007, I am also pleased that the Medicare bill eliminates the 75 percent rule implemented by the Centers for Medicare and Medicaid Services, CMS, for rehabilitation hospitals. Instead, this legislation permanently freezes the inpatient rehabilitation services compliance threshold at 60 percent and allows comorbid conditions to count toward this threshold. Finally, it requires the Secretary of HHS to study beneficiary access to inpatient rehabilitation services and care at IRFs and make recommendations on how to classify inpatient rehabilitation facility hospitals and units.

Additionally, the legislation before the Senate extends the State Children's Health Insurance Program, CHIP, through March 31, 2009. Let me make one point perfectly clear on this provision I—am not going to give up on reauthorizing the CHIP program for an additional 5 years. I am still committed to that goal and intend to work with my colleagues early next year. I will not rest until this program is reauthorized and all eligible, low-income children are covered by the CHIP program.

On balance, while this bill is not what any of us would have liked, it does address many of the immediate concerns of Medicare patients, their physician and other health care providers. I strongly support this bipartisan legislation and urge my colleagues to support this bill.

Mr. AKAKA. Mr. President, I support the Medicare, Medicaid, SCHIP Extension Act of 2007. I appreciate the hard work and leadership of Senators BAUCUS and GRASSLEY in putting together this important legislation that will improve Medicare reimbursements, extend the State Children's Health Insurance Program, and extend other important Medicare and Medicaid policies.

In addition, this legislation includes a provision that extends Medicaid disproportionate share hospital, DSH, allotments for Hawaii and Tennessee for another 6 months. Medicaid DSH resources help support hospitals that care for significant numbers of Medicaid and uninsured patients.

Hawaii and Tennessee are the only two States that do not have permanent DSH allotments. The Balanced Budget Act of 1997 created specific DSH allotments for each State based on their actual DSH expenditures for fiscal year 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH program, which included the establishment of a floor for DSH allotments. However, States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made additional changes in the DSH program. This included an increase in DSH allotments for low DSH States. Again, States without allotments were left out.

In the Tax Relief and Health Care Act of 2006, DSH allotments were finally provided for Hawaii and Tennessee for 2007. The act included a $10 million Medicaid DSH allotment for Hawaii for 2007. The Medicare, Medicaid, and SCHIP Extension Act of 2007 will extend the DSH allotments for Hawaii and Tennessee for an additional 6 months.

This extension authorizes the submission by the State of Hawaii of a State plan amendment covering a DSH payment methodology to hospitals which is consistent with the requirements of existing law relating to DSH payments. The purpose of providing a DSH allotment for Hawaii is to provide additional funding to the State of Hawaii to permit a greater contribution toward the uncompensated costs of hospitals that are providing indigent care. It is not meant to alter existing arrangements between the State of Hawaii and the Centers for Medicare and Medicaid Services, CMS, or to reduce in any way the level of Federal funding for Hawaii's QUEST program.

I look forward to continuing to work with Senators ALEXANDER, CORKER, and INOUYE to permanently restore allotments for Hawaii and Tennessee. I thank the chairman and ranking member of the Finance Committee for all of their efforts on this legislation and for their support on this issue of great importance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2499) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2499

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This Act may be cited as the ''Medicare, Medicaid, and SCHIP Extension Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE

Sec. 101. Increase in physician payment update; extension of the physician quality reporting system.
Sec. 102. Extension of Medicare incentive payment program for physician scarcity areas.
Sec. 103. Extension of floor on work geographic adjustment under the Medicare physician fee schedule.
Sec. 104. Extension of treatment of certain physician pathology services under Medicare.
Sec. 105. Extension of exceptions process for Medicare therapy caps.
Sec. 106. Extension of payment rule for brachytherapy; extension to therapeutic radiopharmaceuticals.
Sec. 107. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 108. Extension of authority of specialized Medicare Advantage plans for special needs individuals to restrict enrollment.
Sec. 109. Extension of deadline for application of limitation on extension or renewal of Medicare reasonable cost contract plans.
Sec. 110. Adjustment to the Medicare Advantage stabilization fund.
Sec. 111. Medicare secondary payor.
Sec. 112. Payment for part B drugs.
Sec. 113. Payment rate for certain diagnostic laboratory tests.
Sec. 114. Long-term care hospitals.
Sec. 115. Payment for inpatient rehabilitation facility (IRF) services.
Sec. 116. Extension of accommodation of physicians ordered to active duty in the Armed Services.
Sec. 117. Treatment of certain hospitals.
Sec. 118. Additional Funding for State Health Insurance Assistance Programs, Area Agencies on Aging, and Aging and Disability Resource Centers.

TITLE II—MEDICAID AND SCHIP

Sec. 201. Extending SCHIP funding through March 31, 2009.
Sec. 202. Extension of transitional medical assistance (TMA) and abstinence education program.
Sec. 203. Extension of qualifying individual (QI) program.
Sec. 204. Medicaid DSH extension.
Sec. 205. Improving data collection.
Sec. 206. Moratorium on certain payment restrictions.

TITLE III—MISCELLANEOUS

Sec. 301. Medicare Payment Advisory Commission status.
Sec. 302. Special Diabetes Programs for Type I Diabetes and Indians.

TITLE I—MEDICARE

SEC. 101. INCREASE IN PHYSICIAN PAYMENT UPDATE; EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.

(a) INCREASE IN PHYSICIAN PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (4)(B), by striking ''and paragraphs (5) and (6)'' and inserting ''and the succeeding paragraphs of this subsection''; and

(B) by adding at the end the following new paragraph:

''(8) UPDATE FOR A PORTION OF 2008.—

''(A) IN GENERAL.—Subject to paragraph (7)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2008, for the period beginning on January 1, 2008, and ending on June 30, 2008, the update to the single conversion factor shall be 0.5 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR THE REMAINING PORTION OF 2008 AND 2009.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on July 1, 2008, and ending on December 31, 2008, and for 2009 and subsequent years as if subparagraph (A) had never applied.''.

(2) REVISION OF THE PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—

(A) REVISION.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) AMOUNT AVAILABLE.—

''(i) IN GENERAL.—Subject to clause (ii), there shall be available to the Fund the following amounts:

''(I) For expenditures during 2008, an amount equal to $150,500,000.

''(II) For expenditures during 2009, an amount equal to $24,500,000.

''(III) For expenditures during 2013, an amount equal to $4,960,000,000.

''(ii) LIMITATIONS ON EXPENDITURES.—

''(I) 2008.—The amount available for expenditures during 2008 shall be reduced as provided by subparagraph (A) of section 225(c)(1) and section 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

''(II) 2009.—The amount available for expenditures during 2009 shall be reduced as provided by subparagraph (B) of such section 225(c)(1).

''(III) 2013.—The amount available for expenditures during 2013 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(ii) in subparagraph (B), by striking ''entire amount specified in the first sentence of subparagraph (A)'' and all that follows and inserting the following: ''entire amount available for expenditures, after application of subparagraph (A)(ii), during—

''(i) 2008 for payment with respect to physicians' services furnished during 2008;

''(ii) 2009 for payment with respect to physicians' services furnished during 2009; and

''(iii) 2013 for payment with respect to physicians' services furnished during 2013.''.

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Subject to clause (ii), the amendments made by subparagraph (A) shall take effect on the date of the enactment of this Act.

(ii) SPECIAL RULE FOR COORDINATION WITH CONSOLIDATED APPROPRIATIONS ACT, 2008.—If the date of the enactment of the Consolidated Appropriations Act, 2008, occurs on or after the date described in clause (i), the amendments made by subparagraph (A) shall be deemed to be made on the day after the effective date of sections 225(c)(1) and 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

(C) TRANSFER OF FUNDS TO PART B TRUST FUND.—Amounts that would have been available to the Physician Assistance and Quality Initiative Fund under section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) for payment with respect to physicians' services furnished prior to January 1, 2013, but for the amendments made by subparagraph (A), shall be deposited into, and made available for expenditures from, the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t).

(b) EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.—

(1) SYSTEM.—Section 1848(k)(2)(B) of the Social Security Act (42 U.S.C. 1395w–4(k)(2)(B)) is amended—

(A) in the heading, by inserting ''AND 2009'' after ''2008'';

(B) in clause (i), by inserting ''and 2009'' after ''2008''; and

(C) in each of clauses (ii) and (iii)—

(i) by striking '', 2007'' and inserting ''of each of 2007 and 2008''; and

(ii) by inserting ''or 2009, as applicable'' after ''2008''.

(2) REPORTING.—Section 101(c) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note) is amended—

(A) in the heading, by inserting ''AND 2008'' after ''2007'';

(B) in paragraph (5), by adding at the end the following:

''(F) EXTENSION.—For 2008 and 2009, paragraph (3) shall not apply, and the Secretary shall establish alternative criteria for satisfactorily reporting under paragraph (2) and alternative reporting periods under paragraph (6)(C) for reporting groups of measures under paragraph (2)(B) of section 1848(k) of the Social Security Act (42 U.S.C. 1395w–4(k)) and for reporting using the method specified in paragraph (4) of such section.''; and

(C) in paragraph (6), by striking subparagraph (C) and inserting the following new subparagraph:

''(C) REPORTING PERIOD.—The term 'reporting period' means—

''(i) for 2007, the period beginning on July 1, 2007, and ending on December 31, 2007; and

''(ii) for 2008, all of 2008.''.

(c) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by subsections (a) and (b), in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $25,000,000 for the period of fiscal years 2008 and 2009.

SEC. 102. EXTENSION OF MEDICARE INCENTIVE PAYMENT PROGRAM FOR PHYSICIAN SCARCITY AREAS.

Section 1833(u) of the Social Security Act (42 U.S.C. 1395l(u)) is amended—

(1) in paragraph (1), by striking ''before January 1, 2008'' and inserting ''before July 1, 2008''; and

(2) in paragraph (4)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph:

''(D) SPECIAL RULE.—With respect to physicians' services furnished on or after January 1, 2008, and before July 1, 2008, for purposes of this subsection, the Secretary shall use the primary care scarcity counties and the specialty care scarcity counties (as identified under the preceding provisions of this paragraph) that the Secretary was using under this subsection with respect to physicians' services furnished on December 31, 2007.''.

SEC. 103. EXTENSION OF FLOOR ON WORK GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 102 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ''before January 1, 2008'' and inserting ''before July 1, 2008''.

SEC. 104. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note) and section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), is amended by striking ''and 2007'' and inserting ''2007, and the first 6 months of 2008''.

SEC. 105. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2007'' and inserting ''June 30, 2008''.

SEC. 106. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY; EXTENSION TO THERAPEUTIC RADIOPHARMACEUTICALS.

(a) EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 107(a) of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ''January 1, 2008'' and inserting ''July 1, 2008''.

(b) PAYMENT FOR THERAPEUTIC RADIOPHARMACEUTICALS.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by subsection (a), is amended—

(1) in the heading, by inserting ''AND THERAPEUTIC RADIOPHARMACEUTICALS'' before ''AT CHARGES'';

(2) in the first sentence—

(A) by inserting ''and for therapeutic radiopharmaceuticals furnished on or after January 1, 2008, and before July 1, 2008,'' after ''July 1, 2008,'';

(B) by inserting ''or therapeutic radiopharmaceutical'' after ''the device''; and

(C) by inserting ''or therapeutic radiopharmaceutical'' after ''each device''; and

(3) in the second sentence, by inserting ''or therapeutic radiopharmaceuticals'' after ''such devices''.

SEC. 107. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l–4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), is amended by striking ''the 3-year period beginning on July 1, 2004'' and inserting ''the period beginning on July 1, 2004, and ending on June 30, 2008''.

SEC. 108. EXTENSION OF AUTHORITY OF SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS TO RESTRICT ENROLLMENT.

(a) EXTENSION OF AUTHORITY TO RESTRICT ENROLLMENT.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)) is amended by striking ''2009'' and inserting ''2010''.

(b) MORATORIUM.—

(1) AUTHORITY TO DESIGNATE OTHER PLANS AS SPECIALIZED MA PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not exercise the authority provided under section 231(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–21 note) to designate other plans as specialized MA plans for special needs individuals under part C of title XVIII of the Social Security Act. The preceding sentence shall not apply to plans designated as specialized MA plans for special needs individuals under such authority prior to January 1, 2008.

(2) ENROLLMENT IN NEW PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not permit enrollment of any individual residing in an area in a specialized Medicare Advantage plan for special needs individuals under part C of title XVIII of the Social Security Act to take effect unless that specialized Medicare Advantage plan for special needs individuals was available for enrollment for individuals residing in that area on January 1, 2008.

SEC. 109. EXTENSION OF DEADLINE FOR APPLICATION OF LIMITATION ON EXTENSION OR RENEWAL OF MEDICARE REASONABLE COST CONTRACT PLANS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)), in the matter preceding subclause (I), is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

SEC. 110. ADJUSTMENT TO THE MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by section 3 of Public Law 110–48, is amended by striking ''the Fund'' and all that follows and inserting ''the Fund during 2013, $1,790,000,000.''

SEC. 111. MEDICARE SECONDARY PAYOR.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following new paragraphs:

''(7) REQUIRED SUBMISSION OF INFORMATION BY GROUP HEALTH PLANS.—

''(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 1 year after the date of the enactment of this paragraph, an entity serving as an insurer or third party administrator for a group health plan, as defined in paragraph (1)(A)(v), and, in the case of a group health plan that is self-insured and self-administered, a plan administrator or fiduciary, shall—

''(i) secure from the plan sponsor and plan participants such information as the Secretary shall specify for the purpose of identifying situations where the group health plan is or has been a primary plan to the program under this title; and

''(ii) submit such information to the Secretary in a form and manner (including frequency) specified by the Secretary.

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—An entity, a plan administrator, or a fiduciary described in subparagraph (A) that fails to comply with the requirements under such subparagraph shall be subject to a civil money penalty of $1,000 for each day of noncompliance for each individual for which the information under such subparagraph should have been submitted. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

''(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund under section 1817.

''(C) SHARING OF INFORMATION.—Notwithstanding any other provision of law, under terms and conditions established by the Secretary, the Secretary—

''(i) shall share information on entitlement under Part A and enrollment under Part B under this title with entities, plan administrators, and fiduciaries described in subparagraph (A);

''(ii) may share the entitlement and enrollment information described in clause (i) with entities and persons not described in such clause; and

''(iii) may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

''(D) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.

''(8) REQUIRED SUBMISSION OF INFORMATION BY OR ON BEHALF OF LIABILITY INSURANCE (INCLUDING SELF-INSURANCE), NO FAULT INSURANCE, AND WORKERS' COMPENSATION LAWS AND PLANS.—

''(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 18 months after the date of the enactment of this paragraph, an applicable plan shall—

''(i) determine whether a claimant (including an individual whose claim is unresolved) is entitled to benefits under the program under this title on any basis; and

''(ii) if the claimant is determined to be so entitled, submit the information described in subparagraph (B) with respect to the claimant to the Secretary in a form and manner (including frequency) specified by the Secretary.

''(B) REQUIRED INFORMATION.—The information described in this subparagraph is—

''(i) the identity of the claimant for which the determination under subparagraph (A) was made; and

''(ii) such other information as the Secretary shall specify in order to enable the Secretary to make an appropriate determination concerning coordination of benefits, including any applicable recovery claim.

''(C) TIMING.—Information shall be submitted under subparagraph (A)(ii) within a time specified by the Secretary after the claim is resolved through a settlement, judgment, award, or other payment (regardless of whether or not there is a determination or admission of liability).

''(D) CLAIMANT.—For purposes of subparagraph (A), the term 'claimant' includes—

''(i) an individual filing a claim directly against the applicable plan; and

''(ii) an individual filing a claim against an individual or entity insured or covered by the applicable plan.

''(E) ENFORCEMENT.—

''(i) IN GENERAL.—An applicable plan that fails to comply with the requirements under subparagraph (A) with respect to any claimant shall be subject to a civil money penalty of $1,000 for each day of noncompliance with respect to each claimant. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

''(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund.

''(F) APPLICABLE PLAN.—In this paragraph, the term 'applicable plan' means the following laws, plans, or other arrangements, including the fiduciary or administrator for such law, plan, or arrangement:

''(i) Liability insurance (including self-insurance).

''(ii) No fault insurance.

''(iii) Workers' compensation laws or plans.

''(G) SHARING OF INFORMATION.—The Secretary may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

''(H) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to limit the authority of the Secretary of Health and Human Services to collect information to carry out Medicare secondary payer provisions under title XVIII of the Social Security Act, including under parts C and D of such title.

(c) IMPLEMENTATION.—For purposes of implementing paragraphs (7) and (8) of section 1862(b) of the Social Security Act, as added by subsection (a), to ensure appropriate payments under title XVIII of such Act, the Secretary of Health and Human Services shall provide for the transfer, from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportions as the Secretary determines appropriate, of $35,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008, 2009, and 2010.

SEC. 112. PAYMENT FOR PART B DRUGS.

(a) APPLICATION OF ALTERNATIVE VOLUME WEIGHTING IN COMPUTATION OF ASP.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)) is amended—

(1) in paragraph (1)(A), by inserting ''for a multiple source drug furnished before April 1, 2008, or 106 percent of the amount determined under paragraph (6) for a multiple source drug furnished on or after April 1, 2008'' after ''paragraph (3)'';

(2) in each of subparagraphs (A) and (B) of paragraph (4), by inserting ''for single source drugs and biologicals furnished before April 1, 2008, and using the methodology applied under paragraph (6) for single source drugs and biologicals furnished on or after April 1, 2008,'' after ''paragraph (3)''; and

(3) by adding at the end the following new paragraph:

''(6) USE OF VOLUME-WEIGHTED AVERAGE SALES PRICES IN CALCULATION OF AVERAGE SALES PRICE.—

''(A) IN GENERAL.—For all drug products included within the same multiple source drug billing and payment code, the amount specified in this paragraph is the volume-weighted average of the average sales prices reported under section 1927(b)(3)(A)(iii) determined by—

''(i) computing the sum of the products (for each National Drug Code assigned to such drug products) of—

''(I) the manufacturer's average sales price (as defined in subsection (c)), determined by the Secretary without dividing such price by the total number of billing units for the National Drug Code for the billing and payment code; and

''(II) the total number of units specified under paragraph (2) sold; and

''(ii) dividing the sum determined under clause (i) by the sum of the products (for each National Drug Code assigned to such drug products) of—

''(I) the total number of units specified under paragraph (2) sold; and

''(II) the total number of billing units for the National Drug Code for the billing and payment code.

''(B) BILLING UNIT DEFINED.—For purposes of this subsection, the term 'billing unit' means the identifiable quantity associated with a billing and payment code, as established by the Secretary.''.

(b) TREATMENT OF CERTAIN DRUGS.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)), as amended by subsection (a), is amended—

(1) in paragraph (1), by inserting ''paragraph (7) and'' after ''Subject to''; and

(2) by adding at the end the following new paragraph:

''(7) SPECIAL RULE.—Beginning with April 1, 2008, the payment amount for—

''(A) each single source drug or biological described in section 1842(o)(1)(G) that is treated as a multiple source drug because of the application of subsection (c)(6)(C)(ii) is the lower of—

''(i) the payment amount that would be determined for such drug or biological applying such subsection; or

''(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied; and

''(B) a multiple source drug described in section 1842(o)(1)(G) (excluding a drug or biological that is treated as a multiple source drug because of the application of such subsection) is the lower of—

''(i) the payment amount that would be determined for such drug or biological taking into account the application of such subsection; or

''(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied.''.

SEC. 113. PAYMENT RATE FOR CERTAIN DIAGNOSTIC LABORATORY TESTS.

Section 1833(h) of the Social Security Act (42 U.S.C. 1395l(h)) is amended by adding at the end the following new paragraph:

''(9) Notwithstanding any other provision in this part, in the case of any diagnostic laboratory test for HbA1c that is labeled by the Food and Drug Administration for home use and is furnished on or after April 1, 2008, the payment rate for such test shall be the payment rate established under this part for a glycated hemoglobin test (identified as of October 1, 2007, by HCPCS code 83036 (and any succeeding codes)).''.

SEC. 114. LONG-TERM CARE HOSPITALS.

(a) DEFINITION OF LONG-TERM CARE HOSPITAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Long-Term Care Hospital

''(ccc) The term 'long-term care hospital' means a hospital which—

''(1) is primarily engaged in providing inpatient services, by or under the supervision of a physician, to Medicare beneficiaries whose medically complex conditions require a long hospital stay and programs of care provided by a long-term care hospital;

''(2) has an average inpatient length of stay (as determined by the Secretary) of greater than 25 days, or meets the requirements of clause (II) of section 1886(d)(1)(B)(iv);

''(3) satisfies the requirements of subsection (e); and

''(4) meets the following facility criteria:

''(A) the institution has a patient review process, documented in the patient medical record, that screens patients prior to admission for appropriateness of admission to a long-term care hospital, validates within 48 hours of admission that patients meet admission criteria for long-term care hospitals, regularly evaluates patients throughout their stay for continuation of care in a long-term care hospital, and assesses the available discharge options when patients no longer meet such continued stay criteria;

''(B) the institution has active physician involvement with patients during their treatment through an organized medical staff, physician-directed treatment with physician on-site availability on a daily basis to review patient progress, and consulting physicians on call and capable of being at the patient's side within a moderate period of time, as determined by the Secretary; and

''(C) the institution has interdisciplinary team treatment for patients, requiring interdisciplinary teams of health care professionals, including physicians, to prepare and carry out an individualized treatment plan for each patient.''.

(b) STUDY AND REPORT ON LONG-TERM CARE HOSPITAL FACILITY AND PATIENT CRITERIA.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study on the establishment of national long-term care hospital facility and patient criteria for purposes of determining medical necessity, appropriateness of admission, and continued stay at, and discharge from, long-term care hospitals.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative actions, including timelines for implementation of patient criteria or other actions, as the Secretary determines appropriate.

(3) CONSIDERATIONS.—In conducting the study and preparing the report under this subsection, the Secretary shall consider—

(A) recommendations contained in a report to Congress by the Medicare Payment Advisory Commission in June 2004 for long-term care hospital-specific facility and patient criteria to ensure that patients admitted to long-term care hospitals are medically complex and appropriate to receive long-term care hospital services; and

(B) ongoing work by the Secretary to evaluate and determine the feasibility of such recommendations.

(c) PAYMENT FOR LONG-TERM CARE HOSPITAL SERVICES.—

(1) NO APPLICATION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT TO FREESTANDING AND GRANDFATHERED LTCHS.—The Secretary shall not apply, for cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period—

(A) section 412.536 of title 42, Code of Federal Regulations, or any similar provision, to freestanding long-term care hospitals; and

(B) such section or section 412.534 of title 42, Code of Federal Regulations, or any similar provisions, to a long-term care hospital identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997 (Public Law 105–33).

(2) PAYMENT FOR HOSPITALS-WITHIN-HOSPITALS.—

(A) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is located in a rural area or which is co-located with an urban single or MSA dominant hospital under paragraphs (d)(1), (e)(1), and (e)(4) of section 412.534 of title 42, Code of Federal Regulations, shall not be subject to any payment adjustment under such section if no more than 75 percent of the hospital's Medicare discharges (other than discharges described in paragraph (d)(2) or (e)(3) of such section) are admitted from a co-located hospital.

(B) CO-LOCATED LONG-TERM CARE HOSPITALS AND SATELLITE FACILITIES.—

(i) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is co-located with another hospital shall not be subject to any payment adjustment under section 412.534 of title 42, Code of Federal Regulations, if no more than 50 percent of the hospital's Medicare discharges (other than discharges described in paragraph (c)(3) of such section) are admitted from a co-located hospital.

(ii) APPLICABLE LONG-TERM CARE HOSPITAL OR SATELLITE FACILITY DEFINED.—In this paragraph, the term ''applicable long-term care hospital or satellite facility'' means a hospital or satellite facility that is subject to the transition rules under section 412.534(g) of title 42, Code of Federal Regulations.

(C) EFFECTIVE DATE.—Subparagraphs (A) and (B) shall apply to cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period.

(3) NO APPLICATION OF VERY SHORT-STAY OUTLIER POLICY.—The Secretary shall not apply, for the 3-year period beginning on the date of the enactment of this Act, the amendments finalized on May 11, 2007 (72 Federal Register 26904, 26992) made to the short-stay outlier payment provision for long-term care hospitals contained in section 412.529(c)(3)(i) of title 42, Code of Federal Regulations, or any similar provision.

(4) NO APPLICATION OF ONE-TIME ADJUSTMENT TO STANDARD AMOUNT.—The Secretary shall not, for the 3-year period beginning on the date of the enactment of this Act, make the one-time prospective adjustment to long-term care hospital prospective payment rates provided for in section 412.523(d)(3) of title 42, Code of Federal Regulations, or any similar provision.

(d) MORATORIUM ON THE ESTABLISHMENT OF LONG-TERM CARE HOSPITALS, LONG-TERM CARE SATELLITE FACILITIES AND ON THE INCREASE OF LONG-TERM CARE HOSPITAL BEDS IN EXISTING LONG-TERM CARE HOSPITALS OR SATELLITE FACILITIES.—

(1) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Secretary shall impose a moratorium for purposes of the Medicare program under title XVIII of the Social Security Act—

(A) subject to paragraph (2), on the establishment and classification of a long-term care hospital or satellite facility, other than an existing long-term care hospital or facility; and

(B) subject to paragraph (3), on an increase of long-term care hospital beds in existing long-term care hospitals or satellite facilities.

(2) EXCEPTION FOR CERTAIN LONG-TERM CARE HOSPITALS.—The moratorium under paragraph (1)(A) shall not apply to a long-term care hospital that as of the date of the enactment of this Act—

(A) began its qualifying period for payment as a long-term care hospital under section 412.23(e) of title 42, Code of Federal Regulations, on or before the date of the enactment of this Act;

(B) has a binding written agreement with an outside, unrelated party for the actual construction, renovation, lease, or demolition for a long-term care hospital, and has expended, before the date of the enactment of this Act, at least 10 percent of the estimated cost of the project (or, if less, $2,500,000); or

(C) has obtained an approved certificate of need in a State where one is required on or before the date of the enactment of this Act.

(3) EXCEPTION FOR BED INCREASES DURING MORATORIUM.—

(A) IN GENERAL.—Subject to subparagraph (B), the moratorium under paragraph (1)(B) shall not apply to an increase in beds in an existing hospital or satellite facility if the hospital or facility—

(i) is located in a State where there is only one other long-term care hospital; and

(ii) requests an increase in beds following the closure or the decrease in the number of beds of another long-term care hospital in the State.

(B) NO EFFECT ON CERTAIN LIMITATION.—The exception under subparagraph (A) shall not effect the limitation on increasing beds under sections 412.22(h)(3) and 412.22(f) of title 42, Code of Federal Regulations.

(4) EXISTING HOSPITAL OR SATELLITE FACILITY DEFINED.—For purposes of this subsection, the term ''existing'' means, with respect to a hospital or satellite facility, a hospital or satellite facility that received payment under the provisions of subpart O of part 412 of title 42, Code of Federal Regulations, as of the date of the enactment of this Act.

(5) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869 of the Social Security Act (42 U.S.C. 1395ff), section 1878 of such Act (42 U.S.C. 1395oo), or otherwise, of the application of this subsection by the Secretary.

(e) LONG-TERM CARE HOSPITAL PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

''(m) PROSPECTIVE PAYMENT FOR LONG-TERM CARE HOSPITALS.—

''(1) REFERENCE TO ESTABLISHMENT AND IMPLEMENTATION OF SYSTEM.—For provisions related to the establishment and implementation of a prospective payment system for payments under this title for inpatient hospital services furnished by a long-term care hospital described in subsection (d)(1)(B)(iv), see section 123 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and section 307(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

''(2) UPDATE FOR RATE YEAR 2008.—In implementing the system described in paragraph (1) for discharges occurring during the rate year ending in 2008 for a hospital, the base rate for such discharges for the hospital shall be the same as the base rate for discharges for the hospital occurring during the rate year ending in 2007.''.

(2) DELAYED EFFECTIVE DATE.—Subsection (m)(2) of section 1886 of the Social Security Act, as added by paragraph (1), shall not apply to discharges occurring on or after July 1, 2007, and before April 1, 2008.

(f) EXPANDED REVIEW OF MEDICAL NECESSITY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall provide, under contracts with one or more appropriate fiscal intermediaries or medicare administrative contractors under section 1874A(a)(4)(G) of the Social Security Act (42 U.S.C. 1395kk–1(a)(4)(G)), for reviews of the medical necessity of admissions to long-term care hospitals (described in section 1886(d)(1)(B)(iv) of such Act) and continued stay at such hospitals, of individuals entitled to, or enrolled for, benefits under part A of title XVIII of such Act consistent with this subsection. Such reviews shall be made for discharges occurring on or after October 1, 2007.

(2) REVIEW METHODOLOGY.—The medical necessity reviews under paragraph (1) shall be conducted on an annual basis in accordance with rules specified by the Secretary. Such reviews shall—

(A) provide for a statistically valid and representative sample of admissions of such individuals sufficient to provide results at a 95 percent confidence interval; and

(B) guarantee that at least 75 percent of overpayments received by long-term care hospitals for medically unnecessary admissions and continued stays of individuals in long-term care hospitals will be identified and recovered and that related days of care will not be counted toward the length of stay requirement contained in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)).

(3) CONTINUATION OF REVIEWS.—Under contracts under this subsection, the Secretary shall establish an error rate with respect to such reviews that could require further review of the medical necessity of admissions and continued stay in the hospital involved and other actions as determined by the Secretary.

(4) TERMINATION OF REQUIRED REVIEWS.—

(A) IN GENERAL.—Subject to subparagraph (B), the previous provisions of this subsection shall cease to apply for discharges occurring on or after October 1, 2010.

(B) CONTINUATION.—As of the date specified in subparagraph (A), the Secretary shall determine whether to continue to guarantee, through continued medical review and sampling under this paragraph, recovery of at least 75 percent of overpayments received by long-term care hospitals due to medically unnecessary admissions and continued stays.

(5) FUNDING.—The costs to fiscal intermediaries or medicare administrative contractors conducting the medical necessity reviews under paragraph (1) shall be funded from the aggregate overpayments recouped by the Secretary of Health and Human Services from long-term care hospitals due to medically unnecessary admissions and continued stays. The Secretary may use an amount not in excess of 40 percent of the overpayments recouped under this paragraph to compensate the fiscal intermediaries or Medicare administrative contractors for the costs of services performed.

(g) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by, this title, in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $35,000,000 for the period of fiscal years 2008 and 2009.

SEC. 115. PAYMENT FOR INPATIENT REHABILITATION FACILITY (IRF) SERVICES.

(a) PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886(j)(3)(C) of the Social Security Act (42 U.S.C. 1395ww(j)(3)(C)) is amended by adding at the end the following: ''The increase factor to be applied under this subparagraph for each of fiscal years 2008 and 2009 shall be 0 percent.''.

(2) DELAYED EFFECTIVE DATE.—The amendment made by paragraph (1) shall not apply to payment units occurring before April 1, 2008.

(b) INPATIENT REHABILITATION FACILITY CLASSIFICATION CRITERIA.—

(1) IN GENERAL.—Section 5005 of the Deficit Reduction Act of 2005 (Public Law 109–171; 42 U.S.C. 1395ww note) is amended—

(A) in subsection (a), by striking ''apply the applicable percent specified in subsection (b)'' and inserting ''require a compliance rate that is no greater than the 60 percent compliance rate that became effective for cost reporting periods beginning on or after July 1, 2006,''; and

(B) by amending subsection (b) to read as follows:

''(b) CONTINUED USE OF COMORBIDITIES.—For cost reporting periods beginning on or after July 1, 2007, the Secretary shall include patients with comorbidities as described in section 412.23(b)(2)(i) of title 42, Code of Federal Regulations (as in effect as of January 1, 2007), in the inpatient population that counts toward the percent specified in subsection (a).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall apply for cost reporting periods beginning on or after July 1, 2007.

(c) RECOMMENDATIONS FOR CLASSIFYING INPATIENT REHABILITATION HOSPITALS AND UNITS.—

(1) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with physicians (including geriatricians and physiatrists), administrators of inpatient rehabilitation, acute care hospitals, skilled nursing facilities, and other settings providing rehabilitation services, Medicare beneficiaries, trade organizations representing inpatient rehabilitation hospitals and units and skilled nursing facilities, and the Medicare Payment Advisory Commission, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that includes the following:

(A) An analysis of Medicare beneficiaries' access to medically necessary rehabilitation services, including the potential effect of the 75 percent rule (as defined in paragraph (2)) on access to care.

(B) An analysis of alternatives or refinements to the 75 percent rule policy for determining criteria for inpatient rehabilitation hospital and unit designation under the Medicare program, including alternative criteria which would consider a patient's functional status, diagnosis, co-morbidities, and other relevant factors.

(C) An analysis of the conditions for which individuals are commonly admitted to inpatient rehabilitation hospitals that are not included as a condition described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations, to determine the appropriate setting of care, and any variation in patient outcomes and costs, across settings of care, for treatment of such conditions.

(2) 75 PERCENT RULE DEFINED.—For purposes of this subsection, the term ''75 percent rule'' means the requirement of section 412.23(b)(2) of title 42, Code of Federal Regulations, that 75 percent of the patients of a rehabilitation hospital or converted rehabilitation unit are in 1 or more of 13 listed treatment categories.

SEC. 116. EXTENSION OF ACCOMMODATION OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED SERVICES.

Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)), as amended by Public Law 110–54 (121 Stat. 551) is amended by striking ''January 1, 2008'' and inserting ''July 1, 2008''.

SEC. 117. TREATMENT OF CERTAIN HOSPITALS.

(a) EXTENDING CERTAIN MEDICARE HOSPITAL WAGE INDEX RECLASSIFICATIONS THROUGH FISCAL YEAR 2008.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(2) SPECIAL EXCEPTION RECLASSIFICATIONS.—The Secretary of Health and Human Services shall extend for discharges occurring through September 30, 2008, the special exception reclassifications made under the authority of section 1886(d)(5)(I)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(I)(i)) and contained in the final rule promulgated by the Secretary in the Federal Register on August 11, 2004 (69 Fed. Reg. 49105, 49107).

(3) USE OF PARTICULAR WAGE INDEX.—For purposes of implementation of this subsection, the Secretary shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on October 10, 2007 (72 Fed. Reg. 57634), and any subsequent corrections.

(b) DISREGARDING SECTION 508 HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—Section 508 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 42 U.S.C. 1395ww note) is amended by adding at the end the following new subsection:

''(g) DISREGARDING HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—For purposes of the reclassification of a group of hospitals in a geographic area under section 1886(d) of the Social Security Act for purposes of discharges occurring during fiscal year 2008, a hospital reclassified under this section (including any such reclassification which is extended under section 106(a) of the Medicare Improvements and Extension Act of 2006) shall not be taken into account and shall not prevent the other hospitals in such area from continuing such a group for such purpose.''.

(c) CORRECTION OF APPLICATION OF WAGE INDEX DURING TAX RELIEF AND HEALTH CARE ACT EXTENSION.—In the case of a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(1) a reclassification of its wage index for purposes of such section was extended for the period beginning on April 1, 2007, and ending on September 30, 2007, pursuant to subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note); and

(2) the wage index applicable for such hospital during such period was lower than the wage index applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007,

the Secretary shall apply the higher wage index that was applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007, for the entire fiscal year 2007. If the Secretary determines that the application of the preceding sentence to a hospital will result in a hospital being owed additional reimbursement, the Secretary shall make such payments within 90 days after the settlement of the applicable cost report.

SEC. 118. ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE ASSISTANCE PROGRAMS, AREA AGENCIES ON AGING, AND AGING AND DISABILITY RESOURCE CENTERS.

(a) STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants to States for State health insurance assistance programs receiving assistance under section 4360 of the Omnibus Budget Reconciliation Act of 1990.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), $15,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2008.

(b) AREA AGENCIES ON AGING AND AGING AND DISABILITY RESOURCE CENTERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants—

(A) to States for area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)); and

(B) to Aging and Disability Resource Centers under the Aging and Disability Resource Center grant program.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $5,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008 through 2009.

TITLE II—MEDICAID AND SCHIP

SEC. 201. EXTENDING SCHIP FUNDING THROUGH MARCH 31, 2009.

(a) THROUGH THE SECOND QUARTER OF FISCAL YEAR 2009.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)—

(i) by striking ''and'' at the end of paragraph (9);

(ii) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(11) for each of fiscal years 2008 and 2009, $5,000,000,000.''; and

(B) in subsection (c)(4)(B), by striking ''for fiscal year 2007'' and inserting ''for each of fiscal years 2007 through 2009''.

(2) AVAILABILITY OF EXTENDED FUNDING.—Funds made available from any allotment made from funds appropriated under subsection (a)(11) or (c)(4)(B) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2008 or 2009 shall not be available for child health assistance for items and services furnished after March 31, 2009, or, if earlier, the date of the enactment of an Act that provides funding for fiscal years 2008 and 2009, and for one or more subsequent fiscal years for the State Children's Health Insurance Program under title XXI of the Social Security Act.

(3) END OF FUNDING UNDER CONTINUING RESOLUTION.—Section 136(a)(2) of Public Law 110–92 is amended by striking ''after the termination date'' and all that follows and inserting ''after the date of the enactment of the Medicare, Medicaid, and SCHIP Extension Act of 2007.''.

(4) CLARIFICATION OF APPLICATION OF FUNDING UNDER CONTINUING RESOLUTION.—Section 107 of Public Law 110–92 shall apply with respect to expenditures made pursuant to section 136(a)(1) of such Public Law.

(b) EXTENSION OF TREATMENT OF QUALIFYING STATES; RULES ON REDISTRIBUTION OF UNSPENT FISCAL YEAR 2005 ALLOTMENTS MADE PERMANENT.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by subsection (d) of section 136 of Public Law 110–92, is amended by striking ''or 2008'' and inserting ''2008, or 2009''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall be in effect through March 31, 2009.

(3) CERTAIN RULES MADE PERMANENT.—Subsection (e) of section 136 of Public Law 110–92 is repealed.

(c) ADDITIONAL ALLOTMENTS TO ELIMINATE REMAINING FUNDING SHORTFALLS THROUGH MARCH 31, 2009.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsections:

''(j) ADDITIONAL ALLOTMENTS TO ELIMINATE FUNDING SHORTFALLS FOR FISCAL YEAR 2008.—

''(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $1,600,000,000 for fiscal year 2008.

''(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of November 30, 2007, that the Federal share amount of the projected expenditures under such plan for such State for fiscal year 2008 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2006 and 2007 that will not be expended by the end of fiscal year 2007;

''(B) the amount, if any, that is to be redistributed to the State during fiscal year 2008 in accordance with subsection (i); and

''(C) the amount of the State's allotment for fiscal year 2008.

''(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for fiscal year 2008, the Secretary shall allot—

''(A) to each shortfall State described in paragraph (2) not described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

''(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of the amounts determined for each shortfall State under subparagraph (A).

''(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than November 30, 2008, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) ONE-YEAR AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2008, subject to paragraph (5), shall only remain available for expenditure by the State through September 30, 2008. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).

''(k) REDISTRIBUTION OF UNUSED FISCAL YEAR 2006 ALLOTMENTS TO STATES WITH ESTIMATED FUNDING SHORTFALLS DURING THE FIRST 2 QUARTERS OF FISCAL YEAR 2009.—

''(1) IN GENERAL.—Notwithstanding subsection (f) and subject to paragraphs (3) and (4), with respect to months beginning during the first 2 quarters of fiscal year 2009, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2006 under subsection (b) that are not expended by the end of fiscal year 2008, to a fiscal year 2009 shortfall State described in paragraph (2), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for such State for the month.

''(2) FISCAL YEAR 2009 SHORTFALL STATE DESCRIBED.—A fiscal year 2009 shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on a monthly basis using the most recent data available to the Secretary as of such month, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that was not expended by the end of fiscal year 2008; and

''(B) the amount of the State's allotment for fiscal year 2009.

''(3) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under paragraph (1) to fiscal year 2009 shortfall States described in paragraph (2) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2009. The Secretary shall only make redistributions under this subsection to the extent that there are unexpended fiscal year 2006 allotments under subsection (b) available for such redistributions.

''(4) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) are less than the total amounts of the estimated shortfalls determined for the month under that paragraph, the amount computed under such paragraph for each fiscal year 2009 shortfall State for the month shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for the first 2 quarters of fiscal year 2009 shall only remain available for expenditure by the State through March 31, 2009, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f).

''(l) ADDITIONAL ALLOTMENTS TO ELIMINATE FUNDING SHORTFALLS FOR THE FIRST 2 QUARTERS OF FISCAL YEAR 2009.—

''(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $275,000,000 for the first 2 quarters of fiscal year 2009.

''(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that will not be expended by the end of fiscal year 2008;

''(B) the amount, if any, that is to be redistributed to the State during fiscal year 2009 in accordance with subsection (k); and

''(C) the amount of the State's allotment for fiscal year 2009.

''(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for the first 2 quarters of fiscal year 2009, the Secretary shall allot—

''(A) to each shortfall State described in paragraph (2) not described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

''(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of

the amounts determined for each shortfall State under subparagraph (A).

''(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2009, subject to paragraph (5), shall only remain available for expenditure by the State through March 31, 2009. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).''.

SEC. 202. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432, 120 Stat. 2994), as amended by section 1 of Public Law 110–48 (121 Stat. 244) and section 2 of the TMA, Abstinence, Education, and QI Programs Extension Act of 2007 (Public Law 110–90, 121 Stat. 984), is amended—

(1) by striking ''December 31, 2007'' and inserting ''June 30, 2008''; and

(2) by striking ''first quarter'' and inserting ''third quarter'' each place it appears.

SEC. 203. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2007'' and inserting ''June 2008''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u–3(g)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' at the end;

(2) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(I) for the period that begins on January 1, 2008, and ends on June 30, 2008, the total allocation amount is $200,000,000.''.

SEC. 204. MEDICAID DSH EXTENSION.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in the heading, by inserting ''AND PORTIONS OF FISCAL YEAR 2008'' after ''FISCAL YEAR 2007''; and

(2) in subparagraph (A)—

(A) in clause (i), by adding at the end (after and below subclause (II)) the following:
''Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Tennessee for such portion of the fiscal year, notwithstanding such table or terms, shall be ¾ of the amount specified in the previous sentence for fiscal year 2007.'';

(B) in clause (ii)—

(i) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(ii) by inserting ''or period'' after ''such fiscal year''; and

(C) in clause (iv)—

(i) in the heading, by inserting ''AND FISCAL YEAR 2008'' after ''FISCAL YEAR 2007'';

(ii) in subclause (I)—

(I) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(II) by inserting ''or period'' after ''for such fiscal year''; and

(iii) in subclause (II)—

(I) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(II) by inserting ''or period'' after ''such fiscal year'' each place it appears; and

(3) in subparagraph (B)(i), by adding at the end the following: ''Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Hawaii for such portion of the fiscal year, notwithstanding the table set forth in paragraph (2), shall be $7,500,000.''.

SEC. 205. IMPROVING DATA COLLECTION.

Section 2109(b)(2) of the Social Security Act (42 U.S.C. 1397ii(b)(2)) is amended by inserting before the period at the end the following ''(except that only with respect to fiscal year 2008, there are appropriated $20,000,000 for the purpose of carrying out this subsection, to remain available until expended)''.

SEC. 206. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to June 30, 2008, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to coverage or payment under title XIX of the Social Security Act for rehabilitation services or school-based administration and school-based transportation if such restrictions are more restrictive in any aspect than those applied to such areas as of July 1, 2007.

TITLE III—MISCELLANEOUS

SEC. 301. MEDICARE PAYMENT ADVISORY COMMISSION STATUS.

Section 1805(a) of the Social Security Act (42 U.S.C. 1395b–6(a)) is amended by inserting ''as an agency of Congress'' after ''established''.

SEC. 302. SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(C)) is amended by striking ''2008'' and inserting ''2009''.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(C)) is amended by striking ''2008'' and inserting ''2009''.

CONSOLIDATED APPROPRIATIONS ACT, 2008—Continued

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from Idaho now be recognized for 5 minutes and that at 5:20, it be deemed that all time be yielded back by all sides relative to the motion.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I note for those people listening, under this agreement, there should be a vote beginning about 5:20 p.m.

Mr. LEAHY. Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from Washington and all of us recognize that this may be the conclusion this evening of this session of Congress, and there may be a lot of issues out there that will be brought to a final vote. I think for all of us, as any session concludes, we have to look at the work product and say that is a job well done or a job not so well done. Frankly, for those of us on the Republican side who stayed together and fought the fight and exchanged our differences with those on the Democratic side, to bring a budget back into constraints that are at or near the President's proposal is without question a victory. Some of us will recognize that and honor that tonight as we conclude this first session of this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed until the vote occurs, which is 2 minutes from now.

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

Ms. COLLINS. Mr. President, I rise to discuss the funding for the Low Income Home Energy Assistance Program. This program is absolutely vital to the people of my State. This winter we have seen record-high prices for home heating oil.

I want to thank the appropriators for including additional funding for the LIHEAP program as part of the omnibus spending bill, but, Mr. President, I was hoping we would proceed to consideration of the amendment offered by the Senator from Vermont, of which I am proud to be a cosponsor, which would have provided 800 million additional dollars for the LIHEAP program.

Mr. President, this is a real crisis. I consider the amount of money in this bill to be a significant step forward, but it is not adequate to meet the overwhelming needs for the constituents that live in cold weather States and are struggling and literally choosing between paying their bills, buying food, purchasing prescription drugs, and staying warm. That is a choice that no family in this country should have to make.

I am pleased with this downpayment on the LIHEAP program. It is a major step forward that is going to make a significant difference, but, frankly, it is simply not adequate to meet the overwhelming need.

Nationwide, over the last 4 years, the number of households receiving LIHEAP assistance increased by 26 percent from 4.6 million to about 5.8 million, but during this same period, Federal funding increased by only 10 percent. The result is that the average grant declined from $349 to $305. In addition, since August, crude oil prices quickly rose from around $60 barrel to nearly $100 per barrel, so a grant buys less fuel today than it would have just 4 months ago. According to the Maine Office of Energy Independence and Security, the average price of heating oil

in our State is $3.26 a gallon. That is a record in our State.

This large, rapid increase, combined with less LIHEAP funding available per family, imposes hardship on people who use home heating oil to heat their homes. Low-income families and senior citizen living on limited incomes in Maine and many other States face a crisis in staying warm this winter.

The Sanders amendment would have provided an additional $800 million as emergency funding for LIHEAP. The term ''emergency,'' could not be more accurate. Our Nation is in a heating emergency this winter. Families are being forced to choose among paying for food, housing, prescription drugs and heat. No family should be forced to suffer through a severe winter without adequate heat.

I understand we may consider this proposal again after the holidays. When we reconsider it, I urge all my colleagues to support the Sanders proposal to provide vital home energy assistance for the most vulnerable of our citizens.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the following cloture motion which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to H.R. 2764, State, Foreign Operations Appropriations, 2008.

Harry Reid, Jeff Bingaman, Barbara A. Mikulski, Byron L. Dorgan, Daniel K. Inouye, Patrick Leahy, Max Baucus, Mark Pryor, Debbie Stabenow, Kent Conrad, Patty Murray, Bill Nelson, Jack Reed, Ken Salazar, Blanche L. Lincoln, Tom Carper, Herb Kohl, Ben Nelson, Dick Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendments to the Senate amendment to H.R. 2764, the Department of State, Foreign Operations, and Related Programs Appropriations Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 51, as follows:

[Rollcall Vote No. 436 Leg.]

YEAS—44

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Nelson (NE)
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Byrd	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Stabenow
Conrad	Lieberman	Tester
Dorgan	Lincoln	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden
Hagel	Murray	

NAYS—51

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Barrasso	Dole	McCaskill
Bayh	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Chambliss	Hatch	Snowe
Coburn	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Isakson	Sununu
Collins	Kyl	Thune
Corker	Landrieu	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NOT VOTING—5

Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. On this vote the yeas are 44, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Republican leader is recognized.

AMENDMENT NO. 3874

(Purpose: To make emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008)

Mr. MCCONNELL. Mr. President, I move to concur in the House amendments with an amendment which I send to the desk on behalf of myself, Senators LIEBERMAN, INOUYE, STEVENS, COCHRAN, and WARNER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER moves to concur in the House amendment No. 2 to the Senate amendment to H.R. 2764, with an amendment numbered 3874.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCONNELL. Mr. President, under the consent agreement, how much time do we have? I will use my leader time.

The PRESIDING OFFICER. The agreement contemplates a second-degree amendment, the Feingold amendment, where there will be 1 hour of debate equally divided on that amendment.

Mr. MCCONNELL. Mr. President, I will use leader time now.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, a lot has changed since last December. At this time last year, America and its allies were desperate for good news out of Iraq. The security situation was dire, and getting worse. An all-out civil war threatened to undermine the heroic work of U.S. forces and frustrate the hopes of millions of Iraqis.

Then General Petraeus stepped forward with a bold new plan. We confirmed General Petraeus unanimously for what seemed like one last effort at salvaging the mission. And we sent him the troops and the funds he needed to carry out the job.

Since the implementation of the Petraeus plan, the security situation in and around Baghdad has changed dramatically. Attacks on troops are down. Civilian casualties in Baghdad are down 75 percent. Iraqi refugees are streaming back over the borders. Outside the city, the local leaders are forging agreements among themselves and with U.S. forces to ensure even greater security.

There is simply no question that on the military and tactical levels the Petraeus plan has been a tremendous success. So as we stand here today, we have new hope that U.S. service men and women are beginning to return home with a sense of achievement. A lot has changed in Iraq, and here in Washington, we should take notice.

Before us is an amendment sent to us by the House of Representatives that underfunds our troops and only provides for those fighting in Afghanistan. It leaves the troops in Iraq to fend for themselves. That is unacceptable.

What is the difference between funding the troops in Afghanistan and funding the troops in Iraq? They are both our troops. Even those of us who have disagreed on the war have always agreed on at least one thing, and that is the troops in the field will not be left without the resources they need.

So the amendment I sent to the desk provides for our men and women in uniform in Iraq and Afghanistan because I believe it is our duty to protect all of those who are putting their lives on the line. It is also important to understand—I hope everybody in the Chamber and anybody listening gets this fundamental point: If this amendment does not pass, the McConnell-Lieberman amendment does not pass in its current form, the underlying bill will not become law. The passage of the McConnell-Lieberman proposal is essential to getting a Presidential signature on the Omnibus appropriations and Iraq funding.

The Petraeus plan provides for a gradual reduction of our forces and a

transition of the mission. Iraqi security forces will eventually shift from partnering with coalition forces to leading forces on their own. We must not impose an arbitrary timeline for withdrawal or accelerate this timeline at an unrealistic pace.

This is a moment of real hope for our Nation and for the people of Iraq. It is a moment of real urgency in the Senate. We need to pass the spending bill with troop funds without any strings and without further delay.

At the risk of being redundant, the President has made it absolutely clear that to get a Presidential signature, to wrap up this session, having succeeded in passing all of our appropriations bills, will require the passage of the McConnell-Lieberman amendment.

So when we get to that amendment—we will have a couple of votes before then, but when we get to that amendment, it is essential. We want to complete our work in a way that implements the appropriations process as all of us feel it should be implemented on a yearly basis. The success of the McConnell-Lieberman amendment is essential.

I yield the floor.

Mr. LEAHY. Mr. President, not counting leader time, what is the provision of time once Senator FEINGOLD has introduced his second-degree amendment?

The PRESIDING OFFICER. There will be 1 hour of debate equally divided.

Mr. LEAHY. Mr. President, I see the Senator from Wisconsin. I ask, of the half hour on this side, that 15 minutes be given to the distinguished Senator from Wisconsin, 10 minutes to the senior Senator from West Virginia, 5 minutes to the distinguished senior Senator from Massachusetts, and that the Senator from Vermont who is a cosponsor be allowed to submit a statement as though read for the RECORD.

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

AMENDMENT NO. 3875 TO AMENDMENT NO. 3874

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. OBAMA, Mr. SANDERS, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. BROWN, proposes an amendment numbered 3875 to amendment No. 3874.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the safe redeployment of United States troops from Iraq)

At the appropriate place, insert the following:

SEC. ____. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPT FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

Mr. FEINGOLD. Mr. President, I rise to offer an amendment with the majority leader, Senator REID, and Senators LEAHY, DODD, BOXER, KENNEDY, KERRY, HARKIN, WHITEHOUSE, WYDEN, DURBIN, SCHUMER, OBAMA, SANDERS, MENENDEZ, LAUTENBERG, and BROWN to H.R. 2764, the fiscal year 2008 Omnibus appropriations bill.

The amendment is one I have offered before. I will not hesitate, if I must, to offer it again and again and again.

The 17 cosponsors is the greatest number we have ever had for this amendment.

It requires the President to begin safely redeploying U.S. troops from Iraq within 90 days of enactment, and requires redeployment be completed within 9 months. At that point, with the bulk of our troops safely out of Iraq, funding for the war would be ended, with four narrow exceptions: providing security for U.S. Government personnel and infrastructure, training the Iraqi security forces, providing training and equipment to U.S. service men and women to ensure their safety and security, and conducting targeted operations limited in duration and scope against members of al-Qaida and others affiliated with international terrorist organizations.

Some of my colleagues complain that we spent too much time debating Iraq this year. They would rather talk about other issues. Well, we have a lot of important priorities, but nothing is more important to me or my constituents than ending this disastrous war.

As I do every year, I held a town hall meeting in every county in Wisconsin this year. That is 72 meetings for those of you who are not from the Badger State. I heard a lot from my constituents at the meetings about health care and education. But the No. 1 issue I heard about was foreign affairs, particularly the war in Iraq.

But the No. 1 issue I heard about was foreign affairs, particularly the war in Iraq. Let me tell you—they weren't asking why Congress is spending so much time on this issue. They weren't asking us to give the President more time for his so-called surge. Like Americans all across the country, they want an end to this war, and they want to know what is stopping us.

The Senate needs to address the concerns and demands of our constituents, who more than a year ago voted for a change in congressional leadership in large measure because of the debacle in Iraq. But we have yet to follow through and end this misguided war, before more Americans are injured and killed. And we are about to adjourn for the year and let the war drag on even longer.

We hear a lot from supporters of the President that violence in Iraq is down right now, and therefore we are on the path to victory. That argument would be a lot more convincing if the administration had a viable strategy for success. The surge may buy time, but as long as there is no political solution to Iraq's problems, we are just postponing the inevitable resurgence in violence, and our brave troops will continue bearing the brunt of it.

That is not a strategy for success. It is not even a strategy. It is a way of pushing this problem off to the next President and the next Congress, while our troops put their lives on the line, and our constituents foot the bill. Or, I should say, our constituents' children and grandchildren foot the bill, because we can't even be bothered to figure out a way to pay for the war. We are just handing the tab to future generations, sticking them with hundreds of billions of dollars of more deficit spending.

I am certainly pleased that violence in Iraq has declined in the last few months. Once again, our troops have showed they excel in any challenge with which they are tasked. This doesn't change the fact, however, that this year was the bloodiest year for Americans since the war began, and there are still a few weeks to go in 2007.

Indeed, let us remember that nearly 4,000 Americans have died, and almost 30,000 have been wounded in a war that has no clear strategy and no end in sight. While the President is bringing home a token number of troops, over 160,000 remain as the war drags on into its fifth year. What are we supposed to tell them, and their families, to wait another year until a new administration and new Congress finally listen to the American people and bring this tragedy to a close?

Mr. President, Iraq appears to be no closer to legitimate political reconciliation at the national level than it was before the surge began. Equally worrisome is that, as part of the President's plan, we appear to be deepening our dependence upon former insurgents and militia-infiltrated security forces with questionable loyalties. Supporting the sheiks in al Anbar—and elsewhere—may help to reduce violence in the near term, but by supporting both sides of a civil war, we are risking greater violence down the road. Such tactics are likely to undermine the prospects for long-term stability, as they could lead to greater political fragmentation and ultimately jeopardize Iraq's territorial integrity. Again, without legitimate national reconciliation, violence may ebb and flow, but it won't end, and we will be no closer to a settlement, no matter how long we keep a significant military presence in Iraq. That is not the fault of our heroic men and women in uniform. It is the fault of the administration's disastrous policies.

There is another dirty secret behind the temporary drop in violence, and it relates to the segregation of Baghdad and the neighborhoods on its outskirts. With so many Iraqis fleeing their homes in search of greater safety and security, large-scale displacement has resulted in very different demographics. Previously mixed neighborhoods have ceased to exist, thereby curtailing one of the chief sources of sectarian violence. This ethnic cleansing is hardly evidence of a successful surge. And it sure isn't a hopeful sign for future peace and stability.

When it announced the surge, the administration said its goal was to keep a lid on violence to give time and space for reconciliation in Iraq. Now that we are no closer to reconciliation, the administration is trying, once again, to shift the goalposts. We don't hear as much about reconciliation now, and when we do, it sounds very different from the national reconciliation that was supposedly our goal—instead we hear about ''bottom-up'' reconciliation, whatever that means. All the administration can do is stall for time, just as it did in 2004, just as it did in 2005, and just as it did in 2006. The slogan may be different—''Mission Accomplished,'' ''Stay the Course,'' ''The New Way Forward'' and even ''Return on Success,'' but each time we are told we are on the right road, if we just keep walking a little longer. Until, that is, we reach another dead end, and a new slogan is invented to justify heading in a new, but equally futile direction.

As the administration blunders from one mistake to another, brave American troops are being injured and killed in Iraq; our military is being overstretched; countless billions of dollars are being spent; the American people are growing more and more frustrated and outraged; and our national security is being undermined.

Instead of focusing on Iraq, we should be focusing on our top national security priority—going after al-Qaida and its affiliates around the globe. This administration has sadly proven that we cannot do both.

Al-Qaida is waging a global campaign, from North Africa—where the Algerian Government has blamed an al-Qaida affiliate for two major bombings last week—to the border region between Afghanistan and Pakistan were, while we have been distracted by Iraq, al-Qaida has reconstituted and strengthened itself. There is a price to pay for our neglect, and this administration has failed to acknowledge it.

Because of its narrow focus on Iraq, the administration has been so distracted it has not adequately addressed the deteriorating security conditions in Afghanistan, where the resurgent Taliban—the same movement that harbored and supported the terrorist elements that attacked our country on 9/11—are gaining ground. Violence may be down in Iraq, but it is up significantly in Afghanistan. There were 77 suicide attacks in Afghanistan in just the first 6 months of 2007, which is about twice the number for the same period in 2006 and 26 times higher than from January to June 2005.

This worrisome escalation of suicide bombings is one of many signs that Afghanistan's already tenuous stability is even shakier. And while earlier this week the Pentagon confirmed that the U.S. military and its NATO partners are reviewing plans for Afghanistan, it is awfully late in the game to try to put that country on a solid path to stabilization and development. Nonetheless, we have to try because we still have an opportunity to finish the job we started 6 years ago in Afghanistan—eliminating the Taliban and destroying a safe haven for terrorist networks that seek to harm us. This opportunity is critical because until bin Laden and his reconstituted al-Qaida leadership are killed or captured, Afghanistan's future cannot be separated from our own national security.

Instead of seeing the big picture—instead of approaching Iraq in the context of a comprehensive and global campaign against a ruthless enemy—this administration persists with its tragic policy and its tragic mistakes. As the President digs in his heels, he is simultaneously deepening instability throughout the Middle East, undermining the international support and cooperation we need to defeat al-Qaida, providing al-Qaida and its allies with a rallying cry and recruiting tool, and increasing our vulnerability.

The President's promise to redeploy a few battalions, while leaving 160,000 troops in Iraq, is not nearly enough. That is why, once again, I am offering this amendment with Majority Leader REID. It is up to us here in Congress to reverse what continues to be an intractable policy. It is our job to listen to the American people, to save American lives, and to protect our Nation's security by redeploying our troops from Iraq, because the President will not.

I am not suggesting that we abandon the people of Iraq or that we ignore the political impasse there. We cannot ignore the ongoing humanitarian crisis that has unfolded within Iraq or the one that followed millions of Iraqis as they fled to Jordan and Syria. These issues require the attention and constructive engagement of U.S. policymakers, key regional players, and the international community. They require high-level, consistent, and multilateral engagement and cooperation. But Iraqi reconciliation cannot—and will not—be brought about by a massive American military engagement.

By enacting Feingold-Reid, we can finally bring our troops out of Iraq and focus on what should be our top national security priority—waging a global campaign against al-Qaida and its affiliates.

Some of my colleagues will oppose this amendment. That is their right. But I hope none of them will suggest that Feingold-Reid would hurt the troops by denying them equipment or support. There is no truth to that argument—none. Passing this legislation would result in our troops being safely redeployed within 9 months. At that point, with the troops safely out of Iraq, funding for the war would end, with the narrow exceptions I mentioned earlier. That is what Congress did in 1993, when it voted overwhelmingly to bring our military mission in Somalia to an end. That is what Congress must do again to terminate the President's unending mission in Iraq.

This amendment is almost identical to the version I offered with Senator REID and others to the Defense Department authorization bill. And once again, we have specified that nothing in this amendment will prevent U.S. troops from receiving the training or equipment they need ''to ensure, maintain, or improve their safety and security.'' I hope we won't be hearing any more spurious arguments about troops on the battlefield not getting the supplies they need.

This war is exhausting our country, overstretching our military, and tarnishing our credibility. Even with the recent decline in violence, the American people know the war is wrong, and they continue to call for its end. I urge my colleagues to vote yes on Feingold-Reid so we can finally heed their call to action.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from West Virginia.

Mr. BYRD. Mr. President, I intend to support the amendment being offered by the Senator from Wisconsin. While I fully support the addition of the $31 billion in funding for the war in Afghanistan and for troop protection, I cannot support the President's demands that funding be given to him with no strings attached so that he may keep some 130,000 or more troops in Iraq for a sixth year. Risking the lives of more soldiers to try to win a

bad bet on Iraq represents a terrible injustice to our brave fighting men and women. Just a little more time, the President says, just a little more money, and the quagmire that is Iraq will be transformed.

The President has made clear that if he has his way, U.S. troops would still be in Iraq decades hence. What a statement by a U.S. President. What a deadly bankrupt legacy to leave. 2007 has already been the most deadly year in Iraq in terms of U.S. deaths since the invasion began, and the year is not yet over. The number of U.S. deaths has reached 3,890, and the number of wounded has surpassed 28,000. The Iraqi Government has not passed any of the legislative benchmarks that would indicate progress toward national reconciliation.

The economic rebuilding of Iraq continues to lag, financed by U.S. taxpayer dollars and marked by waste, fraud, and abuse. Oil production is sputtering and shortages of basics such as electricity and water continue unabated, despite the boondoggle that this war has been for private contractors. Evidence of ethnic cleansing is growing, as Sunnis are forced out of Shia areas and vice versa. The Iraqi Army and police forces remain riddled with sectarianism. U.S. forces continue to carry the bulk of the security burden, and while U.S. forces remain in Iraq, there is little incentive for the Iraqis to assume that duty.

Some have pointed to recent tactical successes and the reduction of violence in certain areas of Iraq as justification for continuing the occupation of Iraq. But the prowess of our troops was never in question. They have been given a job to do, and they do it with bravery and skill. The important question—the only true measure of our efforts in Iraq—is whether those tactical successes somehow add up to progress toward a lasting political solution. That progress has failed to materialize.

It is time for a change in Iraq. It is time to limit the U.S. military mission in Iraq and bring the bulk of our troops home. It is time to seriously engage our allies and the nations of the Middle East on Iraqi security issues. It is time to restore the reputation of the great United States of America by returning to the policies that made the United States an example to inspire the world, a beacon of economic prosperity, a showcase of humanitarian ideals, and benevolent assistance to people in their hour of need. It is time to shed our image as invaders and occupiers of other nations, using mercenary forces to expand our reach. It is time to unequivocally reject the notion that America condones torture. For most of my lifetime—and it has been a long one already—the world looked to the United States first when help was needed. Now, the world wonders which nation America will invade next. How far we have fallen.

The administration has used emergency proclamations and stop-loss orders to effect a back-door draft that keeps soldiers in the military, even though their terms of service have been completed. Meanwhile, the needs of our own Nation go wanting, as important equipment that could be used for domestic disasters is shipped off to Iraq, and our National Guardsmen, the first responders in emergencies, sit in the sands—the hot sands—of the Middle East.

I urge my colleagues on both sides of the aisle to vote in favor of this amendment and, thus, reaffirm our resolve to alter our disastrous course in Iraq. To vote for this amendment is to vote for our troops and to begin a reasonable new policy for Iraq. To vote for this amendment is to begin to reassert the constitutional role of the Congress as the people's check on the Executive, using the most powerful tool there ever was and ever will be in the congressional arsenal—the power of the purse. To vote for this amendment is to show the American people we are listening to them.

Keeping our troops in harm's way in support of a misbegotten war and a failed strategy is not patriotism. We must not roll the dice again, recklessly risking American lives and American treasure. It is time—time—time—for a change.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise to oppose the pending amendment by the Senator from Wisconsin, my friend. I strongly support the amendment that will be offered by the Republican leader that would deliver vital funding for our troops in Iraq.

The underlying House-passed bill is not only irresponsive to the facts on the ground in Iraq, it is simply irresponsible. It fails to provide any funding for our troops fighting in Iraq and actually contains an explicit prohibition against the use of funds for Operation Iraqi Freedom. The authors have compiled a bill of some 1,400 pages and an even larger joint explanatory statement chock-full of unnecessary spending, but they include not a dime for our troops in Iraq. They include not a dime for our troops in Iraq.

I would like our friends and colleagues and others to consider that the bill on the floor today contains $1.6 million for animal vaccines in Greenport, NY, but not a penny for our soldiers in Iraq; $477,000 for Barley Health Food Benefits but nothing for the troops in Iraq; $846,000 for the Father's Day Rally Committee of Philadelphia but not a dime for our sons and daughters who are fighting.

We are willing to spend $244,000 for bee research in Weslaco, TX, but not a dollar for our fighting men and women in Baghdad, Kirkuk, and Anbar. It is a sad day—it is a sad day, indeed—when in the middle of a war this country must win, the Congress provides more funds for bee research than for the brave Americans risking their lives on our behalf.

For Congress to fail to provide the funds needed by our soldiers in the field is inexcusable under any circumstances, but it is especially disappointing right now at the very moment when General David Petraeus and his troops are achieving the kind of progress in Iraq that many dismissed as impossible a few months ago, including suspending disbelief in order to believe the surge was working. One has to suspend disbelief to believe it is not.

The bill's proponents seek, I suppose, a precipitous withdrawal of U.S. combat forces from Iraq regardless of conditions on the ground or the views of our commanders in the field. If that sounds familiar, it should. It should sound familiar, my friends. The majority has thus far engaged in no less than 40 legislative attempts to achieve this misguided outcome.

The choice today is simple: Do we build upon the clear successes of our current strategy and give General Petraeus and the troops under his command the support they require to complete their mission or do we ignore the realities and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue?

In case my colleagues missed it, a couple nights ago, there was a piece on the evening news of one of the major networks that pointed out that for the first time in a long time there was 24 hours in Baghdad without a single incident of violence. How you can ignore these facts on the ground is something I do not—will not—comprehend.

I had the privilege, along with my colleagues, Senator LIEBERMAN of Connecticut and Senator GRAHAM of South Carolina, of spending Thanksgiving with our troops in Iraq. On that trip, I saw and heard firsthand about the remarkable transformation these brave men and women in uniform have brought about this year. After nearly 4 years of mismanaged war, our military, in cooperation with the Iraqi security forces, has made significant gains under the new American counterinsurgency strategy, the so-called surge. Overall violence in Iraq has fallen to its lowest level since the first year of the invasion. LTG Ray Odierno, the second in command in Iraq, said this week this improvement is due to the increase in American troops and better trained Iraqi forces—due to the increase in American troops and better trained Iraqi forces.

Now, you can believe LTG Ray Odierno or you can believe those on the other side of the aisle who want to bring to a halt the success we have achieved.

Improvised explosive device blasts, the foremost source of U.S. combat deaths, now occur at a rate lower than at any point since September 2004. This week, MG Joseph Fil, the commander for Baghdad, stated that attacks in Baghdad have fallen nearly 80 percent since November 2006, murders in Baghdad Province are down by some 90 percent over the same period, and vehicle-

borne bombs have dropped by 70 percent.

So as Ronald Reagan used to say: Facts are stubborn things. Facts are stubborn things. These are the facts—not rhetoric but facts.

Major General Fil added that, today, there is no longer any part of Baghdad under al-Qaida control, though the terrorist group is ''still lurking in the shadows.'' I agree. They are on the run, but they are not defeated. They are on the run, but they are not defeated.

Last week, the violence in Anbar Province was the lowest ever recorded. The British handed control of southern Basra to the Iraqi Government. And in Diyala, one of most dangerous regions in Iraq, al-Qaida militants tried to retake several villages around the town of Khalis, only to see U.S.-backed local volunteers drive the terrorists away. That is the success of a classic counterinsurgency strategy. Tens of thousands of volunteers have joined ''awakening councils'' that aim to combat al-Qaida, and al-Qaida's No. 2, Ayman al-Zawahiri, has begun warning of ''traitors'' among the insurgents in Iraq.

As a result of the hard-won gains our troops have secured, General Petraeus has been able to initiate a drawdown of U.S. forces, a drawdown tied not to an artificial timetable but based on security gains in-country. This drawdown, beginning with the removal without replacement of some 5,000 American troops, has commenced following a dramatic drop in American casualty rates and enhanced security throughout the country.

Al-Qaida's leadership knows which side is winning in Iraq. It may not be known in some parts of America and in this body, but al-Qaida knows. Al-Qaida knows who is winning in Iraq. Our soldiers know they have seized the momentum in this fight. Does the majority party understand we are succeeding under the new strategy? The proponents of this bill cannot continue forever to deny or disparage the reality of progress in Iraq or reject its connection to our new counterinsurgency strategy.

As General Odierno explained, with the new counterinsurgency operations, ''we have been able to eliminate key safe havens, liberate portions of the population and hamper the enemy's ability to conduct coordinated attacks.'' General Odierno went on to add: ''We have experienced a consistent and steady trend of increased security. . . . and I believe continued aggressive operations by both Iraqi and coalition forces are the most effective way to extend our gains and continue to protect the citizens of Iraq.'' Given these realities, some proponents of precipitous withdrawal from Iraq have shifted their focus. While conceding, finally, that there have been dramatic security gains, they have begun seizing on the lackluster performance of the Iraqi Government to insist that we should abandon the successful strategy and withdraw U.S. forces. This would be a terrible mistake. Of course, there is no question that Iraq's national leaders must do more to promote reconciliation and improve governance and that the reduction in violence has created a window for political and economic progress that Iraqi leaders must seize, but let's not close that window. The likelihood that they make this progress would be vastly decreased—not increased—by a precipitous U.S. withdrawal. Whatever the failings of the imperfect democracy in Baghdad, they do not justify—either in terms of national interests or simple morality—abandoning it to the al-Qaida terrorists and Iranian-backed militias trying to destroy it.

None of this is to argue that Iraq has become completely safe or that violence has come down to an acceptable level or that victory lies just around the corner. On the contrary, the road ahead remains as it always has been: long and hard. Violence is still at an unacceptable level in some parts of the country. Unemployment remains high in many areas. The Maliki government remains unwilling to function as it must. No one can guarantee success or be certain about its progress or its prospects. We can, however, be certain about the prospects for defeat if we fail to fund our troops.

Make no mistake; despite the progress I have outlined, there is no cause for complacency. Just as we have managed to turn failure into success in 2007, we can likewise turn success back into failure in 2008, if we are not careful. As Major General Fil recently put it, progress toward securing the city remains fragile and there is ''absolutely a risk of going too quickly'' in drawing down troops. ''An immediate pullout too quickly would be a real serious threat to the stability here in Baghdad,'' he said. Al-Qaida is off balance, but they will come back swinging at us if we give them the chance.

Imagine for a moment if 1 of those 40 attempts to force a withdrawal from Iraq had been successful earlier this year. Rather than hearing from our commanders and troops in the field about the enormous progress, the decline in violence, the Iraqis seeking to return home, the decrease in al-Qaida influence, we would hear instead a very different story—a darker one—with terrible implications for the people of Iraq, the wider Middle East, and the security of the United States of America.

Some of my colleagues would like to believe that should the bill we are currently considering become law, without funding our troops in Iraq, it would mark the end of this long effort. They are wrong. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back. If we leave, we will be back in Iraq and elsewhere in many more desperate fights to protect our security and at an even greater cost in American lives and treasure. Now is not the time for us to lose our resolve.

That is why the Senate must adopt the McConnell amendment. The funding contained in this amendment is not as some have characterized it: ''The President's money.'' It is money for the troops. It is money for the brave Americans who are in harm's way as we speak. This funding is to provide them with the equipment and proper training they require to fulfill their mission; funding to protect our men and women from roadside bombs and other attacks; funding to enable them to bring this war to a successful and honorable end. If the funding is not included, the President will very rightly veto this omnibus measure.

I say to my friends on the other side of the aisle that I understand the frustration many feel after nearly 4 years of mismanaged war. I share their frustration and sorrow. But we must remember to whom we owe our allegiance—not to short-term political gain but to the security of America, to those brave men and women who risk all to ensure it, and to the ideals upon which our Nation was founded. That responsibility is our dearest privilege, and to be judged by history to have discharged it honorably will in the end matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage, or office. Let us not sacrifice the remarkable gains our service men and women have made by engaging in a game of political brinkmanship. There is far, far too much at stake.

I urge my colleagues to support the McConnell amendment and to reject this amendment. I urge my colleagues to fund our troops and to support them so that when they do return to us, they return with the honor and success their valiant efforts have earned. They and the American people whom they are entrusted to protect deserve nothing less.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I yield myself 7 minutes under the Republican time. I am going to share my concerns about a provision included in the Interior division of the Omnibus appropriations bill. This provision was added on the House Floor and was unfortunately retained by the conference committee. The language of this provision will prohibit BLM from preparing or publishing final regulations for oil shale commercial leasing on public lands. This provision is opposed by the Department of the Interior. I have a letter stating their concerns from Secretary Dirk Kempthorne which I ask unanimous consent be printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,
Washington, DC, December 12, 2007.

Hon. WAYNE ALLARD,
Ranking Member, Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR ALLARD: As the House and Senate consider the Fiscal Year 2008 Interior, Environment and Related Agencies Appropriations bill, I would like to voice my concern regarding efforts to prohibit our Department from issuing regulations related to oil shale leasing.

Section 606 of the House-passed Interior appropriations bill would prohibit the use of funds to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands. The Energy Policy Act of 2005 (EPAct) was enacted with broad bipartisan support. The EPAct included substantive and significant authorities for the development of alternative and emerging energy sources.

Oil shale is one important potential energy source. The United States holds significant oil shale resources, the largest known concentration of oil shale in the world, and the energy equivalent of 2.6 trillion barrels of oil. Even if only a portion were recoverable, that source could be important in the future as energy demands increase worldwide and the competition for energy resources increases.

The Energy Policy Act sets the timeframe for program development, including the completion of final regulations. The Department must be able to prepare final regulations in FY 2008 in order to meet the statutorily-imposed schedule.

The Bureau of Land Management (BLM) issued a draft Environmental Impact Statement (EIS) in August 2007. The final EIS is scheduled for release in May 2008 and the effective date of the final rule is anticipated in November 2008. The final regulations will consider all pertinent components of the final EIS. Throughout this process BLM will seek public input and work closely with the States and other stakeholders to ensure that concerns are adequately addressed. The Department is willing to consider an extended comment period after the publication of the draft regulations in order to assure that all of the stakeholders have adequate time and opportunity to review and comment before publication of the final regulations.

The successful development of economically viable and environmentally responsible oil shale extraction technology requires significant capital investments and substantial commitments of time and expertise by those undertaking this important research. Our Nation relies on private investment to develop new energy technologies such as this one. Even though commercial leasing is not anticipated until after 2010, it is vitally important that private investors know what will be expected of them regarding the development of this resource. The regulations that Section 606 would disallow represent the critical ''rules of the road'' upon which private investors will rely in determining whether to make future financial commitments. Accordingly, any delay or failure to publish these regulations in a timely manner is likely to discourage continued private investment in these vital research and development efforts.

The Administration opposes the House provision that would prohibit the Department from completing its oil shale regulations. I would urge the Congress to let the administrative process work. It is premature to impose restrictions on the development of oil shale regulations before the public has had an opportunity to provide input.

Identical letters are being sent to Congressman Norm Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; Congressman Todd Tiahrt, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; and Senator Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate.

Sincerely,

DIRK KEMPTHORNE.

Mr. ALLARD. In 2005, I worked closely with my colleagues in the House and in the Senate on provisions which were included in section 369 of the Energy Policy Act of 2005. These will help lead to commercialization after the research and demonstration projects currently underway have proven themselves. As those of us who have to run a business know, it is a bad practice to pour millions of dollars into research and development projects with no hint of assurance that these projects will lead to commercialization. Understanding the regulatory framework within which development must take place is important to companies making investment decisions. I believe, as I did in 2005, that it is critical to give companies investing tens of millions of dollars into these research projects a proverbial ''light at the end of the tunnel.''

The timeline included in this section of the Energy Policy Act for setting up a regulatory framework for oil shale development required the Department of the Interior to develop a programmatic environmental impact statement for oil shale by February of 2007 and to finalize oil shale regulations by August of 2007. Although these dates have slipped, many who are concerned with decreasing our country's dependence on foreign sources of oil remain interested in seeing this process move forward. A regulatory framework is needed in order to clarify the range of development options.

During the last several years, a handful of companies have worked to develop technologies that will allow for economically and environmentally feasible development of this resource. While it may take many years of research to establish whether commercial leasing is viable, it is essential in guiding the scope of study and further analysis, including additional site-specific environmental impact statements that are likely to be needed prior to any commercial-scale development.

Some have complained that it is too soon to begin drafting commercialization regulations or that the pace at which the development is moving is too quick. I am not advocating that we move forward inappropriately or in a way that is not sustainable.

It should be noted that section 369 of the Energy Policy Act also requires the Department of Interior to host a commercial lease sale in February of 2008, but all who are involved in this process are aware that it is premature to take that step too soon. I have been supportive of moving back the date of the first commercial lease sale. However, this fact does not mean that we should not bring the rest of the process to a grinding halt.

We are in the midst of a deliberate and thoughtful process for approaching the research and eventual commercial development of oil shale. The potential of this abundant domestic resource is too important to take lightly.

It is estimated that there are potentially over 3 trillion barrels of recoverable oil available from shale. Let me repeat that. There is a potential of over 3 trillion barrels of recoverable oil available from oil shale, at a time when this country is struggling to produce enough oil for this country's consumption. This could be the single largest contributor to weaning us off of imports from other countries, many of which are in political turmoil. Moreover, bringing online another large domestic supply of energy can lower prices for consumers, bring in royalties to States and the Federal Government, and enhance the stability of oil prices in the marketplace.

With a cautious but deliberate approach that involves consultation with State and local governments, we have the best opportunity of determining if producing oil from shale is possible. We must give this process an opportunity to work before we cut it off at the knees. The language included in this bill does just that. It is not sound policy for our country. From a process standpoint, we should not be undoing carefully crafted policy choices that were negotiated for months by the authorizing committees of jurisdiction and passed by the Congress on a massive appropriations bill that is being pushed through this Chamber at the eleventh hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I wonder if the Senator from Colorado, before he yields, would engage in a brief dialog with the Senator from New Mexico. I ask unanimous consent for 2 minutes for that purpose.

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

Mr. ALLARD. Mr. President, I withdraw my request to yield the floor.

Mr. DOMENICI. Mr. President, I commend the Senator from Colorado. I understand he is the ranking member on that subcommittee.

Mr. ALLARD. Yes.

Mr. DOMENICI. The Senator tried his best to inform those working on this that this was not the way to handle one of America's most significant resources that might, indeed, sooner rather than later take the place of the crude oil we import from all over the world.

Right now, some of the major companies in America are investing in technology which will completely change the way this asset oil shale will be developed; is that not right? It is going to be in situ instead of the old mining system that would have been so tough environmentally.

Mr. ALLARD. Mr. President, this is a new process. I thank the Senator from New Mexico for his question. This process is becoming economically feasible and certainly protects the environment. I know the Senator has been working hard on this particular issue on the committees on which he is a leader, and I appreciate his recognizing the importance of us being less dependent on foreign oil and the importance of this huge reserve that exists in several States throughout the West. This is new technology. It is very promising. It is exciting. The byproduct from this particular process I have been told—and I have seen samples of it—is high-grade jet fuel that needs further refining because of the high sulfur nitrogen content. But it is a remarkable product, and it is done in an environmentally friendly way.

Mr. DOMENICI. I thank the Senator. I want to say this is exactly what we should not be doing: putting on a moratorium that stops rulemaking and the ordinary professional evolution of standards by the appropriate Federal agencies to address the utilization of one of America's most profound solutions to our energy crisis. Because the price of oil has gotten so high, it is indeed feasible to develop shale oil in America and substitute it for diesel and crude oil products that are bought from overseas. I know that. I need not ask anybody any questions about that. That is why we put the language in the big energy package, and that is why a candidate running for Senate in the State of Colorado should not pander to those who just want to take out after this product that could indeed be one of America's salvations. The people in the State of Colorado and in America ought to know it. The person who did this, who put the moratorium on wants to be a Senator, I understand.

The first thing we ought to find out is does he want America to have a chance to be independent of foreign oil. This is one that might do it. You can imagine that in 15 or 20 years, oil would be produced from this shale, and it can be taken right out of the ground and used, because they boil it in the ground. That is the new technology.

I am not very impressed with somebody who comes along on a bill such as this and deals with this kind of resource in a willy-nilly manner, to respond or pander to those who don't want the United States on its own to do anything to develop energy. They might say we could not do it before. Of course not. You could not develop it at $25-a-barrel oil. But you certainly can at $50, and there is no question you can at $80 or $90. That is what America's future is all about.

I thank the Senator for his work. I am sorry it didn't work. At least those who put that in know somebody is looking out for them. It won't be there next year. This Senator will see to it that we have a debate and vote on that issue before that happens. I thank the Senator for yielding.

Mr. ALLARD. Mr. President, I thank the Senator for his comments on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time remains on this amendment?

The PRESIDING OFFICER. The proponents have 6 minutes 41 seconds. The opponents have 5 minutes 20 seconds.

Mr. KENNEDY. Mr. President, I yield myself the 6½ minutes. I ask if the Chair will let me know when 1 minute remains.

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Mr. President, I support this amendment, and I commend my friend and colleague Senator FEINGOLD. It is wrong, basically and fundamentally, to give another blank check to President Bush for his failed Iraq policy. I support our troops, but I oppose our war.

We have heard here in the last few minutes and in the last few hours the rather rosy picture about what is happening over in Iraq. I think everybody in this Chamber salutes the brave men and women for their courage, bravery, and valor over the last 5 years. This war has been going on for 5 years. We do know there has been some progress made in recent times on the military aspect. But as every member of the Armed Services Committee understands, everyone who has had a responsibility in Iraq who appeared before the committee has said there are two dimensions for finally getting peace in Iraq: One is military, and one is political reconciliation. That has not taken place.

Day after day after day after day, our men and women are on the streets of Baghdad and around Iraq, and more American servicemen have lost their lives this year than in any other year of the Iraq war, make no mistake about it. As we can see, these brave men and women in Baghdad, and all over, are still being targeted in Iraq. They are basically being held hostage by the Iraqi political establishment. American military personnel, American service men and women are being held hostage by Iraq's political leadership, which refuses to come together and reconcile their differences and form a government.

Every day that goes on, the American taxpayers' money is being poured into the sands of Iraq, because Iraqi politicians refuse reconciliation and political judgments in Iraq. That is what is going on over there today. That was going on yesterday, and it has been going on for 5 years.

What the other side says is let's give this administration and this President a blank check to continue it. How long do they want it for? When is enough enough? That is what they are asking for. That is what they are asking for. For 5 long years, these brave men and women in the Armed Services have done what they have been asked to do, and the best way you can honor them is to get the policy right, get the policy correct.

That is what the Feingold amendment does. How? Very simple. It says: OK, Mr. Iraqi politician, you have had your chance, your day; now you have to take responsibility for your own country. The way you are going to do that is that we are going to start bringing American service men and women home. They have been unwilling to take the political decisions up until now. The other side says pour more money in here and lose more American lives.

The Feingold amendment is a changed policy. It says we believe that with the judgment and decision we are going to take to American servicemen, then they will make the judgment and decision that is in the interest of this country. Their way hasn't worked. This way will. Why not give it a try and a chance?

What are some of the American military personnel saying over there? BG John Campbell, deputy commanding general of the 1st Cavalry Division in Iraq, spoke bluntly about the faults of Iraq's political leaders. He said:

> The ministers, they don't get out . . . They don't know what the hell is going on on the ground.

This is the brigadier general, the deputy commander, talking about the Iraqi political leaders, and you want to give them a blank check? Well, those of us who support the Feingold amendment say no.

Army LTC Mark Fetter put it this way:

''It is very painful, very painful'' to deal with the obstructionism of Iraqi officials.

There it is. How much clearer does it have to get? How much more of a blank check do you need? How many more billions of dollars do you have to spend—let alone that we will never recover the 81 brave men and women from Massachusetts who lost their lives. That cannot be recovered.

Think of this: For every month that goes on in that battle over in Iraq, we could have 250,000 more schoolteachers who are experts in math and science teaching our young people. For every month that goes on, just think that every child who needs after school help and assistance would be able to receive it in the United States of America. Just think, for every month this goes on, we could provide Head Start for every young person who needs it. Just think of this: If we could have the resources for 2 years, we could rebuild and repair every public school in this country that is in need. Doesn't that matter? Well, it matters to this Senator, and it matters to those who are supporting the Feingold amendment.

It is wrong to neglect priorities such as these at home and pour hundreds of billions of dollars into the black hole that the Iraq war has become. It is wrong to give the President another huge blank check for the war in Iraq. Enough is enough.

I urge my colleagues to take a strong stand and vote against this gigantic blank check for more war.

Mr. LEAHY. Mr. President, I support the Feingold-Reid-Leahy Amendment because it specifically requires the President to begin the redeployment of American forces in Iraq within 90 days. Within 9 months of enactment, the redeployment would be completed and funding terminated for Iraq operations with narrow exceptions for a limited number of counterterrorism, force protection, and troop training missions.

The President's so-called ''surge'' is just another word for escalation. It has failed to set the lasting conditions for peace. Violence, though down, still continues at horrifying rates. The various Iraqi factions have made little progress towards political reconciliation. The deadly rifts in that war-torn country have only grown deeper. The Iraqi government has done little to support the few encouraging trends like the willingness of some Sunni groups to turn against the insurgency.

The only thing that is going to force the Iraqis to come to terms—the only way to get Iraq's neighbors involved in bringing about peace there—is to make clear that our country is not going to be there forever. We cannot afford to spend more of our precious resources and to spill more of the precious blood of our troops if the Iraqis will not take responsibility for their own future.

There is a way to begin to right the wrongs of the President's failed policy on Iraq. That better path involves effective diplomacy and a strong signal about our finite military presence in Iraq, not this senseless waste of money and lives. The Feingold-Reid-Leahy Amendment offers the real promise of a long-term positive outcome for our security and the people of Iraq. I urge the amendment's adoption.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the time remaining?

The PRESIDING OFFICER. Seventeen seconds.

Mr. LEAHY. Mr. President, I ask unanimous consent that we have 1 minute evenly divided added to the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I came here at the time of the Vietnam war. I remember how people said maybe it should end and maybe we should do something; the Vietnam war has gone on too long. We finally stopped it. I am the only Vermonter ever to vote against the war in Vietnam. I voted against funding for it, and the funding failed in the Senate in April of 1975 by one vote. The war ended. Two years later, it was hard to find anybody who supported the war, even though we paid for it for a long time.

We have been in Iraq longer than we were in World War II. It is time to bring our brave men and women home. Let them be with their families and let the Iraqis take care of Iraq.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. SESSIONS. Mr. President, we know what the situation is, and we are a great nation. We are not at liberty to flip-flop around every time there is some change afoot in some polling data. We voted this summer 80 to 14 to give General Petraeus a chance. We funded the surge and we funded his new strategy. At the time we did that, things were not going well in Iraq. We had a tough year, there is no doubt about it. In the last few months and in the last few weeks, we have seen dramatic changes under the surge and under the classic counterinsurgency strategy this brilliant general is conducting. So I say let's allow him to conduct this war. Let's allow General Petraeus, a proven leader, to do so. Let's reject the tactical decisions of ''General'' FEINGOLD and ''General'' KENNEDY. We have a professional there who is achieving things beyond what I would have thought possible a few months ago, actually. I hoped and believed we were going to see progress, but the extent of it is remarkable.

The last thing we need to do is to take action to pull the rug out from under the fabulous men and women who are serving us at great risk this very moment, whose highest and deepest wish is to be successful, to execute the policy we gave them by a three-fourths-plus vote several years ago.

I thank the Chair and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator CLINTON be added as a cosponsor of the amendment.

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

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCONNELL. Mr. President, I urge my colleagues to oppose the Feingold amendment. Simply put, this amendment mandates withdrawal from Iraq within 90 days, notwithstanding the substantial progress that even the harshest critics acknowledge is occurring there. Further, it cuts off funds for those troops in 9 months. We have taken this vote three times already this year. That is three times we voted on this this year. It has failed on a bipartisan basis each time, and with good reason.

I urge my colleagues to oppose the Feingold amendment one more time.

Mr. REID. Mr. President, in a short time we will move to vote on three amendments to the Omnibus appropriations bill.

Each of them takes a different approach to funding the war in Iraq.

I will vote for the Feingold/Reid amendment, which I have cosponsored and voted for several times this year.

Feingold/Reid is the right approach to begin to responsibly end the war, and I will vote for it again today.

The second amendment is Levin/Reed, which I will also vote for.

Finally, we will vote on the McConnell amendment, which I will strongly vote against. This amendment simply does more of what congressional Republicans have done since the war began:

It rubberstamps President Bush's reckless management of the war that has cost us so dearly in lives, limbs, and treasure.

The debate over supplemental war funding is nothing new.

Every year, President Bush comes to us demanding more and more funds for Iraq, with absolutely no accountability. This year, he requested a staggering $200 billion for Iraq and Afghanistan.

At a time when he and his allies in Congress are telling us we can't invest in medical research, education, infrastructure, or public safety, they want billions and billions more for Iraq.

How will our country pay the bill for the Iraq war? A Cost that when all is done will likely exceed $2 trillion?

The President has no idea. He has no plan or intention to pay the bill. He is simply sticking it in a drawer like an overdue credit card statement, leaving it to our children and grandchildren to pay for generations to come.

That is not just fiscal irresponsibility, it is fiscal madness. But it is par for the course for a President who inherited record budget surpluses from President Clinton and turned them into record deficits.

Every year, this war gets more expensive, and the American people deserve to know why.

The answer is waste. The answer is fraud. The answer is mismanagement. The answer is incompetence.

On President Bush's watch, the companies he chooses to do business with—like Halliburton and Blackwater—have wasted billions and billions of our tax dollars.

The President has allowed billions to be spent on buildings that were never built, projects that were never seen through, and contractor military operations that did far more harm than good.

That is why he asks for more every year—because he has grossly misspent the funds he has received.

This year, we have already passed a $460 billion Defense budget—and this bill includes another $31 billion for Afghanistan and troop protection.

Democrats have fully funded the needs of our men and women in uniform and given the President more than enough to conduct the war and begin to bring our troops home.

But one thing we can't control is his reckless financial mismanagement.

We have held hearings and brought cases of waste and fraud to the light of day.

But ultimately, the inability to conduct the war with the billions already allocated is no one's fault but his.

The President and his allies here in Congress will doubtlessly push the panic button and say that if we don't approve the funds immediately, our troops will suffer.

This argument is untruthful and beyond the pale.

Our Secretary of Defense, Robert Gates—a man for whom I have great respect—told Congress that the Army has enough money to get through the end of February and the Marines have enough funds to get through mid-March.

If President Bush hadn't wasted untold billions, our troops would be funded for far longer than that.

If the President had followed the wishes of the American people by spending the funds we gave him to wind down the war instead of ramp it up, the existing funds would be more than sufficient.

But he didn't. He ignored the calls of the American people to responsibly end the war. And he should accept the consequences of his mistakes by finally changing course.

But let me be clear: Democrats will never let our troops suffer for the President's misdeeds.

Democrats always have and always will support our courageous men and women in uniform who have given so much and received so little in return.

It is Democrats who insisted upon a 3.5 percent across-the-board pay increase for everyone in uniform, which the President opposed.

It is Democrats who made right the awful conditions at Walter Reed and other veterans' health care facilities that took place on this President's watch.

It is Democrats who provided a $3.5 billion increase for veterans' health care after Republicans underfunded it for years.

It is Democrats who passed the Wounded Warriors Act to honor our servicemembers and their families.

I think we have heard enough of the tired old Bush-Republican scare tactics that Democrats are putting our troops at risk.

The facts speak for themselves.

We have always stood with our men and women in uniform. We always will.

But unlike Republicans, we believe that truly supporting our troops means beginning to bring them home to the hero's welcome they have so bravely earned.

My fellow Democrats and I come to the Senate floor more times than I can count to discuss the horrible cost of the Iraq war on our troops, our national security, and our reputation in the world.

We have lost nearly 4,000 young Americans. Tens of thousands more have been gravely wounded.

As I have said already, hundreds of billions of dollars have been spent—tens of billions have been recklessly wasted—and the total price will climb into the trillions before all is said and done.

Our military has been stretched paper thin. Colin Powell has said our Armed Forces are ''about broken.''

Every single one of our available combat units is deployed to either Iraq or Afghanistan, leaving no strategic reserves for other conflicts.

And as the situation in Iran, the faltering of democracy in Pakistan, and the escalating violence in Afghanistan show, the world can evolve literally overnight.

We must have the flexibility to respond, but right now we do not.

Our troops are being forced into repeated deployments, and the length of those deployments has gotten longer.

Military families are deeply strained, military mental health is suffering, and the Armed Forces are reporting problems with both recruitment and retention.

Just this week, General Casey acknowledged this problem, saying—''We are running the all-volunteer force at a pace that is not sustainable.''

Our National Guard is hamstrung in its efforts to keep us safe at home, because much of their equipment has been shipped to Iraq. Every natural disaster, from fire to flood, reminds us of this growing crisis.

Yet for all the cost and all the courage of our troops, this war has made us no safer.

Let me remind my colleagues of the most recent National Intelligence Estimate, which found that al-Qaida has regrouped and is now directing operations from Pakistan, stronger than ever.

Bin Laden remains free, taunting and threatening us with new videos.

Afghanistan—once viewed as a great military success—has spiraled out of control.

The opium trade there is at an all-time high, violence is at its highest level since American intervention, and recent reports indicate that the Taliban has vastly stepped up its efforts.

It is no wonder that this week has brought new reports that a panicked Bush administration is conducting a top-to-bottom review to stave off all-out chaos in Afghanistan and the backslide of all past gains.

I welcome this review. But as long as more than 160,000 troops remain caught in the crossfire of the Iraqi civil war, our ability to address conditions in Afghanistan—and elsewhere—will be constrained.

The American people are rightly frustrated that more has not been done to responsibly end the Iraqi war.

I share that frustration.

But within the confines of a stubborn, obstinate President and a Republican Congress that knows no other way but to carry his water, Democrats have made a difference—and a majority of Senators have consistently voted with us.

Before Democrats controlled the Congress, the Bush White House conducted the war with total impunity.

No dissent was tolerated. The patriotism of those who raised questions was openly attacked.

This year, Democrats have brought the President's recklessness into the harsh light of day.

We forced the President to set benchmarks for legislative and political progress and required regular reports on whether those benchmarks were being met.

These reports have shown that the surge has failed to reach the objective set forth by the President of political reconciliation.

We forced General Petraeus to testify—and he has said repeatedly that the war cannot be won militarily and must be won politically.

We brought to light the Blackwater controversy and forced Eric Prince to testify.

And we put an end to the duplicitous Republican practice of claiming to support the troops but failing to protect them in the field or provide for them back home.

Do I feel that enough has been done? Of course not.

Time after time, the Republican minority has had a choice: stand with the President or stand with the American people.

Each and every time, they have chosen the President.

I urge my colleagues to reject the McConnell amendment. The time for zero accountability is long past.

I urge my colleagues to embrace the amendments offered by Senator FEINGOLD and Senator LEVIN.

Let's send our troops and all Americans a holiday gift: a message that the United States Congress is ready to bring this war, now nearly 5 years long, to its responsible end.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 71, as follows:

[Rollcall Vote No. 437 Leg.]

YEAS—24

Akaka	Harkin	Murray
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Lautenberg	Stabenow
Durbin	Leahy	Whitehouse
Feingold	Menendez	Wyden

NAYS—71

Alexander	Dole	McCaskill
Allard	Domenici	McConnell
Barrasso	Dorgan	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Nelson (FL)
Bennett	Graham	Nelson (NE)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Brownback	Hagel	Roberts
Bunning	Hatch	Salazar
Burr	Hutchison	Sessions
Carper	Inhofe	Shelby
Casey	Inouye	Smith
Chambliss	Isakson	Snowe
Coburn	Johnson	Specter
Cochran	Kyl	Stevens
Coleman	Landrieu	Sununu
Collins	Levin	Tester
Conrad	Lieberman	Thune
Corker	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	Webb
DeMint	McCain	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. On this vote, the yeas are 24, the nays are 71. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized to offer an amendment.

Mr. LEAHY. And, Mr. President, is there a time allotted on the amendment of the Senator from Michigan?

The PRESIDING OFFICER. There is 1 hour.

Mr. LEAHY. Equally divided in the usual fashion?

The PRESIDING OFFICER. Equally divided.

Mr. LEAHY. I thank the Chair, and I yield the floor.

the PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3876 TO AMENDMENT NO. 3874

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senator REID, Senator VOINOVICH, Senator HAGEL, Senator SNOWE, Senator REED, Senator SMITH, and Senator SALAZAR, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REID of Nevada, Mr. VOINOVICH, Mr. HAGEL, Ms. SNOWE, Mr. REED of Rhode Island, Mr. SMITH, and Mr. SALAZAR, proposes an amendment numbered 3876 to amendment No. 3874.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress on the transition of the missions of United States Forces in Iraq to a more limited set of missions as specified by the President on September 13, 2007)

At the appropriate place, insert the following:

SEC. . It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to the more limited set of missions laid out by the President in his September 13, 2007, address to the Nation, that is, to counterterrorism operations and training, equipping, and supporting Iraqi forces, in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

Mr. LEVIN. Mr. President, our amendment expresses the sense of the Congress that we should have a goal for the removal of most of our forces in a reasonable time mainly as a way of telling the Iraqi leaders they must accept responsibility for their own future. Our amendment expresses the sense of the Congress. It is not legally binding, but it puts us on record, and it sends a message. It says it is the sense of the Congress that:

The United States Armed Forces in Iraq should transition to the more limited set of missions laid out by President Bush in his September 13, 2007, address to the Nation—counterterrorism operations and training, equipping, and supporting Iraqi forces—

And we add—

in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

The primary aim of this amendment is to keep the pressure on the Iraqi politicians to do what only they can do: Work out compromises, as they promised to do long ago—to compromise the differences which divide them so as to ensure the currently relatively calm situation in many parts of Iraq, including Baghdad, remains calm. Our sense of Congress language is aimed at pressuring the Iraqi politicians to seize the window of opportunity, as General Odierno put it, to avoid a return to the violence that characterized the presurge period.

The New York Times, in a story on December 5, quoted Iraqi Deputy Prime Minister Chalabi as saying about the present situation in Iraq: ''It is more a cease-fire than a peace.'' Well, we need to make it clear to those Iraqi political leaders that a cease-fire is not good enough. They must take the steps to turn that cease-fire into a real peace.

From all accounts, the surge has already produced some military progress. The problem is that while the surge has, up to this point, achieved some military progress, it has not accomplished its primary purpose, as announced by President Bush last January. President Bush said the surge's purpose was to give the Iraqi Government ''the breathing space it needs to make progress in other critical areas'' and that ''reducing the violence in Baghdad will help make reconciliation possible.''

The President also said ''America will hold the Iraqi government to the benchmarks that it has announced.'' Well, the administration has not done what it said it would do—hold the Iraqi Government to the benchmarks that it, the Iraqi Government, has announced. Those legislative benchmarks include approving a hydrocarbon law, approving a debaathification law, completing the work of a constitutional review committee, and holding provincial elections. Those commitments, made 1½ years ago, which were to have been completed by January of 2007, have not yet been kept by the Iraqi political leaders despite the breathing space the surge has provided.

Despite the breathing space the brave men and women wearing our uniform have provided the Iraqi leaders, despite the breathing room and the breathing space which young men and women putting their lives in harm's way on behalf of this Nation to give the Iraqis an opportunity to create a nation, they have not used that breathing space. And as a matter of fact, the Iraqi leaders appear to be farther apart today than they were at the start of the surge.

The Iraqi political leadership's response to the breathing space provided by the surge has been stunning inaction. The Iraqi Parliament has suspended its session until the New Year, thus ensuring that not 1—not 1—of the 18 legislative benchmarks that they committed to meet will be met this year. The President's statement that he will hold the Iraqi Government to the benchmarks it has announced is hollow rhetoric. To date, there have been no consequences for Iraqis' failures to meet those benchmarks.

Whether the Iraqi political leaders decide to take advantage of this window of opportunity is, of course, their decision. The United States cannot make that decision for them. They are a sovereign country and have to decide what is best for themselves. But whether the United States keeps an open-ended commitment or establishes a goal for redeployment of most of our forces is our decision. That is not the Iraqis' decision. They can decide whether to live up to the commitments they made to themselves and to us—solemn commitments, as far as I am concerned, because it involves the lives of American troops. Those solemn commitments have not been kept. We cannot force them to keep them, but we can decide whether we are going to maintain an open-ended commitment of our troops.

Mr. President, how much time do we have?

The PRESIDING OFFICER (Mr. BROWN). The Senator from Michigan has 24 minutes.

Mr. LEVIN. I yield myself 3 additional minutes.

According to our own State Department, the key threat to our effort in Iraq is the failure of the Iraqi political leaders to reach a political settlement. Listen to what the State Department said in its own weekly status report of November 21, 2007. This is our State Department:

> Senior military commanders [U.S. commanders] now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq rather than al-Qaida terrorists, Sunni insurgents or Iranian-backed militias.

Let me read that once again. This is our State Department saying what is the key threat to our forces in Iraq. What they are saying is that it is not the Iranian-backed militias, it is not the Sunni insurgents, it is not the al-Qaida terrorists; the key threat facing the U.S. effort in Iraq, according to our State Department, is ''the intransigence of Iraq's Shiite-dominated government.''

We have to break that intransigence. How can Congress do it? How do we put pressure on the Iraqi political leaders? At a minimum, by at least expressing our view that U.S. forces in Iraq should transition to a more supporting and a less direct role, with a goal—a goal, just a goal—of completing that transition by the end of 2008. The message the Iraqi political leaders need to hear is that Congress has lost patience with them, as have the American people. By their own Prime Minister's acknowledgment, a political solution is the only way to end the conflict, and ending the conflict is in their own hands.

I wish we could legislate a legally binding way forward for U.S. forces in Iraq. We have tried to do that. We have not been able to break the filibuster, to get to 60 votes. But at least expressing the sense of the Congress on this matter is better than silence because silence implies acquiescence in the open-endedness of our presence. It is that open-ended commitment which takes the pressure off the Iraqi political leaders, and Congress needs to act to correct that. Our amendment is a small but important step in that direction.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 5 minutes from the time on this side.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I do not support the Levin amendment. I rise in strong support of the amendment offered by our leader, Senator MCCONNELL, and the Senator from Connecticut, Mr. LIEBERMAN. That amendment will provide the Department of Defense and our deployed military personnel the resources they need to continue the mission they have been assigned. It will also eliminate the distinction proposed by the House to fund only those troops that are assigned to Afghanistan. In my view, it is unconscionable for Congress to send the message to our troops that they will only get what they need if they are lucky enough to be assigned to fight the war in Afghanistan. What if they were assigned to Iraq? Should they go without funds?

I believe it is our duty as Senators to support the troops in the field and provide them all the resources they need to complete the mission they have been assigned. Unlike us, they do not get to choose which battle they fight. They go where duty calls, without hesitation.

Senator INOUYE and I were in Iraq during the Thanksgiving recess, and I can tell the Senate that the troops are watching what is going on right here. They will get the message over there, and if the House amendment is approved, it will be a real blow to the morale of our forces. This particularly concerns me, that some of my colleagues would consider cutting off funds in Iraq at a time when we are starting to see real progress and reconciliation.

I listened to the comments made by the Senator from Arizona, Mr. MCCAIN. I am really pleased to see his strong approval of the funding of our troops that are deployed in harm's way.

In March, Ambassador Crocker and General Petraeus will be testifying before Congress to give us their assessment of the situation in Iraq. We know General Petraeus's plans are working. To withhold funding now would only invite defeat and step back from the progress that has been hard fought and won over the last few months.

I have urged Congress for quite some time to approve this funding and allow progress to continue until we hear from our leaders on the ground in Iraq. The funds that are sent—the President sent us the request for these funds 10 months ago. For the past 3 years, the Committee on Appropriations has included bridge funding as part of the annual appropriations bill to cover the cost of war, until a supplemental bill was passed in the following year. This amendment would continue what Congress has done in prior years by providing funds to cover the cost of continued operations, including special pay and subsistence to our troops, fuel, transportation, supplies, and equipment reset and procurement.

The amendment is intended to cover half-year costs for keeping troops in the field. It also provides resources to provide critical force protection equipment, including body armor, helmets, armor plate for vehicles, and aircraft survivability equipment.

There is also other equipment procurement funding to reset our forces returning from theater. This includes buying down shortfalls for the National Guard and Reserve units. Specifically, the McConnell-Lieberman amendment would provide $1.1 billion military pay and benefits to include support for our wounded warriors and death gratuities; $50.2 billion for operation and maintenance activities to include fuel, spare parts, transportation, and equipment maintenance, including $500 million for the commander's Emergency Response Program, $1.4 billion for body armor and personal protection equipment, and $9 billion for depot maintenance funding to reset equipment and maintain force readiness.

This amendment also provides funds to continue our efforts to train and equip the Iraqi and Afghan security forces. That funding is critical so that the elected governments in those countries can effectively provide for their own security and our troops can come home.

There is also $4.3 billion for the Joint Improvised Explosive Devise Defeat Fund which will help our troops detect and defeat the No. 1 killer of our troops in Iraq—the IEDs, the improvised explosive devices we have heard so much about.

Mr. President, $6.1 billion is included for the procurement of equipment, ammunition, vehicles, missiles and aircraft, including $946 million for Army aircraft, $3.46 billion for Army vehicles and equipment, $703 million for Marine Corps vehicles and equipment, and $266 million for special operations forces equipment.

The amendment also includes $1 billion for the Defense Working Capital Fund, which includes $587 million to reset prepositioned stocks stationed around the world, which greatly enhances our Nation's ability to respond to contingencies, and we have forces in 141 different—I ask for 1 more minute.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. It also provides $141 million for increased fuel costs, $3.7 billion to continue to enhance our intelligence activities in the theater, $600 million for the Defense Health Program to provide for the care and recovery of our wounded servicemembers, and $193 million for counterdrug activities to curb production of opium in Afghanistan.

Without these funds, the Department of Defense would be forced to pay for the cost of war out of the regular DOD moneys we have already appropriated. This cost of this war is approaching $15 billion a month, with the Army spending $4.2 billion of that every month. Without relief, the Army will totally deplete their 2008 operations and maintenance funding by mid-February.

I urge the Senate not to take the risk that our troops in the field will not have those resources they need in time to complete the mission they have been assigned. I urge the Senate to support the McConnell-Lieberman amendment.

I ask to have a chart showing the $70 billion bridge fund, as I tried to outline, printed in the RECORD.

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

$70 BILLION BRIDGE FUND

$1.1 billion for military pays and benefits to include support to wounded warriors, and death gratuities.

$50.2 billion for operation and maintenance activities to include fuel, spare parts, transportation, and equipment maintenance in the field and at our national depots.

Provides $500 million for the Commander's Emergency Response Program.

Provides $1.4 billion for Body Armor and Personal Protection Equipment.

Provides $9.0 billion of Depot Maintenance funding to reset equipment and maintain force readiness.

Provides for the transfer of $110 million to the Coast Guard for support to GWOT.

Provides $300 million for Coalition Support.

$2.9 billion to continue our efforts to train and equip the Iraqi and Afghan security forces.

$4.3 billion for the Joint Improvised Explosive Device Defeat Fund to help our troops detect and defeat the number one killer of our troops in Iraq.

$6.1 billion for procurement of equipment, ammunition, vehicles, missiles, and aircraft.

Includes $946 million for Army Aircraft; and $3.46 billion for Army vehicles and equipment.

Includes $703 million for Marine Corps vehicles and equipment.

Provides $266 million for Special Operations Forces equipment.

$1.0 billion for the Defense Working Capital Funds.

Includes $587 million to reset Prepositioned Stocks stationed around the world and greatly enhances our nations ability to response to contingencies.

Provides $141 million for increased fuel costs.

$3.7 billion to continue and enhance our Intelligence activities in theater.

$600 million for the Defense Health Program to provide for the care and recovery of our wounded service members.

$193 million for Counter-Drug activities.

Mr. STEVENS. I also thank my colleagues for their continued support of the troops in the field.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The senior Senator from Virginia is recognized.

Mr. WARNER. Mr. President, if I could get the attention of the distinguished chairman, might it be advisable that we rotate sides? I will be happy to follow a colleague on your side for purposes of this debate.

Mr. LEVIN. Fine. That is fine with us. I yield 5 minutes to the Senator from Ohio, and we will come back to you.

Mr. WARNER. Fine. The Senator from Ohio is in support of the amendment of the Senator from Michigan?

Mr. LEVIN. That is correct.

Mr. WARNER. Mr. President, I ask that I be recognized following the Senator from Ohio for 5 minutes.

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

The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today to speak in favor of the Levin amendment on Iraq. As my colleagues know, I have long supported a greater level of oversight in the war in Iraq. Many of us feel we should have done a better job of force oversight at the beginning of the war. I was quite taken with a quote from Condoleezza Rice recently, who said, ''I wish we had known more about Iraq before we went in.''

While in Iraq in August, I witnessed a great deal of progress on the ground. That gave me encouragement. However, I was also convinced that it would not be possible to sustain the current level of troops and funding for Iraq over the long term without damaging our national security and long-term fiscal health.

As stated before, I believe we need to implement a plan to reduce our military presence in Iraq and focus the remaining military presence on a more limited role. This is clearly the plan General Petraeus is implementing now, and it is the stated goal of the President, as mentioned in the Levin amendment, supported by Secretary Gates and others who are concerned about our force level, and that we need more troops in Afghanistan. I have been working with Senator LEVIN for several months now to come up with a piece of legislation that could secure bipartisan support in the Senate and send a message to the President and the world that the Congress intends to exercise oversight to ensure we are making progress toward this goal. I have been careful to avoid supporting any measure that I thought would hurt our troops in any way, tie the hands of our brave commanders in the field, or prevent the President from responding to the situation on the ground.

In September, I introduced a bill with Senators ALEXANDER, COLEMAN, and DOLE to strive for a goal to reduce our military presence. We had bipartisan support for that, but Senator LEVIN and I had a problem with the date. Unfortunately, it fell by the wayside.

I support the Levin amendment, and I am a cosponsor to this legislation because I believe it is a very simple piece of legislation that accomplished the goals we all share. It sends the message that we support the President's declared goal of reducing our presence in Iraq over time so we can play a more supportive role, bring our forces home, and reduce the burden on our military. It is a sense of Congress and will not bind the President in any way or tie the commanders' hands in the field. It is supported by the President's own declared goals and that of his commander, General Petraeus—who is doing, by the way, an incredible job. It provides a goal for limiting our role in Iraq, and that goal is to end at the end of next year. But, unlike other past legislation, this date is not legally binding and would allow the President to respond according to the security conditions on the ground.

I believe this amendment will not hurt our aspirations in Iraq in any way but will actually help our President and General Petraeus, who are striving now to hand over more responsibility to the Iraqis.

This week, it was announced that the Iraq Government is ready to take over local security groups, with our support. This is an important step, and it is a step in the right direction. We need to continue in this direction. We need to make it our goal. We need to let the Iraqis know that they must take more responsibility for their own security.

We must make it clear to them that we spent over $550 billion, that we have lost almost 3,900 individuals, 26,000 people have been wounded over there, and half of them are going to be disabled for the rest of their lives.

We have paid a tremendous price. It is time for them to step up to the table and start doing more for themselves. I support this amendment so Congress can send that message that we are not simply funding a never-ending conflict in Iraq, we have a goal of reducing our presence there, and we are working toward it.

I hope my colleagues realize the sensibility behind this very simple piece of legislation and join me in supporting it today.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it had originally been established that I would speak now, but I am going to yield the time I have to the distinguished Senator from South Carolina for 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I say to my friend from Virginia, thank you. I do hope you will take an opportunity to speak because your voice needs to be heard.

I say to my good friend Senator LEVIN, we have had a number of chances to work together. I am afraid this is not one of those moments.

What does all of this mean if this language passes? The bill will get vetoed. And when you read the language, what is so bad about it? I know the intent of the author is to try to make Iraq a better place, and he said for as long—I do not want to misquote him—as long as you have this many troops in Iraq, they are not going to do what they need to do politically. They use the troops as a crutch. I think that is the general theme, that we need to somehow let the Iraqi Government know we are not going to be there forever with this number of troops. You need to step up to the plate, generally speaking. I think that is your view of how to put pressure on the Maliki government to reconcile, but, again, I will let you speak for yourself.

My view is that the lack of security has been the biggest impediment to reconciliation, and the security changes in Iraq give us the best hope we have had in 4 years of finding a way forward politically in Iraq. If we change by word or deed or perception our commitment to the military strategy that is currently working, we would be undercutting our best chance for reconciliation.

This amendment, this sense-of-the-Senate amendment, does not do anything positive. It sends the signal I have been trying to avoid for well over a year now. For 3½ years we had the wrong strategy. Finally we have the right strategy, and in my opinion, the best, sensible thing the Senate could do is allow the surge to go forward without any interference, give General Petraeus and those under his command what they need to finish the job. They have done a wonderful job. We are going into the holiday season here and every American, every political leader, should celebrate what I think has been the most outstanding military operation in counterinsurgency history, and we should not have any more debates about that. It is a fact now. We should support it without reservation.

This amendment, the sense of the Senate, will send a confusing signal about what we intend to do militarily. The Senate, in my opinion, should not try to change the mission. The mission is to win. Very simply put, what is my goal in Iraq? My goal is to win a war we cannot afford to lose, to have a military footprint in Iraq as long as it takes to keep al-Qaida on the run, and when we come home, which we surely will, to come home with victory in hand and let the military commanders who are not worried about the 2008 election decide when that transition should take place. Quite frankly, as much as I love my colleagues in this body, I do not trust anybody, including myself, to transition this mission other than General Petraeus.

This statement will be seized upon by people who are following this bill very closely and will send all of the wrong signals, and that is why it will be vetoed. The most sensible thing the Senate could do, and we should have done this 4 or 5 months ago, is allow the surge to go forward without political interference. This is not the time to take command of the operation in Iraq from General Petraeus and his command team and give it to the Senate.

I hope and pray we will allow the surge to be funded, to go forward, and to achieve the goal that is in the national interest of the United States, and that is victory, victory over extremism and support of moderation. So this attempt at making a political statement is ill-advised, comes at the wrong time, sends the wrong signal. The most sensible thing the Senate could do is reject this and allow our military commanders to transition based on facts on the ground, not the next poll or the next election.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Rhode Island, Mr. REED.

Mr. REED. Mr. President, Senator LEVIN has very eloquently pointed out the premise of the President's surge strategy; that was to provide the political space so that the Iraqi Government could essentially begin a reconciliation among its own people, begin to function effectively. Little or none of that has happened.

What has happened is that the violence has been reduced. That is commendable. It is attributable to several factors; first, the increase of American forces there and the way they have been deployed very adroitly by our military commanders; secondly, the fact that coincidentally but propitiously in Anbar Province, Sunni tribesmen have finally figured out that al-Qaida is as much a threat to them as to anyone else, particularly Americans. They have banded together with us to attack al-Qaida elements there. How long that relationship of convenience lasts is a question that has not been resolved.

Within Baghdad, there has been significant ethnic cleansing. In fact, we recall just weeks ago, refugees started coming back. They were told by the Government in Baghdad: Do not come back. You are going to provoke another destabilizing situation. That ethnic cleansing is one other factor.

Sadr, the leader of the Shia in the South, one of the purported leaders in the South, has basically told his Mahdi army to stand down for 6 months so he can reorganize, so he can regroup, so when he feels the moment is right he is in a much more powerful position to strike.

Then the administration has finally embraced some diplomatic efforts; quietly, I think, with the Iranians, much more publicly with the Syrians and others. All of those factors together have contributed to this reduced violence.

But here is one of the most significant and salient facts we have to recognize: The surge is over. Our force structure will not allow a continuation of 160,000 American forces in Iraq beyond the middle of this year, beyond this summer. That is not because some politician in Washington said so, that is because the Chairman of the Joint Chiefs of Staff, because the Chief of Staff of the Army understand that the operational tempo will not allow that.

The question before us is: Well, what is the strategy now? Is the strategy coming here and asking for billions of dollars every 3 or 4 months? Asking for troops that cannot be actively or effectively provided, because our force structure is too small?

The essence of this amendment, an amendment that Senator LEVIN and I and others have been pursuing for months now, is to focus on a strategy that can be sustained and supported so we can do what we must do. That strategy, in our view, boils down to three very specific missions: Go after the terrorists, the al-Qaida people, wherever they are; train Iraqi security forces to support their country, because ultimately the Iraqi people and their leaders will decide whether their country will survive and prosper, not American forces; and, finally, protect our forces on the ground.

Those are three discrete missions that can be done, should be done. There is no attempt in this amendment to cut off funding. There is an attempt, though, to focus our policy on a strategy that will work over time. What we have here is no simple situation in which you have got an al-Qaida rogue group we are going after. This is a very complicated situation.

Ultimately at the heart of this, it is a political struggle between Sunni, Shia, and Kurds; Sunnis, who feel a profound sense of entitlement which has been frustrated by our operations over there, and the departure of the Baathist regime; Shia, who feel profoundly paranoid because they suffered grievously under that regime; and Kurds, who want their autonomy.

These political forces have to be settled. They will only be settled internally by the Iraqis standing up. This amendment will help direct that policy, force them to recognize we are not there indefinitely with a blank check. It will also guide our forces to missions that we can perform, that will be essential to our security and will allow us, I believe, to do what we can to help that country stabilize itself.

This is a message. It is a message to the troops that we are going to adopt a wise, sustainable policy that is worthy of their sacrifice. It is a message, I hope, to the President that he cannot come back here every 6 months and ask for 5, 10, 50, 70, 80, $100 billion. It is a message to the Iraqi politicians that they must seize this moment.

I urge passage.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield 5 minutes to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Virginia.

I rise to support the amendment I am privileged to cosponsor with the Senator from Kentucky, Mr. MCCONNELL, which would give our troops, General Petraeus in the field, the funding they need to carry on the fight they are carrying on so successfully.

As a result, I rise to oppose the amendment introduced by my friend from Michigan and others. Nine months ago, when General Petraeus took command in Baghdad, people of good conscience could disagree about whether his new counterinsurgency strategy would succeed, unless you decided that everything was lost in Iraq or it did not matter if we lost in Iraq. I think most of us do not feel that way. We know it would matter, because we are engaged in a battle with al-Qaida, the same al-Qaida that attacked us on 9/11, and Iran, the most significant state sponsor of terrorism, according to our own State Department, supporting militias and extremists in Iraq. So it matters.

But 9 months ago, people who cared about whether we won or lost in Iraq could argue about whether the surge strategy would work. After so many

mistakes, frankly, in the conduct of the war in Iraq, many Americans, many Members of this Chamber, were understandably skeptical about the possibility of this new counterinsurgency strategy succeeding.

Now, however, the evidence is unequivocal. I will say it is remarkable. In some cases it is downright miraculous. The surge is working. As a result, it is time to support General Petraeus, his plan, and his troops, not to second guess, not to editorialize about it, not to add conditions or goals to it.

Let's do something that we in Congress do not do very well, which is to remain silent in the face of something that is working. With all respect, the Levin amendment is a classic case of snatching defeat from the jaws of victory, because we are on the road to victory in Iraq.

The extra American troops have played a critical part, the broad-scale counterinsurgency strategy. And what has happened? Violence is down. I think this number has been cited, but this week, MG Joseph Fil, who is the commander of our operations in Baghdad, said that attacks in the capital city have fallen nearly 80 percent since November of 2006; murders in Baghdad Province are down by 90 percent over the same period; and vehicle-borne bombs which have killed so many of our troops and the Iraqi people have dropped by 70 percent.

There is a people's uprising occurring in Iraq today. It started with the awakening in Anbar. It has now gone on to Baghdad and other provinces throughout the country. I know those sponsors of this amendment have said they want to send it as a message to the Iraqi national political leadership to get with it, to reconcile. Of course, we are all frustrated by their lack of progress in doing that. A lot of us thought that the political changes in Iraq would come from the top down. But what has happened is something not to disparage, not to ignore. What has happened is classically democratic, in the best traditions of America. The political changes in Iraq are coming from the bottom up, from the grassroots up. Local councils are governing in area after area. The local people have taken charge of their destiny. They have kicked out al-Qaida. They have kicked out al-Qaida because they decided that al-Qaida was their enemy. And we, much to their surprise, turned out to be their friends, their supporter. They understand we do not want conquest in Iraq. We want to liberate them from the forces of extremism. The same is happening throughout the country.

I urge my colleagues, let success alone. Let it work. Oppose the Levin-Reed amendment and support the McConnell-Lieberman amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I think I can almost speak for our side with certainty. I have a few comments, followed by perhaps a minute and a half by the Republican leader, and then that way we can yield back time. I will proceed to give my comments.

I say to my good friend from Michigan that I picked one word out of his very impressive opening comments. I agree with his opening comments about the tragic situation by which the leadership in Iraq, their legislative body, has failed to act.

But one word you said impressed me, and that is ''military progress is being made.'' That is an exact quote you used. You felt if we didn't speak by adopting your amendment, there would be silence. I say to my good friend, the amendment by the distinguished Republican leader and the Senator from Connecticut, the McConnell-Lieberman amendment, will send a very strong message. Were we to adopt your amendment, it would be in conflict with that message. That is my concern. Therefore, I must say, I strongly support the McConnell-Lieberman amendment. I hope that will be voted on very shortly. I do believe, in all sincerity, your amendment would send a conflicting message. That message could be exceedingly troublesome. People don't understand the phraseology ''sense of the Senate.'' Al-Qaida would simply clip that off and then announce that we are going to leave in December, irrespective of the facts on the ground. Furthermore, we have not been in this fight alone. We put together a coalition of forces, a coalition of nations, primarily Great Britain and others, Poland. So far as I know, there has been no consultation with respect to your amendment to announce a goal by December of next year with those other fighting forces that, while they are smaller in number, are no less important as a symbol of the united effort of many nations to achieve, first, sovereignty in Iraq, which has been a wonderful goal that has been achieved, and now to enable that country to take its place rightfully in that region and be a strong voice for freedom and to fight al-Qaida.

I say to my friend, I will have to oppose his amendment because it would send a totally conflicting message with the underlying amendment, which is a very significant appropriation of funds to continue, as you say, in your very words, the ''progress'' of the military so far.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Before I yield to the Senator from California, let me respond briefly to my friend from Virginia. There is no inconsistency between voting to adopt a sense-of-the-Senate resolution expressing as a goal, nonbinding, that we complete a transition to a more limited mission, a mission which the President says he wants to transition to by the end of next year and at the same time voting for the McConnell amendment. There will be many Senators voting for the Levin-Reed amendment who are also going to vote for the McConnell amendment. There is no inconsistency whatsoever between sending our troops the funding which has been requested and having a goal for the transition of their mission to something which gets them out of the middle of a civil war. That is the one point I wish to make immediately to my good friend from Virginia.

I yield 4 minutes to the Senator from California.

Mrs. BOXER. Mr. President, it seems to me if you want to liberate the Iraqi people, then you give them back the country and you let them know that is what this is all about. We have been there 1 year, 2 years, 3 years, 4 years, 5 years. We have spent a half a trillion dollars; 3,893 of our own killed, 28,711 wounded. Is this forever? I went through the period of time in the Vietnam war where the people of this country stood up and said: Enough is enough is enough. It seems to me what Senator LEVIN is doing—and I am so proud he has bipartisan support, Senators HAGEL, VOINOVICH, SNOWE, SMITH—is good. This shows we are beginning to cross over party lines, which is so important, and say: It is time the mission changes.

My dear friend from Virginia talks about the Brits. This is exactly what the Brits have already done. They are getting out. They have turned the keys of the city over to the Iraqis. They are ahead of us. In many ways, this resolution tracks what they have done. I read it. It is very simple. It is a sense of the Congress that the missions of the U.S. Armed Forces should be transitioned to a more limited set—counterterrorism, training, equipping, supporting Iraqi forces, and force protection. Yes, we are sending a message to the Maliki Government, get your act together because we are not going to be here forever. The American people are generous and good people. But there is a limit to how much they can give in terms of blood and treasure.

It is true that many people supporting this resolution are going to vote for the McConnell amendment. I will not be one of them. I wish to speak against it for my remaining time. I have a list of what we have already spent. A half a trillion dollars, that is what we have already spent, and we are about to go well over that mark, toward a trillion dollars. There comes a time when we have to ask ourselves: What are we doing in Iraq? If you listen to the President, it is to bring freedom. He said it was the weapons of mass destruction. Then he changed that. He said it was to get Saddam. We got Saddam. Then he changed it. He said we have to have free and fair elections. They had two. He said we have to reconstruct. We are spending money to reconstruct.

It is now time to say enough is enough. I think the Levin resolution is not putting into place binding deadlines. It is merely saying to the Iraqi Government we want them to step up to the plate.

If my colleagues want to be seen as occupiers, vote against this amendment because that is what is happening. We are seen as occupiers, when we want to be seen as liberators. If you want to be seen as liberators, you do what the Brits did. This is exactly what Senator LEVIN is doing. I am pleased to support this. I will be voting no on McConnell.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I believe we are about ready to vote on this side. We are going to have our leader speak for a minute, and then we can proceed. I simply, once again, say to my distinguished colleague from Michigan, while we are waiting for the Republican leader, with due respect, this will send a very conflicting message. If the Senate acts upon this appropriations tonight favorably, as I anticipate it will, coupled with your message, it could be misconstrued. Therefore, I strongly urge that the Senate accept the McConnell-Lieberman amendment but reject the amendment of the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. The message is not conflicting at all. There is no conflict between saying we are going to support our troops, we are not going to reduce funding for them, and at the same time have a goal a year hence for when they transition to the more limited mission. There is not the slightest inconsistency. It is not a conflicting message. If we are interested in success in Iraq, there is only one way to achieve it—for the Iraqi politicians to reach agreement on their differences which have continued the conflict. That is not just me saying it. That is our military leaders.

I wish to read this quote because I am not sure people have focused on it. This is our State Department. I ask my colleagues to listen to this very brief quote from our State Department:

> Senior military commanders portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq rather than al-Qaida terrorists, Sunni insurgents or Iranian-backed militias.

Is that a conflicting message from our State Department, when they identify the political leaders of Iraq as being the major threat to our success? They are the major threat to our success. We all know it. Our military leaders have said it is the failure of the political leaders of Iraq to work out their differences, which is the key problem that keeps the battle going on between Iraqis. That is our State Department. Is that a conflicting message? I don't think so.

It is the truth. Most of us recognize it. We are all completely unhappy with the Iraqi political leaders. Most of us, when we go to Iraq, tell them that. The President of the United States has even said it is useful for that message to be delivered. Let us deliver it tonight.

The PRESIDING OFFICER. Who yields time?

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, if we want a Presidential signature on the Omnibus appropriations, thereby finishing our work this year, we need to defeat the Levin amendment and approve the McConnell amendment, which will come shortly after the Levin amendment. The McConnell amendment provides $70 billion for our troops, whether they are in Afghanistan or Iraq, without any strings attached, without any stipulations. The key to finishing our work this year successfully lies in defeating the Levin amendment and approving the McConnell amendment.

Mr. President, I ask unanimous consent that an explanatory statement be printed in the RECORD.

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

EXPLANATORY STATEMENT SUBMITTED BY SENATOR MCCONNELL, SENATOR STEVENS, SENATOR COCHRAN, SENATOR INOUYE, AND SENATOR LIEBERMAN REGARDING SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

The following tabular data delineates by appropriation the funding provided by the McConnell amendment (related to supplemental appropriations for the Department of Defense) to H.R. 2764, the State, Foreign Operations, and Related Programs Appropriations Act, 2008.

In regard to classified activities funded in this amendment, a separate letter from the Chairman and Ranking Member of the Defense Subcommittee of the Committee on Appropriations will delineate the programs and activities funded by this amendment.

[Dollars in thousands]

TITLE I—MILITARY PERSONNEL

Military Personnel Army:	
Pay and Allowances	13,700
Wounded Warrior	68,800
Total, Military Personnel, Army	782,500
Military Personnel, Navy:	
Pay and Allowances	95,624
Total, Military Personnel, Navy	95,624
Military Personnel, Marine Corps:	
Pay and Allowances	56,050
Total, Military Personnel, Marine Corps	56,050
Military Personnel, Air Force:	
Pay and Allowances	138,037
Total, Military Personnel, Air Force	138,037
Total , Military Personnel	1,072,211

TITLE II—OPERATION AND MAINTENANCE

Operation and Maintenance, Army:	
Operating Expenses	25,158,543
Wounded Warrior, Enhanced Soldier and Family Support	853,800
Body Armor and Personal Protection Items	800,000
Commander's Emergency Response Program	500,000
Depot Maintenance	7,840,027
Total, O&M, Army	35,152,370
Operation and Maintenance, Navy:	
Operating Expenses	2,971,658
Body Armor and Personal Protection Items	175,000
Depot Maintenance	407,342
Coast Guard Support	110,000
Total, O&M, Navy	3,664,000
Operation and Maintenance, Marine Corps:	
Operating Expenses	3,000,000
Wounded Warrior, Enhanced Soldier and Family Support	100,000
Body Armor and Personal Protection Items	375,000
Depot Maintenance	490,638
Total, O&M, Marine Corps	3,965,638
Operation and Maintenance, Air Force:	
Operating Expenses	4,060,814
Body Armor and Personal Protection Items	400,000
Depot Maintenance	317,186
Total, O&M, Air Force	4,778,000
Operation and Maintenance, Defense-Wide:	
Joint Staff	32,140
Special Operations Command	1,054,000
Armed Forces Information Service	9,300
Defense Contract Audit Agency	7,100
Defense Contract Management Agency	3,000
Defense Human Resources Activity	4,100
Defense Information Systems Agency	44,510
Defense Logistics Agency	48,200
Defense Legal Services Activity	9,900
Department of Defense Education Activity	155,000
Defense Security Cooperation Agency—Coalition Support	300,000
Lift and Sustain	100,000
Global Train and Equip	300,000
Office of the Secretary of Defense	42,500
Washington Headquarters Services	7,200
Total, O&M, Defense-Wide	2,116,950
Operation and Maintenance, Army Reserve:	
Operating Expenses	68,036
Wounded Warrior, Enhanced Soldier and Family Support	9,700
Total, O&M, Army Reserve	77,736
Operation and Maintenance, Navy Reserve:	
Operating Expenses	41,657
Total, O&M, Navy Reserve	41,657
Operation and Maintenance, Marine Corps Reserve:	
Operating Expenses	46,153
Total, O&M, Marine Corps Reserve	46,153
Operation and Maintenance, Air Force Reserve:	
Operating Expenses	12,133
Total, O&M, Air Force Reserve	12,133

Operation and Maintenance, Army National Guard:	
Operating Expenses	288,900
Wounded Warrior, Enhanced Soldier and Family Support	38,100
Total, O&M, Army National Guard	327,000
Operation and Maintenance, Air National Guard:	
Operating Expenses	51,634
Total, O&M, Air National Guard	51,634
Iraq Freedom Fund	3,747,327
Afghanistan Security Forces Fund	1,350,000
Iraq Security Forces Fund	1,500,000
Joint Improvised Explosive Device Defeat Fund:	
Attack the Network	1,258,000
Defeat the Device	2,340,000
Train the Force	603,000
Staff and Infrastructure	68,000
Total, Joint Improvised Explosive Device Defeat Fund	4,269,000
Total, Operation and Maintenance	61,099,598

TITLE III—PROCUREMENT

Aircraft Procurement, Army:	
Utility Fixed Wing Cargo Aircraft	5,000
UH–60M Blackhawk—27 Aircraft	483,300
AH–64 Apache—3 Aircraft	105,000
CH–47 Chinook—11 Aircraft	334,100
Common Ground Equipment	10,000
Air Traffic Control	6,200
Total, Aircraft Procurement, Army	943,600
Procurement of Weapons & Tracked Combat Vehicles, Army:	
Bradley Program	700,100
Stryker Vehicle	41,000
Bradley Fire Support Vehicle (Mod)	65,000
Bradley Fighting Vehicle Systems (Mod)	48,000
Improved Recovery Vehicle (M88 Mod)	135,000
M1 Abrams Tank (Mod)	200,000
Abrams Upgrade Program (M1A2 SEP)	225,000
M249 Squad Automatic Weapon Machine Gun Mods	6,500
M16 Rifle Modifications	1,845
Modifications Less Than $5.0M (WOCV–WTCV)—Improved Combat Optics	7,000
Total, Procurement of Weapons & Tracked Combat Vehicles, Army	1,429,445
Procurement of Ammunition, Army:	
Cartridge, 25MM, All Types	300
Cartridge, 30MM, All Types	40,000
Cartridge, 40MM, All Types	65,700
Cartridge, Artillery, 105MM, All Types	10,000
Modular Artillery Charge System, All Types	18,000
Rocket, Hydra 70, All Types	20,000
Total, Procurement of Ammunition, Army	154,000
Other Procurement, Army:	
Tactical Trailer/Dolly Sets	29,000
High Mobility Multipurpose Wheeled Vehicle	455,000
Family of Medium Tactical Vehicles	146,000
Family of Heavy Tactical Vehicles	427,000
Armored Security Vehicles	1,500
Truck, Tractor, Line Haul, M915/M916	4,600
HMMWV Recapitalization Program	140,000
Modification of In-Service Equipment	184,800
Items Less Than $5.0 Million (Tactical Vehicles)	8,000
Defense Enterprise Wideband Satellite Communications Systems	19,000
Satellite Terminal, Enhanced Manpack UHF Terminal (Space)	3,400
Navstar Global Positioning System (Space)	3,200
Army Global Command and Control System	3,000
Information System Security Program	21,600
Digital Topographic Support System (MIP)	12,000
Counterintelligence/Human Intelligence Information Management System (MIP)	2,400
Night Vision Devices	45,000
Night Vision, Thermal Weapon Sight	11,000
Fire Support Command and Control (C2) Family	7,000
Knight Family—Procure 29 M1200 Knight Vehicles	50,000
Chemical, Biological, Radiological, and Nuclear Soldier Protection	54,300
Rapid Equipping Soldier Support Systems including Warlock	400,000
Total, Other Procurement, Army	2,027,800
Aircraft Procurement, Navy:	
H–53 Series—Re-activate 1 CH–53 Helicopter	2,600
EP–3 Series—Special Mission Avionics,	9,000
P–3 Series—Special Missions Equipment	2,400
Common ECM Equipment—Generation II Missile Warning Systems	34,500
Total, Aircraft Procurement, Navy	48,500
Procurement of Ammunition, Navy & Marine Corps:	
Joint Direct Attack Munition	5,000
Air Expendable Countermeasures	6,625
Other Ship Gun Ammunition	43
Small Arms and Landing Party Ammunition	32,929
Pyrotechnic and Demolition	64
Small Arms Ammunition	27,645
Linear Charges, All Types	3,875
40MM, All Types	23,096
60MM, All Types	30,252
81 MM, All Types	35,000
120MM, All Types	59,020
Cartridge 25MM, All Types	670
Grenades, All Types	9,385
Rockets, All Types	8,273
Artillery, All Types	51,033
Demolition Munitions, All Types	3,539
Fuze, All Types	880
Non Lethals	5,616
Ammo Modernization	2,000
Total, Procurement of Ammunition, Navy & Marine Corps	304,945
Other Procurement, Navy:	
Air Station Support Equipment—Air Traffic Control Equipment	6,111
Aviation Life Support—Body Armor and Survival Gear	750
Explosive Ordnance Disposal Equipment:	
Unmanned Aerial Systems	37,000
Man Transportable Robotic System	1,400
Mounted CREW Systems	35,400
Physical Security Vehicles—Light Armored Vehicles	900
Medical Support Equipment	820
Physical Security Equipment:	
Body Armor	3,100
Weapons of Mass Destruction Detectors	6,000
Total, Other Procurement, Navy	91,481
Procurement, Marine Corps:	
Light Armored Vehicles:	
Light Armored Vehicles	12,500
Light Armored Vehicles Product Improvement Program	23,000
Light Armored Vehicles Restoration and Modernization	33,600
Modification Kits—Multipurpose Tank Blade	2,200
Modification Kits—Tactical Concealed Video System	400
Marine Air Command Control System	29,000
Intelligence Support Equipment—Angel Fire Sensor Package	8,000
Motor Transport Modifications—Medium Tactical Vehicle Replacement Armor	60,000
Power Equipment Assorted—Engineer Equipment	15,000
Explosive Ordnance Disposal Systems—CREW	172,800
Physical Security Equipment—Ground-Based Operational Surveillance System	340,000
Field Medical Equipment—Family of Field Medical Equipment	6,750

Total, Procurement, Marine Corps	703,250
Aircraft Procurement, Air Force:	
F–15—ARC–210 Beyond Line of Sight/Secure Line of Sight Radios	39,700
C–5—Aircraft Defensive Systems (12 Kits for C–5A's)	11,700
Total, Aircraft Procurement, Air Force	51,400
Other Procurement, Air Force:	
Halvorsen Loader	7,500
Items Less Than $5 Million (Vehicles)—Counter Sniper Protection Kit	1,625
General Information Technology—Blue Force Trackers	2,500
Air Force Physical Security System—CROWS and BDOC–T	8,500
Tactical C–E Equipment—ROVER	8,100
Night Vision Goggles	2,500
Total, Other Procurement, Air Force	30,725
Procurement, Defense-Wide:	
Defense Information Systems Network	8,700
MH–47 Service Life Extension Program	34,400
C–130 Modifications	11,000
SOF Ordnance Replenishment	32,759
SOF Ordnance Acquisition	39,600
SOF Intelligence Systems	44,346
Small Arms and Weapons	29,587
Tactical Vehicles	16,458
Unmanned Vehicles	23,500
SOF Operational Enhancements	34,393
Total, Procurement, Defense-Wide	274,743
Total, Procurement	6,059,889

TITLE IV—REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds:	
Defense Working Capital Fund—Army:	
Army Preposition Stocks	586,900
Spares Augmentation—Combat Losses	63,000
Spares Augmentation—Demand Increase	70,000
Defense Working Capital Fund—Defense-Wide:	
Fuel Transportation	96,000
Fuel Cost Increase	140,700
Combat Fuel Losses	43,400
Total, Defense working Capital Funds	1,000,000

TITLE V—OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program:	
Operations	461,101
Wounded Warrior, Enhanced Soldier and Family Support	114,600
Total, Defense Health Program	575,701
Drug Interdiction and Counter-Drug Activities	192,601
Total, Other Department of Defense Programs	768,302

TITLE VI—GENERAL PROVISIONS

Special Transfer Authority (Sec 603)	[4,000,000]
Total, Department of Defense	70,000,000

Mr. MCCONNELL. Mr. President, is there more time on this side?

The PRESIDING OFFICER. There is 7 minutes 5 seconds.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan has 7 minutes.

Mr. LEVIN. I intend to yield back all that time but 30 seconds. I cannot believe the President of the United States is going to veto a bill providing this additional funding for the troops because the Senate, in a nonbinding resolution, expresses its belief that we ought to have a nonbinding timetable for the reduction of our troops by the end of the year. If the President has said that, I have not seen it. I can't believe he would so try to squelch the Senate from expressing a nonbinding opinion.

I yield back the remainder of my time.

Mr. MCCONNELL. Mr. President, the President will veto the bill if the Levin amendment is approved. The McConnell amendment must be approved in order to get a Presidential signature.

Is there time remaining on this side?

The PRESIDING OFFICER. There is 6 minutes remaining.

Mr. MCCONNELL. I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the Levin amendment No. 3876.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 438 Leg.]

YEAS—50

Akaka	Brown	Casey
Baucus	Byrd	Collins
Bayh	Cantwell	Conrad
Bingaman	Cardin	Dole
Boxer	Carper	Dorgan
Durbin	Levin	Salazar
Hagel	Lincoln	Sanders
Harkin	McCaskill	Schumer
Inouye	Menendez	Smith
Johnson	Mikulski	Snowe
Kennedy	Murray	Stabenow
Kerry	Nelson (FL)	Tester
Klobuchar	Nelson (NE)	Voinovich
Kohl	Pryor	Webb
Landrieu	Reed	Whitehouse
Lautenberg	Reid	Wyden
Leahy	Rockefeller	

NAYS—45

Alexander	Crapo	Lott
Allard	DeMint	Lugar
Barrasso	Domenici	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Feingold	Murkowski
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Corker	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lieberman	Warner

NOT VOTING—5

Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. Under the previous order requiring 60 votes, the amendment is withdrawn.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 70, nays 25, as follows:

[Rollcall Vote No. 439 Leg.]

YEAS—70

Akaka	Dole	McCaskill
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Nelson (FL)
Bayh	Graham	Nelson (NE)
Bennett	Grassley	Pryor
Bond	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bunning	Hatch	Salazar
Burr	Hutchison	Sessions
Carper	Inhofe	Shelby
Casey	Inouye	Snowe
Chambliss	Isakson	Specter
Coburn	Johnson	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Webb
Crapo	Martinez	
DeMint	McCain	

NAYS—25

Bingaman	Kennedy	Reid
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Byrd	Kohl	Smith
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Whitehouse
Durbin	Menendez	Wyden
Feingold	Murray	
Harkin	Reed	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. Under the previous order, requiring 60 votes for the adoption of the motion, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, we have just a few matters left. We have a vote on AMT. This is a vote we have had before. Senator BAUCUS, the Finance chair, will talk about it when we get to it in a few minutes. It is an issue on which I agree with the House. I think we should have paid for it. We have had this vote several times before—at least once before. We have tried different ways of getting the matter before the Senate.

We have an agreement in the order entered earlier today that we are going to vote on whether AMT should be paid for. Senator BAUCUS will speak on that.

AMENDMENT NO. 3877

Mr. REID. Mr. President, it is my understanding there is a motion to concur at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment No. 1 to the Senate amendment to H.R. 2764, with an amendment numbered 3877.

(The amendment is printed in Today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. There will be 1 hour of debate equally divided.

Mr. REID. Mr. President, we have a vote on this, and we have a vote on whether we will concur with the House on a matter that we have changed and sent back to them. Then I am going to speak with the chairman of the Judiciary Committee. Under the order entered several days ago, we have a judge who is on the calendar. I will talk with the distinguished manager of this bill and the chairman of the Judiciary Committee to find out if we are going to have a recorded vote.

My point is that people should not run off after the second vote. There may be three votes tonight.

The PRESIDING OFFICER. Who yields time?

The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the next vote is on AMT, paid for. We have had this vote several times. It requires 60 votes. I personally believe that the AMT relief we will be providing for here, so the taxpayers will not have to pay additional AMT for 2007, should be paid for. I don't think the votes are here. There are not 60 votes to pay for it. But once this goes down because it doesn't have 60 votes, it is then my expectation that the House will then vote for AMT not paid for so that we can get AMT passed this year. Americans will know they will not have to pay the additional AMT tax, done in a way that is satisfactory.

There is an hour allocated on this amendment, a half hour each side. Mr. President, I don't plan to take many more minutes than I have already consumed. I expect the other side will not either.

I will reserve the remainder of my time, with the expectation that I will yield back the remainder of my time. For now, I will reserve my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume. I haven't had a request on this side for many people to speak. I think I will speak for 9 or 10 minutes on my side. If people want time, I will be glad to yield time.

When we were debating the Tax Relief Act of 2005, the other side forced a series of debates on the same subject matter. We had the same debate three times, and it culminated on Groundhog Day, February 2, 2006. Despite numerous votes and debates in each round, we went through essentially the same debate and vote not once or twice but three times.

I have two charts that will remind folks of that exercise.

My first chart depicts a groundhog. For those of you who see the groundhog, you will recall that the centerpiece of that debate involved the alternative minimum tax patch. During the first groundhog debate, the bipartisan majority had to prove that we meant business on the cornerstone of that bill, which was the last AMT patch that was enacted. I am referring to the AMT patch that protected then about 15 million families, and now we are talking about protecting about 23 million families.

The bipartisan majority, I am pleased to remind everybody, stuck to our guns in conference on that bill. We made sure the AMT patch was one of the cornerstones of the conference agreement. So despite the extended debate, what we said would happen did happen.

Now, the next Groundhog Day is February 2, 2008. That is just 45 days from now. That may seem like a long time, but given recent history, I am worried. Here is why.

About 47 days ago, the two tax-writing committee chairmen, Congressman RANGEL and Senator BAUCUS, and the ranking members, Congressman MCCRERY, and this Senator, wrote Secretary Paulson and acting IRS Commissioner Stiff and pledged to get an AMT patch bill to the President before the end of the year. We wrote the letter for a couple of reasons. The first reason is to spare 23 million middle-income families from an average tax increase of $2,000 per family. As everyone now agrees, this monster tax was not meant to hit 23 million middle-income families. The second reason was to assure the Secretary of the Treasury and the IRS Commissioner that we would do everything possible to minimize delays in refunds for another 27 million families and individuals, on top of the 23 million who would be hit for the first time.

After pledging to get mutually agreeable AMT patch legislation to the President in a form he could sign—that is what the letter was about—we are instead now engaged in this Groundhog Day type of exercise. We are essentially having the same debate, and we will go through the same votes the Senate went through just a couple of weeks ago. In other words, the floor debate tonight illustrates my worry that we are repeating the Groundhog Day exercise.

I ask unanimous consent to have printed in the RECORD a copy of that letter by the two chairmen and ranking members.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, October 30, 2007.

Ms. LINDA E. STIFF,
Acting Commissioner, Internal Revenue Service, Washington, DC.

DEAR ACTING COMMISSIONER STIFF: Under present law, more than 23 million taxpayers will be subject to higher taxes in 2007 unless legislation is enacted to limit the reach of the Alternative Minimum Tax (AMT). We realize that this fact is causing concern for many taxpayers and is creating administrative difficulties for the IRS as the agency prepares for the upcoming filing season.

As the leaders of the Congressional tax-writing committees, we want to assure you that legislative relief is forthcoming so that no new taxpayers will be subject to the AMT for taxable year 2007. To accomplish this, we are committed to extending and indexing the 2006 AMT patch with the goal of ensuring that not one additional taxpayer faces higher taxes in 2007 due to the onerous AMT. In addition to allowing the personal credits against the AMT, the exemption amount for 2007 will be set at $44,350 for individuals and $66,250 for married taxpayers filing jointly.

We plan to do everything possible to enact AMT relief legislation in a form mutually agreeable to the Congress and the President before the end of the year. We urge the Internal Revenue Service to take all steps necessary to plan for changes that would be made by the legislation.

Thank you for your immediate attention to this matter.

Sincerely yours,

MAX BAUCUS,
Chairman, Committee on Finance.

CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance.

CHARLES B. RANGEL,
Chairman, Committee on Ways and Means.

JIM MCCRERY,
Ranking Member, Committee on Ways and Means.

Mr. GRASSLEY. So we are not quite there yet, but the way we are going, we

might not get this year's AMT patch done until the next Groundhog Day.

Let me bring up another chart to expand on this point. I have next to me the portrait of Punxsutawney Phil, that famous groundhog. In thinking of Phil and the weather report he will provide in 45 days, I also thought about the popular film entitled ''Groundhog Day.'' That movie stars Bill Murray, in which a man relives the same day—Groundhog Day—over and over and over. This film has taken on greater significance for me as I seem to be in a very similar situation. More than just a sense of the deja vu, I feel I am reliving a past experience.

We are going through the same debate we had a couple of weeks ago. We are on a different bill and the amendment has different offsets. Yet I seem to remember already having this debate.

So, Mr. President, instead of taking the next steps and focusing on what we said we would do in the letter and finding a mutually agreeable—those are words from the letter—resolution to the AMT patch, the House Democratic leadership is insisting that the Senate repeat the same debate and vote of just last week.

At 5:01 p.m., on Tuesday, December 4, 2007, we took up H.R. 3996, with the title ''Temporary Tax Relief Act of 2007.'' For several hours on Tuesday, Wednesday, and into Thursday, we debated the bill. The final vote on final passage came at 7:25 p.m., Thursday evening, December 6.

According to the Secretary of the Senate, 93 of us were here for that vote. So I must not be the only one reliving this experience.

I ask unanimous consent to have printed in the RECORD the results of that final vote.

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

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 415 Leg.]

YEAS—88

Akaka	Dole	Lugar
Alexander	Domenici	Martinez
Allard	Durbin	McCaskill
Barrasso	Enzi	McConnell
Baucus	Feinstein	Menendez
Bayh	Graham	Mikulski
Bennett	Grassley	Murkowski
Bingaman	Gregg	Murray
Bond	Hagel	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Brown	Hatch	Pryor
Brownback	Hutchison	Reed
Bunning	Inhofe	Reid
Burr	Inouye	Roberts
Byrd	Isakson	Rockefeller
Cantwell	Johnson	Salazar
Cardin	Kennedy	Sanders
Casey	Kerry	Schumer
Chambliss	Klobuchar	Sessions
Coburn	Kohl	Shelby
Cochran	Kyl	Smith
Coleman	Landrieu	Snowe
Collins	Lautenberg	Specter
Corker	Leahy	Stabenow
Cornyn	Levin	Stevens
Craig	Lieberman	Sununu
Crapo	Lincoln	
DeMint	Lott	
Tester	Vitter	Webb
Thune	Warner	Wyden

NAYS—5

Carper	Dorgan	Whitehouse
Conrad	Feingold	

NOT VOTING—7

Biden	Ensign	Voinovich
Clinton	McCain	
Dodd	Obama	

Majority ½ Required

Vote date: 12/06/2007, 6:23:00 p.m., Business Type: L.

Result Code: 1 (Bill Passed).

Vote title: H.R. 3996 as Amended.

Mr. GRASSLEY. Mr. President, as we consider the Senate amendment to the omnibus bill, I have to ask: Why are we still here? I have to ask: Didn't we already go through this exercise? I have to ask: Aren't we finished with the Senate debate?

In the face of the urgent need to enact an AMT patch, does the House Democratic leadership want the Senate to reenact recent debates and resuscitate old talking points? Our un-offset AMT patch already passed with the support of 88 Senators.

While I believe this legislation is extremely important and we will debate it for as long as is necessary, I question the necessity of going through a process that resulted in overwhelming bipartisan passage of the same bill 2 weeks ago.

That is my first point. This is, in fact, a curious exercise. It is an exercise with no apparent purpose other than delay. Is the delay on the part of the House Democratic leadership important? Why doesn't the House send the amended House bill which cleared this Chamber by a vote of 88 to 5 to the President of the United States for signature? Because President Bush will sign it. That bill does meet—again the words from the letter of the chairman of the committee—that bill does meet the mutually agreeable criteria of the tax writers' letter. The amendment before us, just as the prior House vote, does not meet the mutually agreeable criteria that was in that letter.

Nearly all House and Senate Republicans have a problem with this amendment and its predecessor that failed in the Senate. The problem is not necessarily with the offsets themselves. Some of them might be acceptable tax policy to this Senator and others on our side. The debate and resistance on our side rests with a bigger principle. It is about accepting the notion that the unintended reach of the AMT should be permitted unless we find offsetting revenue from other taxpayers; in other words, other taxpayers being taxed to offset revenue from middle-income taxpayers who were never supposed to pay this tax in the first place. It is the use of the AMT then as an open-ended revenue-generating machine that creates problems on the Republican side of the aisle.

I am going to point to another chart to illustrate this debate. This is a chart of a very fine horse, a horse named Trigger and his rider Roy Rogers. Trigger is a fine horse, but he is dead. He is very dead. Trigger is so dead that he is stuffed and resides in a museum. This debate is the practice of beating a dead horse. It would be like tourists taking swipes at Trigger as they go through the museum. Everyone knows beating a dead horse is a waste of time, but that is what we are doing. We need to stop beating a dead horse. We need to show our good friends in the House Democratic leadership that they need to stop reviving a dead horse of an offset AMT patch. It is a dead horse. Let's stop beating it. Vote against this amendment.

After this exercise is done, then I urge my friends in the House leadership to pass the un-offset AMT patch bill we sent them several days ago, that very same bill that passed this body 88 to 5.

Think, will you, on the other side of the Capitol, think of the 23 million families that will face a tax increase of $2,000 per family if we don't get this bill to the President. Think of the 27 million families and individuals that will face even longer delays in getting their refunds next year if we don't get this bill passed, or even if we do get this bill passed, it is going to be delayed. Think of these hard-working taxpayers. Stop beating a dead horse and let's get the people's business done.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota has some comments about not beating a dead horse. I now yield 7 minutes to the Senator from North Dakota.

I might say, we should not beat a dead horse, that is clear, but also we should not look a gift horse in the mouth. We have an opportunity to resolve this and get it done. I urge us to vote quickly so we can dispose of this matter so the American taxpayers get their AMT relief very quickly.

I yield to the Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman.

I say to the Senator from Iowa when he tells us that we should stop beating a dead horse, the picture he used shows that Trigger rides again. That wasn't a dead horse. That horse is alive, and as well it should be, because the underlying question is whether we pay for anything in this Chamber or do we borrow the money? When we borrow the money, do we borrow it from the Chinese and the Japanese, or do we start paying our bills right here at home? That is the issue before the Chamber. It is not a question of a dead horse or a live horse. It is a fundamental question of whether we pay our bills or put it on the charge card.

The issue before us is very simple. If we do not offset the alternative minimum tax or alter it in some way, it will hit 23 million American families, up from some 4.2 million this last year.

The bill before us says, yes, adjust the alternative minimum tax so more

people are not hit by it, but it also says something very important. It says pay for it; don't go out and borrow the money, don't go out and borrow billions more from China and Japan.

The House has it right. We ought to pay for it. Certainly it makes no sense to let the alternative minimum tax sweep up millions more people, but it also makes no sense to fail to pay for it. That is not just my view; that is also the view of the former chairman of the Federal Reserve who said on ABC's weekend program in response to a question from George Stephanopoulos, the question was put to the chairman:

So when the Congress this week . . . fixes this patch in the alternative minimum tax . . . and doesn't pay for the increase in the deficit, that is something you're against?

Mr. Greenspan:

Yes.

No qualifications, a simple clear statement in support of paying for fixing the alternative minimum tax.

Why is paying for it so important? Because if we fail to do so, we put it on the debt, and already the debt has skyrocketed under this administration, from $5.8 trillion in 2001 to, at the end of the fiscal year that just ended, a debt of $8.9 trillion.

Future generations will look back on this one. Perhaps they will be amused by the debate tonight. They will not be amused by the debt we leave them. This generation will not be known as the greatest generation. This generation will be known as a greedy generation, a self-oriented generation, one that was not responsible with the people's money.

Some of my colleagues claim we never intended to raise this money, that it was no part of any budget, that it was not part of any revenue projection. I beg to differ. As chairman of the Senate Budget Committee, I can tell you that these revenues have been in every budget written by this President, and written by the Congress, whether controlled by the Republicans or the Democrats. The only way any of these budgets have balanced was to assume this revenue which is the law of the land would either be collected or would be offset, would be paid for.

This chart shows the revenue assumptions in the Bush budget. We find alternative minimum tax revenue assumed for each and every year of the 5 years of this budget.

I won't belabor the point. This is a question of whether we are going to be responsible. This is an opportunity to fix the alternative minimum tax, to prevent it from being spread to 23 million American families, but to do it in the responsible way: to offset it with other revenue so it does not get added to the deficit, so it does not get added to the debt, so we are not compelled to borrow even more billions from the Japanese and the Chinese and around the world.

I hope my colleagues will vote ''aye'' and demonstrate their fiscal responsibility tonight.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. BROWN. Mr. President, yes, we have been here before. I hear the Senator from Iowa, whom I greatly respect, say we have been here before and have done this over and over. In the last 2 hours, we have made the same mistake, or about to make the same mistake, that we have made in the last 6 years. About 7 groundhog days ago, if you will, we went from a budget surplus to huge budget deficits, as Senator CONRAD pointed out. Do you know why? Because we are in the middle of a war that Senator BYRD spoke so eloquently against time and again on this Senate floor, a war that has cost us $500 billion and counting, and we have done tax cuts over and over. Every groundhog day we do another tax cut.

So tonight, in the space of 2 hours, we are going to encapsulate that in one evening. We did $70 billion for a war nobody is willing to pay for. Let our grandchildren pay for that one. And then we are doing more tax cuts, hundreds of billions of dollars we are not paying for, so let our grandchildren take care of it.

We have been here before, and it is about time we vote ''yes'' on this and do the right thing, so instead of these going from a budget surplus 7 groundhog days to hundreds of billions of dollars in budget deficits, instead we have an opportunity, as Senator CONRAD said, to do the right thing to begin to pay for things as we go so that our grandchildren will not continue to be burdened with our profligacy and our irresponsibility.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, if the other side is ready to yield back their time, I will yield back our time, but I want to find out if they are interested in doing that.

Mr. BAUCUS. I yield back our time.

Mr. GRASSLEY. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 440 Leg.]

YEAS—48

Akaka	Inouye	Nelson (FL)
Baucus	Johnson	Nelson (NE)
Bayh	Kennedy	Pryor
Bingaman	Kerry	Reed
Boxer	Klobuchar	Reid
Brown	Kohl	Rockefeller
Byrd	Landrieu	Salazar
Cantwell	Lautenberg	Sanders
Cardin	Leahy	Schumer
Carper	Levin	Snowe
Casey	Lieberman	Stabenow
Conrad	Lincoln	Tester
Dorgan	McCaskill	Voinovich
Durbin	Menendez	Webb
Feingold	Mikulski	Whitehouse
Harkin	Murray	Wyden

NAYS—46

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Grassley	Smith
Chambliss	Gregg	Specter
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Thune
Collins	Inhofe	Vitter
Corker	Isakson	Warner
Cornyn	Kyl	
Craig	Lott	

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Feinstein	Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this motion, the motion is withdrawn.

The majority leader is recognized.

Mr. REID. Mr. President, I move to concur in the House amendment.

Mr. President, there is a proverb from the Book of Matthew that says: ''For where your treasure is, there your heart will be also.''

In the past few weeks, as we have put together the budget that is now before us, Democrats have sought to put our hearts and our treasure where the American people need them most.

President Bush and his Republican allies in Congress have been determined from the start to stand in our way.

The President picked a top line budget number out of thin air and said he would veto any bill that invested another dime above this total in the needs of the American people—no matter how many children, students, working families veterans or senior citizens would be harmed.

This from the President who inherited record surpluses when he took office and turned them into record deficits.

This from the President who has spent nearly $500 billion—all of it borrowed—to fight a war of choice in Iraq, while ignoring the desperate needs that we face here at home.

And this from congressional Republicans who have rubber-stamped his every irresponsible, wasteful, reckless choice.

But now, this year, this President and these Bush-Cheney Republicans

claim—after years leading our country down a path of fiscal ruin—they have been baptized into the church of fiscal responsibility.

Under this false pretense, they went about to prevent us from presenting appropriations bills that help America's working families.

With the power of the President's veto and a core group of congressional Republicans willing to back it up, this fight has not been easy. That is an understatement.

Nevertheless, in the past few weeks, we have worked within the President's arbitrary top line to make it clear to the American people where our hearts and our fiscal priorities lie.

Every victory in the appropriations bills now before us—every benefit to working families, every investment in our Nation's future—we have had to fight for, tooth and nail.

Bush-Cheney Republicans turned their backs on medical science in this budget.

They tried to cut 800 grants for medical research at the National Institutes of Health—programs that would help find cures for dread diseases.

Our Democratic priorities are different.

We want to spread hope—real scientific hope—that those who suffer from Alzheimer's, cancer, Parkinson's and diabetes and other maladies will see a brighter, healthier day.

So we restored the Bush-Cheney Republican cuts to the NIH and invested more than $600 million in medical research.

We refused to back down and we won that fight.

The Bush-Cheney Republican budget would have slashed access to health care by $600 million—leaving many of the most vulnerable Americans with nowhere to turn.

But our Democratic priorities are different.

We believe in helping the little girl with asthma, for whom the emergency room is a revolving door because her parents can't afford a doctor; or the uninsured laborer who gets injured on the job; or the senior citizen who suffers from arthritis.

We gave these Americans a better chance to live healthy lives—with $1 billion above the President's request for programs like community health centers, high risk insurance pools and rural hospitals—programs on which hundreds of thousands of low-income Americans rely.

We refused to back down on America's health care needs, and we won that fight.

If the Bush-Cheney Republicans got their way, this budget would have stripped $1.2 billion from education, eliminated major student aid programs and cut vocational education by 50 percent.

But Democrats have different priorities here, too.

We believe that education is the great equalizer in America, and that every American child deserves the right to a quality education and the keys to a better future.

We backed that commitment with major investments in Title 1, special education, teacher quality grants, after school programs, Head Start, student aid grants and technical training—all above the Bush-Cheney Republican request.

Democrats refused to back down and let Republicans rob children of the chance to succeed, and we won that fight.

Bush-Cheney Republicans talk tough on law enforcement, but when it came time to actually give our State and local law enforcement the tools they need to keep us safe, Bush-Cheney Republicans said no.

Their budget cut law enforcement funds by $1.4 billion at the Department of Justice.

Once again, Democrats' priorities are different. We invested $1.2 billion more than the President's request to help our police fight crime.

We refused to back down from our commitment to safer neighborhoods, and we won that fight.

Bush-Cheney Republicans try hard to scare us with the threat of terrorism. Did their budget match their rhetoric? No.

They cut more than $1 billion in homeland security grants for police, firefighters and medical personnel.

What are our priorities? Democrats increased our commitment to fighting terrorism by nearly $2 billion.

We refused to believe that at a time we are spending $12 billion a month in Iraq and Afghanistan, we couldn't spend an additional $2 billion per year to fight terrorism in America.

We won that fight, too, and America will be safer because of it.

The same year when the Minneapolis bridge collapse tragically reminded us that our roads, bridges and tunnels are crumbling, Bush-Cheney Republicans tried to strip critical infrastructure projects from the budget.

Democrats refused to stand by while the President spends billions to build roads in Iraq, but tells us we can't do anything about our roads in America.

We can do something and we did. We refused to back down and we won the fight for American infrastructure.

When it came time to choose between energy independence and big oil, between a clean environment and the special interests, the Bush-Cheney Republicans chose the special interests.

Our priorities are consumers who are spending more than ever to pay for gas for their cars and heat for their homes.

We take the side of cleaner air and renewable fuels by investing in solar energy, wind energy, biofuels and energy efficiency.

We stood up to Bush-Cheney Republicans, who once again turned their backs on science and cozied up to the major polluters.

We won that fight, and America will be safer and cleaner because we did.

I am so grateful for my Democratic colleagues in the House and Senate.

We have faced a level of arbitrary stubbornness from President Bush and his congressional allies that no Congress has ever faced before.

We turned a horrible budget into a budget that does some good, important things.

And we did it responsibly: without raising taxes or adding anything to President Bush's epic pile of debt.

Our country owes enormous gratitude to the senior Senator from West Virginia, Chairman ROBERT BYRD, for his leadership on this budget.

Chairman OBEY also did a tremendous job on this legislation.

I would also like to acknowledge the work of Senator COCHRAN, who worked with Senator BYRD and others to move this bill through committee and to the floor.

This budget includes funds to help prevent Western wildfires and better fight the ones that do occur.

It includes vital education funding for Nevada's universities.

It invests in Nevada's renewable energy.

It provides funds for vital Nevada water projects.

And it honors our troops and veterans with more than $340 million for the southern Nevada veteran's hospital.

But let me be clear: this compromise budget could have been much, much better if not for Bush-Cheney Republicans' double standard on fiscal responsibility.

They chose to enforce an arbitrary topline on America's priorities—even as they continue to borrow billions to fund the endless war in Iraq, to support corporate cronyism, and to look the other way on global warming and pollution.

Because Republicans have made these choices, the American people will have to keep waiting for the kind of budget they deserve.

But because Democrats refused to back down, this budget is a step forward.

The American people deserve to know that Democrats will keep taking step after step after step to set the right priorities and make the progress that our country so desperately needs.

Mr. President, as things now stand, we have about 20 minutes of talking on the Republican side and we have Senator BYRD, who has less than 10 minutes on our side. Those are the only speeches I know of.

Mr. LEAHY. Mr. President, I am going to require 5 minutes.

Mr. REID. That is what I was starting to say. On our side, we have Senator BYRD plus the manager of the bill, Senator LEAHY.

Following that, there is going to be a vote on a judge. I don't know how much time Senator LEAHY and Senator SPECTER want on the judge, but whatever time they want, they can have it. But we will have a vote on the judge.

Tonight, when these speeches are finished, we will have one final vote, a vote on the judge. We are going to be in session tomorrow. There will be no rollcall votes after 9, unless something untoward happens that Senator MCCONNELL and I do not expect. So we will be in session if somebody wants to come in and give some speeches. We have some nominations we are trying to clear, maybe some bills from the House. I do not expect any heavy lifting tomorrow, at least I hope not.

I wish to express my appreciation to everyone for their cooperation in getting to the point where we are. As some have heard me say before, usually you recognize you have something that is OK when both negotiators are unhappy with what they have gotten. That is what we have. We are not happy with how we have been pushed into doing what we have done. The President is not happy, as his people say he has been pushed into doing things he didn't want to do. We are where we are. We are going to be able to finish our appropriations process, and we should all hold our heads high in that regard.

Again, I wish everyone a very merry Christmas, a happy New Year, and look forward to a productive year next year, the last of the 110th Congress.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, it has been a challenging year for the Senate Appropriations Committee. When the 110th Congress convened in January 2007, only two of the annual appropriations bills had been enacted. Working with the chairman of the House Appropriations Committee, Mr. DAVID OBEY, Senator COCHRAN, and Representative LEWIS, we immediately began work on a joint funding resolution to fund the Federal Government.

We focused on funding a short list of priorities, such as adding $3.6 billion for VA medical care; $1.6 billion for State and local law enforcement; $620 million for the National Institutes of Health; and $1.4 billion to fight AIDS and malaria in the developing world. That joint funding resolution was passed by the House and the Senate and signed into law by the President on February 15, 2007.

Almost immediately, the committee was called back into action to tackle a bill to make emergency appropriations for the wars in Iraq and Afghanistan. The committee produced a prudent and responsible bill that required a new course for the war in Iraq. The bill set a goal for having most of our troops out of Iraq by January 1, 2008. Had the President signed that bill, most of our troops would already be home preparing to celebrate the new year.

Unfortunately, the President found that the bill did not support his ''stay the course'' policies and vetoed that bill on May 1, 2007. The Appropriations Committee produced another bill, totaling $120 billion, unfortunately this time stripped of the important guidance on the future of the war. That bill was again passed by the House and Senate, and this time the President signed it into law on May 25, 2007.

The committee then began its annual work of producing the regular appropriations bills. I am proud to say that the committee reported 12 individual appropriations bills, many of which were reported by unanimous, bipartisan votes. The bills that were considered on the floor of the Senate received broad, bipartisan support, and each received the affirmative vote of more than 75 Senators. And finally, the, committee—working on a bipartisan, bicameral basis—produced the complex legislation, which is now before the Senate.

My reason for detailing the work of the Appropriations Committee this year is simple: I wish to convey my personal appreciation for all of the work and cooperation of the committee's ranking member, Senator COCHRAN, who has time and again used his skill and experience to bring credit upon himself, the committee, and the Senate as a whole.

I also wish to commend the chairmen and ranking members of each of the 12 subcommittees. It is through their knowledge and leadership that the committee is able to craft the individual appropriations bills. It is to their great credit that the committee was able to rise to the many challenges presented this year.

I wish to express my gratitude to the staff of the Appropriations Committee. They are dedicated public servants: professional, expert, and diligent. The committee is extremely fortunate to have their services, and I thank them for all the many hours they have devoted to performing their duties.

And finally, I send to my colleague, Senator COCHRAN, each member of the Appropriations Committee, and all of the staff, my warmest wishes for a safe and joyous Christmas in the spirit of the old-Time Christmases and a very happy New Year.

Mr. DOMENICI. Mr. President, I do not know where the time is. I do not to want to interfere. I want 2 minutes before they are finished. Thank you.

Mr. LEAHY. Mr. President, what is the parliamentary situation on time?

The PRESIDING OFFICER. There is 50 minutes remaining on the majority side and 1 hour on the minority side.

Mr. LEAHY. Mr. President, I see the Senator from Georgia rising. Do you wish to speak?

Mr. CHAMBLISS. Yes, I do have a statement I want to make, followed by Senator ISAKSON.

Mr. LEAHY. If the Senator is willing to wait for a few minutes?

Mr. CHAMBLISS. Surely.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from West Virginia. In a few weeks, I will have served with him for 33 years. Now, in ROBERT C. BYRD time, 33 years is but a moment. In PATRICK J. LEAHY's time, it is a wee bit of time. But I remember coming here as a 34-year-old Senator—Senator BYRD was the majority whip at the time—and how much he taught me, and his colleague, the leader, Mike Mansfield, and then later when he was our leader, and, of course, sat on Appropriations. He has been my leader for all of those years. I appreciate his help.

His late wife Erma was a very special friend of my wife's and mine, and I hope he does not mind me mentioning her at this time. I always thought when she and my wife Marcelle would meet at the grocery store that perhaps BOB and I were at a lower level. It went to a higher level when it was not Senator BYRD and Senator LEAHY. But it was Marcelle and Erma talking about BOB and PATRICK, and what should we do to take care of those folks. Well, ROBERT C. BYRD has taken care of all of us these years. It has been a privilege to serve on the Appropriations Committee with him. It is especially nice, because one of the closest friends I have in the Senate, THAD COCHRAN, has been both chairman and ranking member of that committee, and those of us who have been here for over a third of a century, as I have, know the majority and minority goes back and forth.

The thing that does not go back and forth is the friendships we have across the aisles. The distinguished Presiding Officer knows that his father and I were very close friends and served together. His mother and my wife were close friends. Those kinds of friendships go on through the years and through the decades.

We have spoken of the Senate as being a family. Indeed it is. It is probably a family that wants to go home and go to bed, so I will not push this much longer. But I think how important it is that we do have these chances to be together. So I applaud Senator BYRD, I applaud Senator COCHRAN, and their staffs.

Because this is the Foreign Operations Bill we are on, I want to mention my own staff: Tim Rieser, Kate Eltrich, Nikole Manatt, who handle the Appropriations subcommittee for me, and the various other matters they are involved in here; J.P. Dowd, my legislative director; Ed Pagano, my chief of staff; Bruce Cohen, who is always listed as one of the 50 most important people here in the Senate—I get listed as an asterisk—because of what he does to make sure the Judiciary matters are kept here; Jessica Berry and so many others who keep this thing going.

I said to Senator REID, our distinguished leader, we Senators are but mere constitutional impediments to our staffs. We know they are the ones who run it. Roscoe Jones of my staff was here, probably never heard me say that. He is trying desperately to keep a straight face, but it is a fact.

We have included within this money for DNA funding $4.8 million for the Kirk Bloodsworth post-conviction DNA testing grants, and $147 million for the Debbie Smith DNA backlog grants.

I am privileged to know both Kirk Bloodsworth and Debbie Smith.

Mr. LEAHY. Mr. President, I am pleased to note that we included funding in the appropriations package for landmark programs created by the Justice For All Act of 2004. Specifically, we provide $2.5 million for Capital Litigation Improvement Grants to improve the quality of legal representation in State capital cases, and over $152 million to improve Federal and State DNA collection and analysis systems critical to the prosecution of the guilty and the protection of the innocent from wrongful prosecution.

The Justice For All Act capped more than 4 years of effort by a bipartisan House and Senate coalition that included both supporters and opponents of the death penalty. It is the most significant step we have taken in many years to improve the quality of justice in this country and restore public confidence in the integrity of the American justice system.

That law increased Federal resources for combating crimes with DNA technology, established safeguards to prevent wrongful convictions and executions, and enhanced protections for victims of Federal crimes.

It authorized the Debbie Smith grant program to address the DNA backlog crisis in the Nation's crime labs, and created new grant programs to reduce other forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote the use of DNA technology to identify missing persons. It also established enhanced and enforceable rights for crime victims in the Federal criminal justice system.

The law also included legislation I authored called the Innocence Protection Act. That measure provides access to postconviction DNA testing in Federal cases, helps States improve the quality of legal representation in capital cases, and increases compensation in Federal cases of wrongful conviction. It established the Kirk Bloodsworth PostConviction DNA Testing Program to help States defray the costs of postconviction DNA testing.

Getting the Justice For All Act fully-funded has proven to be tough, especially given the fiscal crunch that all criminal justice programs have faced in recent years. However, as a senior member of the Appropriations Subcommittee that sets the Justice Department budget, I have worked closely with CJS Chairwoman MIKULSKI and Ranking Member SHELBY to include in the omnibus package roughly $155 million to advance the comprehensive and far-reaching reforms in the criminal justice system established under the Justice For All Act. I thank my colleagues for their leadership in this area.

State and local authorities will be better able to implement and enforce crime victims' rights laws, including Federal victim and witness assistance programs. They can apply for grants to develop and implement victim notification systems so that they can share information on criminal proceedings in a timely and efficient manner.

The intent of the Justice For All Act was to create a fairer and more accurate system of justice for all Americans. The spending priorities set forth in the Justice Department portion of the fiscal year 2008 Omnibus appropriations package will help protect crime victims, maximize the use of forensic DNA evidence testing, and provide safeguards to prevent wrongful convictions and executions.

I note that this bill is the product of more than 9 months of work by the Senate and House Appropriations Committees. It meets the President's arbitrary budget ceiling, but because of the arbitrary ceiling, we have had to cut a number of things. Senator GREGG, Congresswoman LOWEY, Congressman WOLF, and I worked on that to agree to the numbers so that the foreign ops part is not a Democratic bill or a Republican bill, it is a bipartisan bill that attempts to address a myriad of foreign policy, national security, and domestic needs of this country.

Other subcommittees worked just as hard and in a similar bipartisan manner. None of us are completely happy with the outcome. We had to make exceedingly difficult cuts to get to the President's number. But that is the nature of this process.

It is ironic that a President who said he would veto this bill unless it was within his self-proclaimed budget ceiling because he wants to keep a lid on spending, is asking Congress for another $70 billion in emergency funding to continue the war in Iraq.

Those dollars do not score against the budget, so the White House can espouse the fiction that the President is being fiscally responsible at the same time that he piles on the debt for future generations.

Of course, he never threatened to veto any of the appropriations conference reports during the past 6 years.

It is a political ploy after inheriting a balanced budget and tripling the national debt, but it is going to be hard felt by the American people. Cuts in funding for education, health care, public infrastructure, homeland security, environmental protection, transportation—no part of the federal budget was exempted except defense.

The State and Foreign Operations portion of the bill is $2 billion below the President's budget. A full $1.3 billion of that cut was the result of the President's veto threat.

It means fewer children will receive vaccinations in the poorest countries, less money for international peacekeeping, less for HIV/AIDS prevention, care and treatment, less for non-proliferation and anti-terrorism programs, less for disaster relief, less for education, environment, energy and agriculture programs.

But, if the President gets his way, there will be tens of billions of dollars more to keep our troops bogged down in Iraq, while the Iraqi Sunnis and Shiites continue to fight among themselves.

Despite that, this omnibus bill is a far, far better outcome than continued spending at the fiscal year 2007 levels, and the dire consequences that would bring.

The State and Foreign Operations portion totals $35.1 billion in discretionary budget authority including $2.4 billion in emergency spending.

Without emergency spending, the bill totals $32.8 billion, which is $2 billion below the President's regular fiscal year 2008 request and $1.52 billion above the fiscal year 2007 level.

Here are some of the highlights:

We provide $6.5 billion for global health programs, including $345 million to combat malaria, $150 million for tuberculosis, and $5 billion for HIV/AIDS.

We provide $546 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria. Added to funds in the Labor, Health and Human Services bill, this omnibus bill provides a total of $841 million for the Global Fund, an increase of $115 million above last year's level.

It includes $446 million for child and maternal health, which is almost $100 million above last year's level.

We provide $1.69 billion for United Nations peacekeeping, $550 of which will support the desperately needed UN-African Union force in Darfur.

The bill provides $1 billion to assist the world's refugees, and $100 million to help Jordan cope with the hundreds of thousands of Iraqi refugees that have flooded that country, which is already home to tens of thousands of Palestinians.

The bill provides the requested funds for Israel, Egypt, Pakistan, Afghanistan, the West Bank, Lebanon, and other needy countries.

It provides $1.54 billion for the Millennium Challenge Corporation, which is $344 million above the Senate-passed level.

It provides $501 million for Educational and Cultural Exchange Programs, an increase of $55 million above the fiscal year 2007 level.

The bill does not include the so-called Mexico City language concerning international family planning which would have led to a Presidential veto. It is regrettable that the President would rather score political points than support private organizations that would use our funds for voluntary family planning services.

The bill provides $968 million for embassy security, which is $190 million above the fiscal year 2007 level.

There are several other important provisions in the State and Foreign Operations portion of this omnibus bill.

One would make long overdue reforms to current law by allowing thousands of persecuted refugees, barred because they were members of armed groups that were allied with the U.S., or who were forced to offer food, shelter or other services to terrorist groups, to seek asylum here.

This change was worked out by myself and Senator KYL, and would provide relief to such Vietnam-era allies as the Hmong tribesman of Laos and the Montagnards of Vietnam, and for child soldiers and others who were forced against their will to provide support to terrorist groups.

These people were there for us when we needed them, and we should not turn our backs when they need the safety of our shores. It is an affront to our values and to our reputation as a safe haven for victims of persecution.

The changes we are making will also provide relief for Iraqi refugees, some of whom have been barred for paying ransom to secure the release of a family member who was kidnapped by insurgents.

This change will not raise the number of refugees admitted to the United States, but it will bring our laws back in line with our values.

This bill contains other provisions, some proposed by Democrats, some by Republicans, which make important improvements in our foreign assistance programs.

We provide $300 million for safe drinking water and sanitation programs, consistent with the Senator Paul Simon Water for the Poor Act.

There are funds set aside for reconciliation and people-to-people coexistence programs in the Middle East, as well as in other countries divided by ethnic, religious, or political conflict.

There are new provisions which address the problem of corruption and governance in countries that receive U.S. assistance.

There are new provisions to improve monitoring of U.S. military aid to countries that have human rights problems, and to address the problem of child soldiers.

Mr. President, these are only a few of the items supported by both Democrats and Republicans in this omnibus bill, and they are only within the State and Foreign Operations portion.

There are thousands of other important domestic programs funded by each of the other subcommittees whose bills make up this omnibus appropriations bill.

Lastly, I wish the American public realized how much Senators on both sides of the aisle work together. I wish the American public realized the number of friendships there are on both sides of the aisle, both among the Senators and their families. Are we going to pass a perfect bill here? No. Am I opposed to the blank check for Iraq? Yes.

We have been in Iraq longer than we were engaged in World War II. It is time to let our brave men and women come home to their families. I believe that from the bottom of my soul. The opposition I have to this bill is because of that.

I know how proud I was when my youngest son, LCpl Mark Patrick Leahy of the Marine Corps, was one to answer the call in Desert Storm, as much as I feared for his safety, and how pleased I was that war ended so quickly, that he was not in harm's way.

I also worry that that is not something parents can say when they see parents and wives and husbands, children and brothers and sisters when they see their family members in a war that has lasted longer than World War II. It is time to say: Come home, America. Come home, America, and face the problems in our country. Let the Iraqis now face their problems. Let them stand at the plate. Let us address the fact that we have so many unanswered problems in health and science, in addressing our myriad diseases, education, infrastructure, and everything else in this country.

One thing I must say is that is in this bill, Senator STEVENS and I changed the so-called WHTI provision in the omnibus. It shows some realities across the border into Canada and vice versa. There are those of us who think of Canada as that great country to the North. There are some of us who have family ties in Canada, some of us who feel that Canada is not a threat to the United States and we should not treat it as such.

Mr. President, one important issue I wish to highlight today is an international border issue with our friendly neighbors in Canada, Mexico, and the Caribbean that could have severe implications for the social and economic ways of life for communities all across our country.

In the wake of the September 11 terrorist attacks, Congress has enacted a number of new border security measures, all with the expressed goal of preventing another terrorist incident. In this bill, we have worked hard to provide the needed resources for these programs in a fair and balanced manner. Post 9/11, everyone recognizes that there are potential threats and security needs, but we must implement them sensibly and intelligently.

Over the past few years, I have heard from many Vermonters about problems they have encountered at U.S. border crossings, from long traffic backups to invasive searches and questioning to inadequate communication from Federal authorities about new facilities and procedures. Such a top-down approach does not work well in interwoven communities along the border, where people cross daily from one side to the other for jobs, shopping, and cultural events. We have hardened security around this Capitol and the White House and built fences near San Diego. But those procedures do not work on Canusa Avenue in Beebe Plain, a two-lane road where one side of the street is Vermont and the other side is Quebec, or at the Haskell Free Library and Opera House, which straddles the international border in Derby Line, Vermont, and Stanstead, Quebec.

That is why I am pleased that this bill includes a much-needed delay for full implementation of the so-called Western Hemisphere Travel Initiative, which will require individuals from the United States, Canada, Mexico, and the Caribbean to present passports or other documents proving citizenship before entering the United States. I was pleased to join with Senator STEVENS and many other colleagues from both bodies in pushing for inclusion of this important provision because it is clear that the Department of Homeland Security and the Department of State are not ready for a full rollout of the new passport checks next summer.

Muddled thinking, poor planning, and administrative hubris have plagued implementation of the Western Hemisphere Travel Initiative. The Department of Homeland Security has rushed to implement the new passport checks before the necessary technology, infrastructure and training are in place at our border stations. If these critical features of the deployment are not in place when the new program starts, we will see severe delays at our border and law-abiding citizens from the United States, Canada, Mexico, and the Caribbean will have great difficulty moving between our countries. Most importantly, a hasty implementation will undermine the intended goals of the program.

The massive backlogs in processing passport applications we saw earlier this year when the Departments of Homeland Security and State started to require passports for air travel is just a taste of the chaos that is likely when they start enforcing citizenship checks at our Nation's land and sea borders in January. There is another train wreck on the horizon if these Federal agencies continue pushing forward with full implementation of the Western Hemisphere Travel Initiative before the necessary policies and procedures are in place to handle the surge in applications and the lengthy border crossing delays that are sure to come.

I appreciate the recognition by this Congress that premature implementation will recklessly risk the travel plans of millions of Americans and the economies of scores of U.S. States and communities. The Departments of Homeland Security and State have shown that they need more time to establish a set of rules and procedures that will do more than just shut our borders down to legitimate travel and trade.

Mr. President, there is one item that was in the Senate passed version of H.R. 2764, the State and Foreign Operations Appropriations bill, that the conferees agreed to address in the explanatory statement accompanying the amended bill that is Division J of the omnibus bill, relating to Uganda.

That language directs the Secretary of State to submit a report within 90 days detailing a strategy for substantially enhancing United States efforts to resolve the conflict between the Lord's Resistance Army and the Government of Uganda. The language specifies certain issues to be addressed in the strategy. It also indicates that

$5 million is provided to implement the strategy.

Due to an oversight, the $5 million was omitted from the funding table in the explanatory statement under the Economic Support Fund heading. However, it is the intent of the conferees that this amount in unallocated Economic Support Fund assistance be made available for this purpose.

Mr. President, I yield the floor. I see the Senator from Georgia is about to speak.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I know many of my colleagues have become involved in issues in their States stemming from a shortage of water over the years. Sometimes these issues are intrastate, sometimes they are interstate. Regardless of the size or scope, they always get very complicated quickly.

The water wars between Georgia, Florida, and Alabama that have been going on for decades are no different in that regard. They too get very complicated very quickly. There are decades of negotiations, agreements, lawsuits and settlements, and the Governors of the three States are still attempting in good faith to come to a resolution. In fact, those three Governors met in Tallahassee, FL, yesterday, along with Secretary Kempthorne, to create a roadmap forward on this very complicated issue.

There is language included in this Omnibus appropriations bill that does not resolve the very complex problems that the three States continue to deal with, the allocation of water among them. Rather, the language in this bill seeks to, one, insert Congress into the middle of an ongoing dispute and attempts to pick winners and losers in that dispute; two, it attempts to limit the ability of the Corps of Engineers to provide complete and accurate technical data to make recommendations to the States involved in the dispute; and, three, prohibits the Corps of Engineers from completing the process of updating water control manuals, which they have begun to do on one basin, and which they are required to do by statute and their own regulations.

I object strongly to the language regarding this issue included in this bill. The Army Corps of Engineers operates a number of different reservoirs across river systems around the country. Normally they conduct their operations under a water control plan, which is a plan that identifies the objectives for managing the system; basically, the release and retention of water for different needs, such as navigation, water supply, hydropower production, recreation, as well as other needs.

The water control plan is the manual by which the Corps of Engineers manages the river systems, and they do so within the confines of water allocations set for each State.

Now water can be allocated among States in one of three ways: interstate water compacts, direct congressional appointments, or equitable apportionment by the Supreme Court of the United States.

Obviously, interstate water compacts are the preferred method for allocating water, because they allow the States, which are the most knowledgeable about their own water resources and needs for water, to do the apportioning. That is what the Governors of Georgia, Alabama, and Florida are currently trying to do.

The State of Georgia shares the Apalachicola-Chattahoochee-Flint River Basin with Alabama and Florida. Georgia also shares the Alabama-Coosa-Tallapoosa River Basin with Alabama. After 17 years of litigation, the Governors of these three States are finally at the negotiating table finding a way forward on this very difficult issue.

I commend them for doing so during these exacerbating drought conditions we are now experiencing. It is always harder to discuss sharing water when there is less of it to go around. So during this time of progress, it is mind boggling to see this language in the omnibus bill intended to block that progress. It is a blatant dilatory tactic. I am disappointed it is included in this bill. I am disappointed for several reasons.

First, this is not an issue into which Congress should be inserting itself. The Corps of Engineers is required by Federal statute and their own regulations to operate the reservoirs with up-to-date water control manuals. However, for the ACF basin, the only approved water manual was prepared in 1958 and does not even include the Federal facilities at West Point, Walter F. George, or George W. Andrews.

The process of updating the manuals has been on hold for almost 20 years as litigation between the States has been ongoing. However, last year, the U.S. District Court for the District of Columbia ordered that the Corps of Engineers proceed with its NEPA studies, which is the necessary first step in updating the water control manuals. The court ordered it be done as expeditiously as possible.

Apart from the fact that Congress should not be inserting itself in this issue, apart from the fact that everyone knows updated water control manuals are required by law, have been ordered by a Federal court and are beneficial to all parties, I am also disappointed to see this language because of the process by which it got into this bill.

This language was not in the House-passed version of the Energy and Water appropriations bill. And, in fact, the only instance in which the House has considered this issue was last year during the debate on the fiscal year 2007 Energy and Water appropriations bill. Similar language was removed from that legislation by a House vote of 216 to 201. So this language was not in the House-passed bill.

The full Senate did not even debate the fiscal year 2008 Energy and Water appropriations bill. Only the Senate Energy and Water Appropriations Subcommittee approved this language. It has now been included in this omnibus bill. That simply is not right.

Finally, let me say that I noted with interest the fact that last week, seven States in the western part of the United States signed a historic water-sharing agreement.

I congratulate those from Utah, Arizona, California, Colorado, Nevada, New Mexico, and Wyoming who worked on this issue and were able to complete what I am sure was a very difficult process. It gives those of us in the Southeast hope for that light at the end of the tunnel, hope that we, too, can reach agreement one day. I ask my colleagues to consider for a moment that if during the midst of progress on that historic water agreement a Member of the Senate attempted to use the appropriations process to prevent the Corps of Engineers from implementing the most up-to-date information in the management of the water that crosses those States. I hope those colleagues would consider the negative impact that would have on the process in which their States were engaged.

I read very carefully the language my colleague from Alabama inserted into this omnibus bill. I can only take solace in the fact that at least the language allows the Corps of Engineers to continue the process of updating the water control manuals, even though it seems to prevent them from actually implementing those manuals, whatever recommendations come out of those manuals. We all know updating water control manuals is a 2-year process. You can rest assured that we will revisit this issue and rest assured when the time comes, I will do everything in my power to make sure these critical updated manuals are actually implemented. I think at the end of the day my colleague from Alabama will discover that updated water control manuals will benefit all parties involved in the difficult negotiations of water allocation among the three States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I associate myself entirely with the remarks of the distinguished Senator from Georgia. Secondly, I express my appreciation to Senator REID for his attempt when this was discovered to allow us a chance to debate the merits of the proposal in division C of section 134 of the Omnibus appropriations act. Unfortunately, that could not be done. Senator CHAMBLISS and I are left with expressing our deep disappointment on the floor of the Senate tonight.

I ask unanimous consent to print in the RECORD the complete article of a December 18, 2007, front-page article from the Marietta Daily Journal entitled ''Drought Talks to Speed Up.''

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

[From the Marietta Daily Journal, Dec. 18, 2007]

DROUGHT TALKS TO SPEED UP

(By David Royse)

TALLAHASSEE, FLA.—The governors of three drought-stricken Southeastern states agreed Monday to speed up talks on sharing water during scarcities, hoping to end a nearly 18-year fight over the issue by March.

The governors of Florida, Alabama and Georgia and federal officials also agreed not to reduce for now the minimum amount of water that will flow into the Apalachicola River, which feeds a major oyster breeding ground in the Florida Panhandle. That eases the minds of some fishermen and Florida officials—they had feared the flow could be further reduced to meet drinking water needs in Atlanta. Florida's Charlie Crist, Georgia's Sonny Purdue and Alabama's Bob Riley said they agreed that their staffs will continue to work together to come up with a plan for dolling out the region's water by March 15.

That was hopeful news to fishermen along the Panhandle Gulf Coast, who were looking at the prospect of water flows remaining lower than they say they can tolerate until June 1, when an interim agreement on flow levels originally had been set to expire. Now, there's a possibility of agreeing on raising the amount of water coming into Florida earlier.

''We're cautiously optimistic,'' said Kevin Begos, the director of the Franklin County Oyster & Seafood Task Force.

U.S. Secretary of the Interior Dirk Kempthorne, who also participated, said he was pleased the governors have agreed to try to end the states' nearly two decades of disagreement on the issue as early as this spring.

''This was real. It was meaningful,'' Kempthorne said. ''The atmosphere today reinvigorates me that we can get this done.''

One of the worst droughts in years in the Southeast has created a sense of urgency, all three governors acknowledged.

''We're talking about solving something we've been working on for 18 years within the next two months,'' Riley said.

The fast-growing Atlanta area gets most of its water from Lake Lanier, at the head of the river basin shared by the states. But drawing more water from the lake means less for downstream uses in Alabama and Florida.

Alabama is concerned about water for the Joseph M. Farley Nuclear Plant, near Dothan.

Florida is concerned about freshwater flowing into Apalachicola Bay, a prime shellfish producing area, that produces about 1 in 10 of the oysters eaten in the country.

The amount of freshwater flowing through the Apalachicola-Chathoochee-Flint river system into the Gulf at the mouth of the Apalachicola River has been reduced to near historic lows, threatening the fishing industry there.

The flow increased in recent days because of a downpour over the weekend, but it had been reduced to a level that fishermen had said wouldn't sustain their industry. Making them more nervous, U.S. Corps of Engineers officials had said they might reduce the flow further. And it wasn't likely to be renegotiated until June 1.

At a Cobb County-Marietta Water Authority meeting on Monday, authority General Manager Glenn Page said that for the first time since May, the level of Lake Allatoona increased.

At full pool, Lake Allatoona is 840 feet above sea level. Page said the lake on Monday was at 819.15 feet, about 5.5 feet below average for this time of year. On Friday, the lake level was 818.88 feet.

But fishermen have said that to keep the low amount of water going into the bay through the spring spawning season would devastate the industry.

Crist said he understands the needs of the bay's fishermen and oystermen, who complained in a recent meeting that the river mouth and bay are already so salty that oysters can't survive. Speeding up the timeline could mean earlier relief.

''Florida's oyster industry faces an uncertain spring, due to the current drought,'' Crist said. ''Spawning season is critical to our northwest Florida economy.''

Crist also hinted that Georgia might need to increase its conservation—noting Florida has made moves to cut use since the drought began.

''We all share the difficulties of the current drought—all three of our states must provide for comprehensive water conservation efforts,'' Crist said.

None of the governors, however, would talk specifics about where their chief remaining obstacles lie.

Water flows into the bay are also a concern for environmentalists, who worry about the effect of less water on other species besides oysters.

The endangered Gulf sturgeon, and two species of mussel, the fat threeridge and the threatened purple bankclimber, are also imperiled by lower flows.

In early December, authorities said there was less than four months of available water left in Lake Lanier. Perdue said recent reductions in flow that Florida opposed have aided in raising the lake's level.

''The flow reductions have helped, the ability to recover some of the rainfall and store that has helped,'' Perdue said. ''But we've got to have a protocol that determines how we're going to share in times of scarcity, and that's what we're all trying to figure out.''

Just last week, Florida water managers approved restrictions on water use in the southern part of the state. Starting early next year, outside watering will only be allowed once a week from Orlando south to the Keys.

The meeting also follows a major agreement signed last week that will allow seven western states to conserve and share Colorado River water, ending a divisive battle among those states.

Mr. ISAKSON. I would like to read one sentence from that article: Governors Charlie Crist of Florida, Sonny Perdue of Georgia, and Alabama's Bob Riley said ''that their staffs will continue to work together to come up with a plan for doling out the region's water by March 15.''

That common goal stated by those three Governors today in Florida puts us within less than 90 days' reach of what has been out of the grasp of the States of Georgia, Alabama, and Florida for 18 years, since 1989. At the last minute, because of a broken process for an Omnibus appropriations bill to contain legislation that directs, potentially limits, or sets the parameters by which the Corps of Engineers might be able to implement control of the waterways is just not right. It is my sincere hope at some time in the future those who might have thought this was a good idea will recognize it is actually contrary to what we in the Senate from the three States have attempted to do when we had a summit in Washington less than 2 months ago with our three Governors and the Secretary of the Interior.

There is no more precious gift than water, no better and more precious resource than water. There also is nothing better in the legislative process than a spirit of cooperation between each of us who shares borders in our States so as to find the right way to solve problems, not have dilatory tactics to postpone or delay problems.

I conclude by expressing my deep disappointment that the Omnibus appropriations bill contains division C, section 134, which has those potentially limiting factors and urge my colleagues to look to the future to find solutions, rather than a way to protract and delay and find confusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wanted to say to the two Senators who have just spoken, this Senator from New Mexico is ranking member of that committee. I am not chairman any longer of the committee they have alluded to. I can assure them that it was not overt action on this Senator's part that put that provision in the bill. I think you know that. We would be talking; I am pretty accessible. You two have already been telling me. I am hopeful that my presence on that committee will be of help to you in resolving whatever problems might be caused by its being there. Having said that, I want to make a comment. If it takes me an extra minute, I ask for an extra minute at this point.

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

Mr. DOMENICI. I come to the floor as I embark upon my last year as a Senator after 35 years. Tonight, today, this week, this month reminds me of something. It reminds me that it is time for the Senate to have a serious debate on whether we should be doing appropriations every year and doing a budget resolution every year or whether it is time for the Senate to do that on a 2-year basis, as many States do, and as we certainly could do, taking the first year for appropriations and budgeting and the second year of the bi-cycle with no appropriations other than emergency supplementals or whatever we define. I believe it will work. I believe it will work because it is better than what we have. I also believe things are so bad in terms of not being able to get our work done and ending up with appropriations like this.

As good as they are, as hard as people work, everybody knows it is not the way to do business. We have done it. Democrats have done it. I lay blame on no party. I merely say the Senate can't sleepwalk through this for much longer. This is a huge problem with a simple solution. The solution will be a little one that will address a huge problem. Plain and simple, the legislation is drawn, committees have had hearings, a 2-year cycle for the processes of budgeting and appropriations. I hope those who have come up to me in the

last week will follow through. I hope the chairman of the Committee on the Budget, who has indicated he is going to look carefully and study thoroughly, will do that quickly.

I would like to join with those early on next year in seeing what we can do to better a process that has served us well but, clearly, at this point in history, considering the size of government, how often government must produce budgets, how wasteful that is, all the other things that go with it, I would hope we might make some giant move in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am advised that there are between both sides nearly an hour and a half left to debate. My colleagues have been asking when we might vote on this and on the judge who is also to be voted on. If my friends on the other side are willing to yield back all their time, I am willing to yield back all time on this side and go to a vote on this measure. I am not trying to cut off anybody from their long speeches. But if they are willing to do that, we could save an hour and a half, yield back time on both sides, and then yield back everything but 1 minute per side on the judicial nomination and go straight to a vote on that. Do I hear any takers?

I ask unanimous consent that all time be yielded back on both the Republican and Democratic side.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. You want to stay here for the next hour and a half and vote and the next hour or so for the judge and vote.

Mr. DEMINT. Will the Senator yield? I think there are a few of us who would like to make comments on the omnibus, but I don't think we are going to use all of our time.

Mr. LEAHY. I recommend that the Senators, for those who wish to go home, may want to make speeches after the vote. If they would like to make them before, of course. If they would like to make them before, they have that absolute right, and we would not yield back any time.

Mr. DEMINT. That is my preference, to make some comments.

Mr. LEAHY. Then I will not yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, hopefully, we can cut the time short. We insist on some comments about this bill because it is probably the largest bill that has ever passed in the Senate. It is sitting in front of me tonight. It amazes me we are willing to take this lightly. This is the bill we are getting ready to vote on, probably the biggest spending bill that has ever passed in the Senate. It was received yesterday. Normally it is a courtesy in the Senate that the bills we are debating are placed on every Senator's desk so that we can at least have the pretense that we have looked at them. But you will notice that this bill is not on any desk in the Chamber because there is not one single Senator here tonight who can say they have read this bill.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DEMINT. No, sir, I am going to make my statement. I know we are all tired and ready to go home. I do appreciate the work of my colleagues. I wish them all a very Merry Christmas and a wonderful time with their families. But this is the last bill of the year. It is not just any bill. We began the year, all of us, very hopeful. Oftentimes a change is helpful as we rethink how we do things. In fact, I began this year introducing one of Speaker PELOSI's bills that provided more transparency to earmarks that I thought was better than ours. I introduced it on the Senate side. But, unfortunately, as we have gone through the year, we haven't been able to get our work done.

We like to say we are the world's greatest deliberative body. I have to ask my colleagues tonight, on the largest bill we have ever considered, the most expensive bill we have ever considered, what deliberation?

We don't even know what is in this bill. We haven't had any real debate. We are going to try to cut it off in an hour or so. This is a couple of times bigger than the Bible. It is bigger than Webster's Dictionary. It has some of the most important provisions to direct our country over the next year that we could possibly consider. We don't even have a desk copy.

I would like to make a few things clear about this bill. This does not include the Iraq and Afghanistan money. We voted on that separately. It is done. It is going to go back to the House. A vote against this bill is not a vote against our troops, but it is a vote against how this has been done and the mismanagement that has occurred. To bring this much spending and this many provisions, 3,400 pages plus in 24 hours, and ask us to vote on it is irresponsible.

There should be no confusion tonight. We are not going to vote on the Iraq funding, which we passed. I am here to encourage my colleagues to consider for many reasons voting against this omnibus spending bill. I am afraid it is indicative of the way we have run this year, as we look at this big bill sitting in front of us.

I am afraid the new majority has attempted to cater to so many special interests with so many diverse interests that we have really become dysfunctional and have not been able to get our work done. They cannot really support the funding of the troops or they will irritate the antiwar left. They cannot vote for fiscal responsibility or they will irritate the special interest lobbyists who need a lot of the special projects and earmarks in this bill.

So instead, we have come up with this arcane procedural process. This is not really a bill; it is some form of message. And we are going to pass it separately so that we can have it both ways and no one can be blamed for the mismanagement. But there should be no mistake. NANCY PELOSI is the Speaker of the House, and HARRY REID is the Senate majority leader. The Democrats are in charge of Congress. This is their process. It is their bill. And I am afraid, my colleagues, it is a disgrace.

This is the bill. As I have said, it might be the largest bill in the Nation's history. It is the most expensive bill in America's history—3,400 pages-plus; 24 hours to consider its contents. It took over 6 hours just to print this out. There is one copy in the cloakroom on both sides. We have not even read it. It contains over 9,000 earmarks. If we can see this chart over this large stack of legislation: 9,100 earmarks, plus the 2,100 that have already been passed.

If you remember, a lot of the culture of corruption we talked about at the beginning of this year was attributed to the earmarks—trading earmarks for bribes and earmarks for campaign contributions. The new majority promised the American people, with my support, that we would reduce the number of earmarks significantly.

One of the last acts of the Republican majority was to stop the big omnibus last year and to force a continuing resolution where the result was only 2,600 earmarks.

Those who say this large number of earmarks has always been a part of the Senate do not know our history. All you have to do is go back to 1995: 1,400 earmarks. If you go back past then, there were fewer than that.

This is not a constitutional function. It has not been part of the history of the Senate. This growth in earmarks is a perversion of the purpose of this Congress, where we have changed our focus from national interests, the future of this country, to parochial, special interests that we work on every year and hardly even talk about those issues that challenge our Nation—such as a Tax Code that is sending jobs overseas; entitlement programs, where we do not have a clue how we are going to pay for them; health care, when people cannot receive it in our country. We are fighting over bike paths and museums and little special projects all year long.

This year, with the new majority, we are back up to the second highest level in history of the number of earmarks, special project earmarks, that we are supporting in this bill right here, and we do not even know everything that is in it as yet. It contains at least $20 billion in budget gimmicks and so-called emergency spending. I could go down the list. It would put a lot of people to sleep. There are a number of ridiculous provisions that we are just finding.

The serious debate over immigration came down to at least one starting solution: that we are going to secure our borders. We voted the money to build fence and barriers on our borders. But this bill changes what we have already passed. It allows for only a single-layer fence and takes out the requirement for the location of the fence in States, that the money cannot be released until 15 new requirements authored by the Appropriations Committee are satisfied. It is just designed to delay what the American people made clear to us earlier in the year. They want us to have a country with secure borders. This bill changes that. It also provides $10 million to pay for lawyers for illegal aliens.

The English requirement. The Senate passed language earlier in the year to ensure that employers are not subjected to Government-funded lawsuits if they require English in the workplace. This bill takes that protection away from employers and exposes them to lawsuits because they need English spoken in the workplace.

Sanctuary cities. The prohibition against sanctuary cities was taken out.

There are special earmarks for the AFL–CIO, a number of others.

We could go down the list. Again, we are just starting to find out what is in the bill. I know very few Senators here tonight know what is really in it.

The organizations that are watching this Congress to try to identify waste are going to be key voting this tonight. I think my colleagues know they consider that a very serious issue. The Citizens Against Government Waste are saying vote no. The Club for Growth says vote no. The American Conservative Union says vote no. The Americans for Prosperity: No. Americans for Tax Reform: No. National Taxpayers Union. We can continue to go down the list. All the organizations that downloaded this off the Web last night and began looking through it within an hour or two found things that made it unacceptable.

It is an unacceptable bill, and it should not be part of the world's greatest deliberative body tonight. But I think we agreed—I think the American people asked the new majority to end business as usual. I hope we can do that tonight. I hope we can give the American taxpayers a real Christmas present and stop wasting their money, stop breaking the promises. While we are making all the new promises in here, we are not making provisions to keep the promises we make.

I know most of my colleagues believe this is not the way we should be running the Senate and that they would like for there to be a better way. We do not have to vote against the troops to vote against this bill. I would encourage my Democratic colleagues, many of them who have stood with us this year on earmark reform, that is one reason alone to vote against this bill: the policy changes, the moving more money to Planned Parenthood, the compromising of our border security. The list is getting longer and longer, and we are not even a quarter of the way down the bill yet.

I encourage my colleagues to join the American people and help us stop wasteful spending. This is the last bill of the year. It is the last vote. It is going to say a lot about this Congress and what we have accomplished. This is our chance to at least say: No more business as usual. We are not going to do business this way, where we pile 3,400-plus pages on a desk, in 24 hours, and ask the Senators of this country to vote for it without even knowing what is in it. It is not the way to run a Senate. It is not the way to run a country.

I plead with my colleagues, let's leave this year on a positive note. Vote against this omnibus and give Americans a real Christmas present.

Thank you, Mr. President. I yield back.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, for 46 hours and 8 minutes—for 46 hours and 8 minutes—the Senator from South Carolina has had an opportunity to go to the Internet and see this bill in its entirety, with his staff, and to read every page—46 hours and 8 minutes. For this Senator to suggest on the floor that we are sneaking this bill in, that people have not had a chance to see it, I would just say to the Senator from South Carolina: Welcome to the world of the Internet. This bill has been posted since 12:15 a.m. Monday morning on the Internet for your perusal. That is early to get up, I understand. It is an early time to be reading the bill. But, please, do not come to the floor and suggest that this is a mystery bill which no one has seen. For 2 days, this has been posted on the Internet. You have had your chance. Every Senator has had a chance. And incidentally, this bill was passed pursuant to a budget resolution.

Mr. DEMINT. Has the Senator read the bill? Have you read the bill?

Mr. DURBIN. Regular order, Mr. President. The Senator from South Carolina would not yield for my questions, and ordinarily I do, but I am going to make this quick because it is late at night.

I say to the Senator from South Carolina: Welcome to the Senate where we pass a budget resolution. We did that this year. It is new to the Senate. We did not do that last year. Welcome to the Senate where we are going to pass appropriations bills. It did not happen last year. The Senator may recall when he arrived that the Republican-controlled Senate failed to pass 11 appropriations bills, and we had to pass them when we arrived in the new Senate.

So for him to suggest that what we are doing here does not give the American people a chance to see what has happened—this has been the most transparent approach to passing these bills. In fact, I might say to the Senator—he has probably followed this—the Senate Appropriations Committee has considered all of the bills that are contained therein. There have been changes, for sure, but those that came to the floor—about 7 of them—passed with over 75 votes apiece. So to suggest that this is a mystery document is to ignore the Internet, ignore the availability, and ignore the obvious. The last time, the Republican majority passed two appropriations bills. Congratulations. We want to pass them all. And this is your chance. You can vote no. That is your right as a Senator.

Let me say a word about earmarks. About 4 inches of the document in front of you consists of complete disclosure on earmarks—the most detailed disclosure in the history of Congress. And your chart, unfortunately, tells the story from the wrong angle. The total dollar amount of the earmarks contained in those appropriations equals 43 percent of the earmarks contained in the Republican appropriations bills of 2 years ago. A 43-percent reduction in the dollar value of earmarks, total transparency, total disclosure—I thought that is what you were asking for when you stood up during the ethics debate.

Let me also say that the Senator is opposing the removal of authorization language from appropriations bills. That is a point under our rules that is debated all the time. It happens. It happened in my bill, in my appropriations bill. And most of the time it happens because the White House tells us they do not want the language.

The last point I want to make to you is that to suggest that this bill is wasteful spending comes at just the right moment—just the right moment—after the Senator from South Carolina voted for $70 billion on a war that is not paid for. And the Senator joined in opposing our efforts to pay for a reduction in taxes. Wasteful spending? What the Senator did in those two votes is to pass billions of dollars in debt on to future generations.

I would urge the Senator, discover the Internet, discover the opportunity to read these bills. And when you do, you will see that this information has been available now for 46 hours and 13 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, in this discussion of earmarks, of course, the elephant in the room—and I do not necessarily mean that as a pun—are the hundreds of billions of dollars of earmarks from the President of the United States: the blank check to the war in Iraq; the blank check to the people who are hired as contractors, various companies—Halliburton is one that comes to mind, but many others, Blackwater and so on. These blank checks—nobody wants to talk about those.

But every President—not just this President but every President—has

hundreds of billions of dollars in earmarks in the bill. This President has had trillions of dollars. That is why this President, who inherited the largest surplus in the Nation's history, has turned it into the largest deficit in the Nation's history. And it is why? Because with the combination of his deficits and his war in Iraq, he is just paying the interest on the Bush administration's debt and the war—just the interest and the cost of the war.

Every day, 7 days a week, 365 days a year—366 in leap year—we spend $1 billion every single day—every single day—in interest and the war in Iraq. That is money that does not go to education, does not go to finding a cure for cancer or Alzheimer's or diabetes or AIDS. It is $1 billion a day that does not go to educate our children and our grandchildren. It is $1 billion a day that does not go to find a way to make sure our schools can start competing again with schools around the world. It is $1 billion a day that does not go to paying down the national debt.

So those are the earmarks we do not talk about.

Mr. President, I yield to the senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the distinguished Senator from Vermont. I will be very brief. I will vote for this bill. There are good things in the bill and there are bad things. One bad thing, as the Senator from Vermont was listing off a number of things that have not been adequately funded, is the fact that the widows and orphans of the people who have served our Nation in uniform are not being compensated a paltry $1,200 a month due to an offset between what they paid—what their spouse paid for in the spouses's benefit, and what, under the dependents indemnity compensation, they are entitled to by law.

This bill, to its credit, tries to address that offset but addresses it with a paltry $50 per month for those widows and orphans. It was President Lincoln who said a Nation has an obligation for those who went to war to care for the widows and orphans. Widows and orphans are a cost of war, and we have denied that cost and we still do so again tonight. We have only been working on this for 7 straight years, and at least we got a paltry $50. But there is much more that needs to be done to right this wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I see the Senator from Iowa, who obviously has the right to speak. Let me ask again how much time remains on both sides.

The PRESIDING OFFICER. The majority controls 30 minutes and the minority controls 32 minutes.

Mr. LEAHY. Mr. President, I hope we can quickly reach a point where Senators on both sides are willing to finish speaking. Obviously, I am not going to ask to cut off anybody's time. As soon as there is no Senator seeking recognition, I will move again to yield back all time on this vote and all time on the judge's vote, so we can go to both those votes back to back.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I do need to rise to speak in strong opposition to what folks in Wyoming have figured out is an ominous omnibus appropriations bill, and they think there are literally billions of reasons to vote against this bill, and that is what I intend to do when I vote on it.

We are nearly a quarter of the way through fiscal year 2008 and only one of the 12 appropriations bills is law. The remaining 11 bills are stuck together in this bill. There is one-half trillion dollars of spending in the 3,000-page bill. Now, when I was going to school, we spent a lot of time figuring out what a million was, and I think I kind of figured that out after I got here. But we talk mostly about billions, and that is a little tougher to do. But I did run into one example that explains a billion a little bit, and that is if we are talking about a billion seconds ago, we are talking about 1959. If we are talking about a billion minutes ago, Christ was walking the Earth. If we were talking about a billion dollars of spending ago, we are talking about 8 hours and 20 minutes, the way we are spending it right now.

There was some comment about not having access to the bill. Well, the Web site had the bill the way the House was to address it 2 days ago. I suspect you can get through the 3,400 pages if you stayed up the whole 48 hours and read it, but we didn't know what that bill was going to be after their action until less than 12 hours ago—perhaps a few more than that, considering the time of night it is now. But this is a real unreal state of affairs and it has become the norm.

It has been pointed out that this isn't the only year we have done an omnibus bill, but this is exhibit No. 1 on what is wrong with government in this country, and I don't want to condone it. Every year this happens, every year we drive an omnibus, we get closer to financial ruin when we do that. What have we been spending our time on this year? Political votes, not policy votes. And the American taxpayer is paying the price here in the eleventh hour to the tune of billions of dollars.

In the 2006 mid-term elections, the American people called on us to stop business as usual. They called on us to stop overspending. They called on us to change. That is the message we gave them, that we were going to change. But instead of change, we have seen Washington run in a more partisan manner than ever before. This bill contains 3,400 pages, and I can't imagine that many of my colleagues have read it, even those who knew it was on the Web site 48 hours ago.

In the crazy world that is Washington, the bill complies with the spending level set forth by President Bush, but it does so in a way that uses budget gimmicks and hides billions of dollars in extra spending. As the only accountant in the Senate, I can tell you the Federal Government's budgeting is criminal. If a private company forgot to count $11 billion against their budget, the CEO would go to jail.

I support some of the funding in this bill. I support full funding for our veterans. I support providing money for border security. Almost all of these provisions are worthy areas for Federal funding. But we cannot spend money on everything we want and call ourselves fiscally responsible. If the money is needed for these programs, maybe we should cut out the more than 9,000 earmarks that were in the bill to pay for them. At some point, someone will have to pay for our overspending, and I would ask: Where do my colleagues think that money comes from? This money is coming from mothers working at the mall or fathers who are building buildings or farmers plowing their fields. They do not work so hard so they can serve up a dish of pork to people thousands of miles away without their consent. But that is what the architects of this bill are doing.

My concerns with this bill are more than just fiscal. We do have a process around here for considering legislation. I am talking about legislation versus appropriation. This bill ignores that process and the Senate rules that expressly prohibit legislating on appropriations bills. By making it an omnibus bill, it makes things that are important seem insignificant when compared to the one-half trillion dollars we are spending. So it seems petty if anybody suggests taking out some minor item of a few million, or even a few billion, considering the size of the bill.

But I am talking about the legislation part. It ignores the process and the Senate rules that expressly prohibit legislating on appropriations bills. Again, because it is an omnibus bill, we don't have the same right to challenge parts that would be legislating. We do hold hearings in committee. We work within the committee to develop and pass legislation. Then we consider the bill on the Senate floor. We do this so that important issues get the input and attention the American people expect and deserve. It might take longer to go through these steps, but the product is better; not perfect, but certainly better than the product that is before us today.

The amount of legislating in the Omnibus appropriations bill, particularly the Labor-HHS title, is criminal and outrageous. HIV/AIDS funding is a perfect example. A year ago, we passed a bill with a formula in it that made sure that money for HIV/AIDS followed the patients. How well did that do? It passed unanimously in the Senate and it passed unanimously in the House. You can't be more bipartisan than that. You can't be more agreeable than that. We said the formula was right and that the money should follow the

patients. Well, there is legislation in this bill that changes that formula, and it never received a hearing before a congressional committee, it has never been marked up, and it was inserted in the House bill without a full debate or even a vote.

We struck that part over here. We struck that part by a very significant vote because it was mostly 7 cities stealing from 42 other cities. That is not the way to legislate. So striking that part did occur in the Senate by a significant vote. So much for transparency and sunshine in Washington.

The Labor-HHS section of the bill is not the only section that includes problematic legislation. The bill includes provisions that allow a 2-percent deduction of State mineral royalty payments to help cover administrative costs at the Department of Interior. Let's see, what does the Department of Interior do? They get a check from Wyoming companies, collected by the State of Wyoming, audited by the State of Wyoming, and they take half of it and send us a check back for the other half. That check is going to cost us $20 million.

Whoever heard of paying somebody $20 million to write you a check? Well, maybe there is some accounting they have to do to figure out whether the money sent was exactly right. You know, accountants are not allowed to take a percentage of the money. That is what lawyers do. Accountants are supposed to stay on flat fees, and I guarantee you nobody ever got $20 million for a few minutes work. That is another example of the Government taking money that is owed to States to pay for the unrelated Federal priorities because a majority in Congress doesn't control spending.

The omnibus contains provisions to prohibit the Department of the Interior from issuing final regulations for oil shale development, even though the process for development was laid out through careful bipartisan negotiations that came through a committee and that were voted on by the people in the committee, that were voted on here on floor of the Senate, that were voted on the House floor, and that were combined into what we call the Energy Policy Act of 2005. We said: Get that process set up. We didn't say: Do the process. We said: Get the process set up.

Well, there is language in this bill that says: You can't set it up. You can't do what we said in 2005 as a necessity for getting energy going in this country. Now, there are plenty of possibilities for stopping that process through things that are already in place, but, no, there is legislation in this bill that says: We don't want energy. We don't want you to even consider energy. We don't even want you to set up the regulations for how you might proceed in an orderly way so that we can object to that orderly way if we want to.

It also includes the new $4,000 fee for each application for a permit to drill oil and gas wells, with no guarantees that the permits will move forward in an expeditious manner so they can produce more domestic energy. If we don't produce more energy, the price, I guarantee you, will go up. You cannot constrain the supply and get the price to go down.

It is unfortunate that Congress waited until December 18 to advance these appropriations bills. Without the ''gotcha'' politics part, they could have been completed more than 2 months ago. They could have been completed in a very bipartisan way. We have to quit playing ''gotcha'' politics. Congress wasted countless weeks writing and debating bills that were never going to be signed. The President has been quite vocal about his objections. People on both sides of the aisle have expressed objections on a lot of the things we have voted on.

So here we are today, a week before Christmas, cramming through in 1 day a project larger than several Manhattan phone books, and that most of my colleagues have not had the time to read and review, and that is even if they divided it up among all their staff and had them look at all the parts they are familiar with. So I am telling you I am offended by the process. I am disappointed in the institution. I vote ''no'' on the bill. I want us to change it.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I am disappointed with the omnibus appropriations bill that is before us today. With the McConnell amendment, this omnibus bill will write yet another blank check—this one for a whopping $70 billion—for the President to spend on his wars in Iraq and Afghanistan. At the same time, this bill will grossly underfund urgent priorities here at home—everything from cancer research to law enforcement to home heating assistance.

And why is this happening? It is happening because President Bush has refused to compromise, refused to negotiate, refused to respect Congress as a coequal partner in the budgeting process.

The President claims that he is standing on principle, the principle of budget restraint and fiscal conservatism. But this claim is laughable.

Think about it: Mr. Bush provoked a bitter confrontation with Congress over the $22 billion that we proposed spending on urgent domestic priorities above his budget request. Democrats offered to split the difference, lowering that amount to $11 billion. But Mr. Bush still refused to negotiate or compromise.

Meanwhile, he and his allies have insisted on vastly more than that—a total of $144 billion—for the war in Iraq this year, all of which will simply be added to the deficit. At the same time, he demands a $50 billion AMT fix—which we all favor—but he insists that we not pay for it. That's another $50 billion piled onto the deficit.

So the President has forced Congress to cut $22 billion in domestic funding from the budget, and he turns right around and demands that Congress add more than 10 times that—more than $200 billion—for wars and tax cuts, all of it unpaid for, all of it added to the deficit. And this is what he calls budget restraint and fiscal conservatism? As I said, that claim is simply laughable.

Actually, this is not so much laughable as it is shameful. Bear in mind that in October the Senate passed an appropriations bill for Labor, Health and Human Services, and Education by an overwhelming 75 to 19 margin, including a strong majority of Republican Senators. That bipartisan support reflected the fact that the bill funded essential, life-supporting, and life-saving services for millions of people in this country. That bill reflected the values and priorities of the American people.

But even before we brought the health and education appropriations bill to the floor, President Bush threatened to veto it. He dismissed the bill as ''social spending,'' as though it pays for Saturday night socials or something. Then, on November 13, in one fell swoop, Mr. Bush vetoed the bill, and insisted, again, that we bend to his budget demands.

Let me remind our colleagues what Mr. Bush was demanding. The President demanded that we cut cancer research and other medical research at the National Institutes of Health.

He demanded that we cut thousands of families from the Low Income Home Energy Assistance Program.

He demanded that we completely eliminate the safety net that includes job training, housing, and emergency food assistance for our most needy citizens, including seniors and people with disabilities.

He demanded that we slash funding for Community Health Centers, preventing 225 new centers from opening.

He demanded that we dramatically cut funding for law enforcement and the COPS program.

He demanded that we cut funding for special education and Head Start.

I am pleased to say that we did not allow these heartless, misguided priorities to prevail entirely. The President has refused to compromise, refused to negotiate—and, no question, this is going to hurt millions of Americans, including the most needy among us. Nonetheless, I am pleased with what we have been able to salvage in this bill.

The omnibus bill before us today technically yields to the President's top-line number of $515.7 billion. But I am pleased to report that it shifts funding in order to address some of the bottom-line priorities of the American people and of the Democratic majority in Congress.

Even within the constraints of this bill, the final Labor-HHS-Education section of the omnibus includes significant increases above the President's budget. For instance, it includes: an

additional $607 million for the National Institutes of Health, additional $788 million for LIHEAP, the home-heating assistance program for low-income families.

It provides $77 million above the President's budget for community Health Centers, allowing more than 50 new centers to be opened.

It provides an additional $955 million for Head Start, Title I, special education, and teacher quality.

It also provides an additional $150 million for the Social Security Administration to help clear out the backlog of disability claims.

However, because of the President's veto threat and refusal to compromise, law enforcement remains woefully underfunded, in particular support for local police departments. Fewer community health centers will be opened and fewer children will be vaccinated. More than 80,000 fewer children will be served under Title I.

Every dime of additional funding in this bill goes to meet basic, essential needs here at home—needs that have been sadly neglected in recent years, even as we have squandered hundreds of billions of dollars in Iraq.

I voted against the McConnell amendment to provide another $70 billion in funding, mostly for Iraq. The war in Iraq has not reduced the threat of another terrorist attack in America, it has increased that threat. It has not defeated Islamic terrorists, it has brought more recruits to the ranks of al Qaeda.

Nor has the so-called ''surge'' in Iraq succeeded as advertised. The whole rationale for the surge was to create breathing space for new elections in Iraq and reconciliation between Sunnis and Shiites. These things have not happened.

I joined with Senator FEINGOLD to attempt to link any new funding for Iraq to a deadline for redeployment of our troops. Unfortunately, that amendment failed. This means that the next $70 billion appropriation for Iraq will not require any redeployments, nor will it include any benchmarks that the Iraqi government must meet. It is simply a blank check, untied to any demands or expectations, and that is unacceptable.

Indeed, I find it ironic that Mr. Bush has been more than happy to spend untold billions of dollars on schools, hospitals, job training, and law enforcement—in Iraq. But when we try to address those priorities here at home, Mr. Bush gets out his veto pen and hoists the flag of what he calls ''fiscal conservatism.''

But, as I have said, Mr. Bush's pose as a fiscal conservative is absurd.

During the six years that the Republicans largely controlled Congress, Mr. Bush did not veto a single appropriations bill, including many that exceeded his budget requests.

He is demanding that we pass supplemental bills that bring war spending, this year alone, to more than $196 billion, mostly for Iraq. The Congressional Budget Office now estimates that Mr. Bush's war in Iraq will cost a staggering $1.9 trillion through the next decade. Yet, just last week, he pledged to veto the omnibus bill because of $11 billion in funding for education, health, biomedical research and other domestic priorities.

Think about it: The President is demanding that we continue to spend $12 billion a month on his war in Iraq, yet he objected to an additional $11 billion over a full year for domestic funding. This is simply not reasonable or rational.

At the same time, the President is insisting that we send him an Alternative Minimum Tax fix costing $50 billion. Yes, we need to fix the AMT, and we need to do so in a responsible way. But, Mr. Bush has a different idea. He refuses to pay for the AMT fix. He insists that we simply pile it onto the deficit, dumping it on our children and grandchildren.

Bear in mind, by the way, that this AMT problem is not a surprise to anyone. The 2001 tax cut bill deliberately refused to address the AMT issue in order to squeeze in hundreds of millions of dollars in additional tax cuts, overwhelmingly for the well-off. Mr. Bush used the AMT to mask the true cost of the tax cuts. But, in doing so, he left the AMT as a ticking time-bomb that would soon double the number of Americans subject to the tax.

Today, that time-bomb is exploding, threatening to hurt millions of middle-class families. The House of Representatives, to its great credit, came up with a responsible way of paying for the AMT fix. The House proposed to eliminate the so-called ''carried interest'' tax break for hedge fund managers with multi-million-dollar incomes—a tax break that allows them to pay their taxes at lower marginal rates than middle-income Americans.

Eliminating this egregious tax break is a matter of basic fairness. It also would help to pay for the AMT fix. But the President said no. He promised to veto it. All of which means that the $50 billion we spend on the AMT patch will not be paid for; it will be added to the deficit and the debt. That is not just a shame; it is shameful.

So I regret that the President vetoed a good, bipartisan Labor-HHS-Education appropriations bill that passed this body overwhelmingly. I regret that Mr. Bush has refused to negotiate or compromise. I regret that he demands that we spend endlessly on his war in Iraq, even as he demands that we slash essential services and programs here at home.

But, despite all of these disappointments, we can take pride in the fact that this omnibus bill, in important ways, reflects the values and priorities of the American people. We have found additional funding for our priorities—priorities ranging from cancer research to education to law enforcement. I urge my colleagues to join me in voting for this bill.

PECUNIARY INTEREST LETTERS

Mr. HATCH. Mr. President, today I rise to discuss an unintended oversight by my office in connection with the disclosure of a congressionally directed funding project in the House message to accompany H.R. 2764, the Omnibus appropriations bill. When I filed my original requests for funding for projects in May of this year, I did not realize the letter included a request to fund the Old Dome Meeting Hall Renovations project in Riverton, UT. Subsequently, with the enactment of Public Law 110–81 on September 14, 2007, along with other Members of the Senate, I was asked to sign, and did sign, various certification letters in connection with our requests for project funding.

Upon a review of our files last night, with respect to the forthcoming House message to accompany H.R. 2764, the Omnibus appropriations bill, we determined that the certification letters sent to the committee may have been incorrect, as a member of my family may be deemed to have an indirect pecuniary interest in one of the items requested in my letter to the Appropriations Committee dated May 15, 2007. Upon discovering this oversight, I forwarded a letter to the attention of Appropriations Committee chairman, ROBERT BYRD, and ranking Republican member, THAD COCHRAN, which I believe to be in accordance with the facts now known to me.

I have chosen to address these issues openly on the floor of the Senate to clear up any facts regarding this completely unintended and unfortunate oversight. I want my colleagues to know that I always have and will continue to do everything possible to ensure I meet all ethics laws, rules, and requirements here in the U.S. Senate.

For the reasons I have outlined and in an effort to meet the highest ethical standards, I will be voting present on the Omnibus appropriations bill when I otherwise would have supported the legislation.

Mr. COCHRAN. I appreciate this colloquy and your intent to meet all the new, as well as old, ethics requirements regarding earmarks in appropriations bills. This is the first year for implementation of many of these new ethics rules and there has been some not unexpected confusion over how some of the new requirements must be implemented. I applaud your aggressiveness in making sure that you have done everything within your knowledge and power to ensure that you have complied with all the rules and requirements that are specified by the rules of the Senate with regard to the use of earmarks. Our discussion today provides the type of transparency intended by the ethics rules and should satisfy all requirements with regard to letters of pecuniary interest and earmarks as they relate to your situation.

Mr. HATCH. I ask unanimous consent that a copy of my letter to Chairman BYRD and Ranking Republican Member COCHRAN be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, December 18, 2007

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, Senate, Washington, DC.

Hon. THAD COCHRAN,
Ranking Republican Member, Committee on Appropriations, Senate, Washington, DC.

DEAR CHAIRMAN BYRD AND RANKING MEMBER COCHRAN: I certify that neither I nor my immediate family has a pecuniary interest in any congressionally directed spending that I requested the Committee on Appropriations for Fiscal Year 2008, except that a member of my immediate family may have an indirect pecuniary interest in the Old Dome Meeting Hall Renovations; Riverton, Utah; Economic Development Initiative project, requested in my letter dated May 15, 2007 to the Senate Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, Committee on Appropriations.

I respectfully ask that my request to fund this project be withdrawn.

Once this has been effectuated, my request will be consistent with the requirements of Paragraph 9 of rule XLIV of thc Standing Rules of the Senate.

Sincerely,

ORRIN G. HATCH,
U.S. Senator.

LOW-VOLUME HOSPITAL MEDICARE INPATIENT PAYMENT ADJUSTMENT

Mr HARKIN. Mr. President, I am pleased to support the legislation pending before the Senate today, which will ensure that Iowa's seniors continue to have access to their physicians and will reauthorize the SCHIP program through March 31, 2009, with additional funds for the ''shortfall States,'' like Iowa. I am however concerned about one provision that is not included in the legislation, a provision that is critically needed to help Iowa's midsized hospitals.

Unfortunately, current Medicare payment rates for hospitals do not account for the fact that most rural facilities cannot achieve the same economies of scale as large hospitals. This leads to inadequate reimbursement, which threatens the very existence of some of these facilities. To help address this situation, the Medicare Payment Advisory Committee MedPAC has recommended implementing a payment adjustment for certain small rural hospitals that serve a lowvolume of patients. For example, Grinnell Regional Medical Center in Grinnell, IA, is having difficulty keeping their doors open simply because of its size and location. Due to Medicare policies, they are currently reimbursed at 60 percent of its costs. This cannot continue. These hospitals are essential to giving our seniors good access to healthcare.

Mr. GRASSLEY. I want to thank my distinguished colleague for raising this issue, which has also been a concern of mine. I agree with him that these rural hospitals—the so-called ''tweener'' hospitals—should be given some assistance. These hospitals play a critical role in the medical care of our seniors throughout Iowa, and I remain committed to working with Senator BAUCUS to include ''tweener'' hospital improvements in next year's Medicare legislation.

Mr. BAUCUS. Senator HARKIN, I agree with you that this is an issue we need to address. As you know, I intend to work with Senator GRASSLEY to move a Medicare reform package early in 2008. Given the importance of this issue, I am committed to working with you to find solutions that will assist these hospitals within the context of our Medicare efforts.

Mr HARKIN. I appreciate that commitment. I look forward to working with both of you early next year to move legislation to assist these hospitals, in Iowa and throughout the country.

ADVANCED TECHNOLOGY LOAN GUARANTEES

Mr. LEVIN. Mr. President, I would like to ask the distinguished chairman of the Energy and Water Development Appropriations Committee, Senator DORGAN, to clarify for me the scope of the budget authority contained in the fiscal year 2008 Consolidated Appropriations Act for the Department of Energy's guarantee loans for development of advanced energy technologies. My understanding is that there would be $10 billion in budget authority for the Department to guarantee loans in the broad technology areas of renewable, energy efficiency, manufacturing, electricity transmission and distribution technologies.

I believe there is tremendous potential for new technologies to produce ethanol from cellulosic materials through all phases of development, including pretreatment. An important step toward proving these technologies will be the development of pilot-scale facilities. Is it the chairman's understanding that a range of technologies and pilot-scale demonstration facilities would be eligible for a loan guarantee issued by the Department of Energy using the budget authority included in this Consolidated Appropriations Act?

Mr. DORGAN. Yes, cellulosic ethanol projects are consistent with the intent of title XVII of the Energy Policy Act of 2005 and would clearly be within the scope of technologies that would be eligible for a loan guarantee from the Department of Energy.

Mr. LEVIN. I am also very interested in ensuring that advanced batteries and battery systems are fully developed and believe that loan guarantees for projects and facilities to develop lithium ion batteries could provide a significant boost for U.S. competitiveness. In the case of battery technologies, we need to develop the manufacturing capability in this country to ensure that these batteries will be produced here. Is it the chairman's understanding that advanced battery technologies would be included in the scope of the budget authority in this bill and would be eligible for a loan guarantee from the Department of Energy?

Mr. DORGAN. Yes, I believe that loan guarantees for development of advanced battery technologies would also fit into the scope of manufacturing technologies contemplated by the language in the Consolidated Appropriations Act of 2008 and should be consistent with the intent of title XVII of the Energy Policy Act of 2005.

Mr. KYL. Mr. President, I rise today to comment on section 691 of the Consolidated Appropriations Act, 2008. This provision amends section 212(d)(3)(B) of the Immigration and Nationality Act in order to allow the executive to make REAL ID immigration bars inapplicable to individuals or groups whose presence in this country would not pose a threat to the United States, while continuing to bar from the United States all persons who are tied to the worst terrorist organizations. The provision also gives automatic exemptions to the Hmong and Montagnard soldiers who fought alongside the United States during the Vietnam war, providing overdue relief to the members of these armies. And section 691 also designates the Taliban as a Tier I terrorist organization for immigration purposes, effectively eliminating exceptions to the applicability of REAL ID immigration bars for members, combatants, and others tied to the group that harbored Al Qaeda at the time when that organization was plotting the terrorist attacks of September 11, 2001.

Section 691 is the result of a negotiated compromise between Senator LEAHY and me a compromise that was encouraged and assisted by Senator COLEMAN and other Members who have taken an interest in this issue. The final language allows the Secretaries of Homeland Security and State to decide that the barriers to entry and stay in the United States in section 212(a)(3)(B) of the INA do not apply to certain individuals or groups. The language also clarifies that such non-applicability determinations are not subject to judicial review.

Under current law, the REAL ID immigration bars can only be deemed non-applicable to an alien if the alien is a representative of a political or social group that endorses terrorism, has himself endorsed terrorism, or has given material support to a terrorist group, and may only be extended to a group if that group is a Tier III group that only has a subgroup that engages in terrorism. The amendment expands the non-applicability determination authority to all terrorism-related bars, except that the bars cannot be deemed non-applicable if an alien is expected to engage in future terrorism, is a member or representative of a Tier I or II group, voluntarily and knowingly engaged in terrorist activity or endorsed terrorism on behalf of a Tier I or II group, or has voluntarily and knowingly received military-type training from a Tier I or II group. Also, no group nonapplicability determination may be applied to a group that attacks democratic countries or intentionally engages in a practice of attacking civilians.

Section 691's expansion of section 212(d)(3)(B) nonapplicability authority generally draws a line between Tier I and II terrorist organizations, on the one hand—groups which have been designated as Foreign Terrorist Organizations by the State Department or other agency of the Federal Government—and Tier III organizations, on the other hand, which are swept into the definition of ''terrorist organization'' as a result of their conduct. The State Department's FTO list includes some of the most bloodthirsty terrorist organizations on the planet. The list includes groups such as al-Qaida, Hamas, Hezbollah, and the Salafist Group for Call and Combat. By precluding nonapplicability determinations with regard to persons tied to these groups, section 691 not only helps to protect the U.S. homeland from terrorism—it also contributes to making these groups radioactive in the foreign countries where they are based. Joining or helping one of these groups or accepting military training from them will bar an individual from ever being allowed to enter or reside in the United States, in all cases and without exception. And making these groups radioactive makes it more difficult for them to recruit members or to carry out terrorist attacks.

Information that has been developed in hearings before the Senate Judiciary Committee explains why it is imperative that the United States discourage individuals from providing any type of aid or material support to foreign terrorist organizations. In an April 20, 2005, hearing before the Terrorism Subcommittee, for example, Barry Sabin, the Chief of the Counterterrorism Section of the Justice Department's Criminal Division, explained how the provision of material aid to terrorist groups is critical to the functioning of these organizations. Mr. Sabin noted:

> We know from experience that terrorists need funding and logistical support to operate. They need to raise funds, open and use bank accounts to transfer money, and to communicate by phone and the Internet. They need travel documents. They need to train and recruit new operatives, and procure equipment for their attacks.

It is also important to emphasize that all provision of material support to terrorist organizations is bad. There is no such thing as ''good'' aid to a terrorist organization, because all aid is fungible and can be converted to evil purposes, and because even humanitarian aid can be used by a terrorist organization to help it to recruit new members. These points were developed in detail in answers to written questions provided by Chris Wray, the Assistant Attorney General for the Criminal Division, following a May 5, 2004, hearing before the Judiciary Committee. Mr. Wray explained why there is no such thing as benign material support to a designated foreign terrorist organization:

> First, because material support of any kind is fungible and frees up resources that may then be used to promote violence, the provision of any material support facilitates and furthers the organization's unlawful and violent activities regardless of the benign intent of the donor. As the Ninth Circuit recognized in rejecting the argument that 18 U.S.C. section 2339B is unconstitutional because it proscribes the giving of material support even if the donor does not have the specific intent to aid in the organization's unlawful purposes, ''Material support given to a terrorist organization can be used to promote the organization's unlawful activities, regardless of donor intent. Once the support is given, the donor has no control over how it is used. *Humanitarian Law Project* v. *Reno*, 205 F. 3d 1130, 1134 (2000).
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> Even support designed and intended to encourage a group to pursue lawful, nonviolent means to achieve its ends may be used to further the organization's violent aims.
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> [S]ome terrorist organizations use their humanitarian activities as an integral part of an overall program that includes murdering innocent civilians and assassinating government officials. For example, one expert on terrorist organizations, Matthew Levitt, describes in ''Hamas from Cradle to Grave,'' Middle East Quarterly, Winter 2004, at 3–15, that this foreign terrorist organization is one unified body, and that its social welfare organizations, supported by numerous charities, answer to the same leaders who set Hamas political and terrorist policy. Levitt describes how Hamas charity committees, mosque classes, student unions, and sport clubs serve as places where Hamas activists recruit Palestinian youth for terrorist training courses in Syria and Iran, or for suicidal terrorist attacks. And, he discusses how a single soccer team from the Jihad mosque in Hebron has produced several Hamas terrorists responsible for five suicide bombings in 2003.
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> Even more frightening, Levitt explains how Hamas charities, social service organizations, hospitals, schools, and mosques openly laud suicide bombings. Hamas-run schools and summer camps begin indoctrinating children as early as kindergarten for later use as suicide bombers. As Levitt notes, Palestinian children raised in this environment make willing terrorist recruits. This program is accomplished in significant part by the multi-faceted nature of Hamas, which gains strength through its humanitarian and charitable activities in the community.
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> Thus, even if individuals are providing material support, such as money, for groups like the Hamas, and are somehow able to ensure that this money is spent by these FTOs only for humanitarian activities, such as a school, the problem remains that this money enables these groups to gain more general support, loyalty, and popularity among the local people and to earn a measure of legitimacy. This support and legitimacy then allows groups such as Hamas to recruit suicide bombers, as well as accomplices to provide critical services such as transportation, lodging, and local intelligence for terrorist operations. Accordingly, even those who are providing material support with the sincere hope and assurance that their money is not being used directly for terrorism are nevertheless providing groups such as Hamas with the type of overall support they need in order to operate successfully as terrorists.

Section 691 of the Consolidated Appropriations Act also bars the extension of a non-applicability determination to any alien who has voluntarily and knowingly received military-type training from a Tier I or II terrorist organization. Again in his April 20, 2005, testimony before the Terrorism Subcommittee, Counterterrorism Section Chief Barry Sabin explained why individuals who have received such training are dangerous to the United States and why an individual's participation in such training benefits the terrorist organization. Mr. Sabin explained:

> Various investigations have uncovered individuals who have traveled overseas to training camps to receive military-style training. These individuals, who in many cases have received firearms and explosives training, appear to be preparing to conduct terrorist activity or violence and pose a clear threat here and abroad. Investigations have also disclosed that attendees sometimes maintain longstanding relationships with other training camp ''alumni,'' who may later seek to recruit and utilize them in their plots. In an even more basic way, a trainee's participation in a terrorist organization's training camp, without more, benefits the organization as a whole. By attending a camp, an individual lends critical moral support to other trainees and the entire organization, a support that is essential to the health and vitality of the organization.

Section 691 also clarifies that the decision to extend or to not extend a nonapplicability determination to a particular group or individual is not subject to judicial review. A decision as to whether a particular individual or group that would otherwise be within the scope of a section 212(a)(3)(B) bar should instead be deemed outside the scope of that bar is a decision that is inherently executive in nature. Such a decision will often involve consideration of classified information that would be compromised if litigated in open court, and it will involve sensitive judgments about which terrorist groups are more dangerous than others.

Vesting this discretion solely in the executive allows executive officers to consider the full range of information about a particular group that is available to the State Department, the Justice Department, Homeland Security, and to intelligence agencies. It allows the executive to decide that some groups are less dangerous and therefore the REAL ID bars may be deemed to not apply to activities tied to that group, and that other groups are extremely dangerous and that even tenuous connections to such a group should serve as grounds for exclusion, with no exceptions allowed.

Were decisions about nonapplicability to be made in the courts, their precedent-based system of decision-making would require the courts to extend the same ''rights'' to members of one group as had extended to the last group whose case was reviewed. What is sufficient to justify a nonapplicability determination with regard to the FARC in Columbia, for example, would also be good for al-Qaida. By keeping these non-applicability decisions out of the courts, section 691's amendments to INA section 212(d)(3)(B) allow the Government to take the common-sense approach of treating different groups differently based on how violent they are and how much of a threat they pose

to the United States. For that reason, section 691 does not allow judicial relief from an executive determination. Rather, it is the executive alone that will decide whether a bar should be inapplicable—that it should not even apply to the alien in the first instance.

Subsection (b) of section 691 statutorily exempts several groups from the definition of ''terrorist organization'' for purposes of INA section 212(a)(3)(B). These groups—which include Hmong and Montagnard groups that fought alongside the United States in the Vietnam War—have already been cleared by the administration and do not pose a threat to the United States. This subsection will immediately resolve any legal ambiguity as to these groups' status.

Subsection (c) of section 691 corrects a technical error in the original REAL ID Act. With this change, the otherwise-automatically-deportable spouse or child of a barred alien is not barred if the spouse or child did not know of the husband/father's terrorist activity or has renounced that activity.

Subsection (d) designates the Taliban as a Tier I terrorist organization for immigration purposes. As a result of the distinctions drawn in subsection (a) of section 691, this designation will render individuals tied to the Taliban ineligible for most waiver authority.

Subsection (e) requires a report by the Department of Homeland Security on the use of its authority to waive material-support bars on grounds of duress.

Subsection (f) makes all of these changes apply retroactively.

I think that section 691 reaches a reasonable compromise that allows removal of the applicability of the REAL ID immigration bars for groups and individuals to whom those bars should not apply, but allows REAL ID to continue to protect the United States and its citizens from foreign terrorist organizations. I would like to thank Tim Rieser of Senator LEAHY's staff, and Jennifer Daskal, on detail to Senator LEAHY, for working with my staff to draft this section. Whom to exclude from the United States for terrorism-related reasons is a difficult and very serious matter, and one that I am glad has been the subject of a carefully developed bipartisan compromise in this bill.

Mr. MCCAIN. Mr. President, fiscal year 2008 began 79 days ago. And yet here we are at the end of the calendar year—with Christmas one week away—and everyone scrambling to finally get our work done and get out of town. This process, and the monstrosity it has produced, is the height of irresponsibility. We owe the taxpayer more than this.

In the past, I have stood here on the Senate floor to speak about how our economic situation and our vital national security concerns require us to take greater effort in prioritizing our Federal spending and that we could no longer afford, literally, ''business as usual.'' Actually, Mr. President, what we have before us is even worse than business as usual because the bill we received from the House provides not a single penny to fund our ongoing mission in Iraq. We are at war and our men and women serving in Iraq today continue to face a fierce and determined enemy—and this bill does not fund their mission. The omission of Iraq funding is no more than a political stunt—and we all know it. What kind of message does this send to those brave men and women in the field?

Unfortunately, little has changed over the years. Here we are again, nearly 3 full months into fiscal year 2008, and we have before us another appropriations monster. Let me remind my colleagues that, because of our inability to get much done around here under the regular order, we have been forced to consider huge omnibus appropriations bills and one long-term continuing resolution in 5 of the last 6 fiscal years.

The bill before us today is more than 1,400 pages long and is accompanied by a joint explanatory statement that was so big they couldn't even number the pages. This bill consolidates 11 of the 12 annual appropriations bills with a price tag of nearly $475 billion. Amazingly, this bill contains 9,170 earmarks. Add those to the 2,161 earmarks that were contained in the Defense appropriations bill and the grand total for fiscal year 2008 earmarks stands at 11,331 unnecessary, wasteful, run-of-the-mill pork barrel projects. And that is just for the House and Senate-passed bill. I can only imagine what this will look like when it comes out of conference.

A New York Times/CBS News poll that was released today shows that the approval rating of Congress stands at 21 percent. Can we blame the American people for holding us in such low esteem? Let's look at how we are spending their hard earned tax dollars.

Here is just a sampling of some of the earmarks contained in this bill: $150,000 for the STEEED, Soaring Toward Educational Enrichment via Equine Discovery, Youth Program in Washington, DC. Basically this is an earmark of $150,000 so that disadvantaged kids can ride horses; $50,000 for the construction of a National Mule and Packers Museum in Bishop, CA; $100,000 for Cooters Pond Park in Prattville, AL; $625,000 for the Historic Congressional Cemetery right here on Capitol Hill; $1.95 million for the City College of NY for the Charles B. Rangel Center for Public Service; $975,000 for the Clinton School of Public Service at the University of Arkansas, Little Rock, AR; $1.628 million for animal vaccines in Greenport, NY; $477,000 for Barley Health Food Benefits in Beltsville, MD; $244,000 for Bee Research in Weslaco, TX; $10 million to Nevada for the design and construction of the Derby Dam fish screen to allow passage of fish; $1.6 million for sensitivity training for law enforcement in Los Angeles; $1.786 million to develop an exhibit for the Thunder Bay National Marine Sanctuary in Michigan; $846,000 to the Father's Day Rally Committee in Philadelphia, PA; $125,000 for International Mother's Day Shrine in Grafton, WV; $470,000 for an Oyster Hatchery Economic Pilot Program, Morgan State University, MD; $446,500 for Horseshoe Crab Research, Virginia Tech, VA; $125,000 for the Polish American Cultural Center in Philadelphia, PA; $400,000 for the National Iron Worker's Training Program; $350,000 for leafy spurge control in North Dakota; $1.725 million for the Hudson Valley Welcome Center in Hyde Park, NY.

This omnibus was made available just yesterday, yet approved by the House last night. Imagine that—a 1,445 page bill, with a joint explanatory statement that is nine inches tall and costs $475 billion was made available and voted on by both chambers in less than 48 hours. Simply remarkable. It is impossible for us to know exactly what is in this thing, and we are expected to simply take the appropriators word that it is all okay. Well, I have been around here long enough to know that a bill of this size, put together behind closed doors and rammed through at the last minute, cannot be all good. And I know it will be a long time before all of the hidden provisions in this legislation are exposed.

I fully recognize that it isn't necessarily the fault of the appropriators that we are forced into this new pattern of adopting omnibus appropriations measures. Overly partisan politics has largely prevented us from following the regular legislative order, and that fact must change. But while it may not be the appropriators fault that we are forced to consider omnibus appropriations measures, it is their decision to continue to load them up with unauthorized earmarks and at a rate that seems only increases year after year.

When we ram through a gigantic bill, spending hundreds of billions of taxpayer's dollars with little or no debate because we want to go home for Christmas, we send the message to the American people that we are not serious enough about our jobs. We essentially accomplish little almost all year long because everything requires 60 votes, and then, at the very last minute, we scramble around and throw together a mammoth bill like the one before us today. We are sending the signal that it is more important for us to be able to issue press releases, and I am sure hundreds of them will be going out today, about how much pork we have been able to get for our States and districts, than we are about good government and fiscal responsibility. How can we, in good conscience, defend this behavior to the American people?

Among the most egregious aspects of this bill are the so-called ''economic development initiatives'' funded under the Department of Housing and Urban Development. This account is nothing more than a slush fund for the appropriators—plain and simple. Contained

within this section of the joint explanatory statement are 741 locality-specific earmarks costing nearly $180 million. These pork barrel projects are spread out over 42 pages and fund everything from construction of coastal trails, nature education centers, public parks and renovations for museums and theaters.

On defense matters, the omnibus appropriations bill proposes funding $1.18 billion in military construction projects that were not requested by the President. Of that amount, $584 million was vetted by both the Senate Armed Services and Appropriations Committees to ensure that the services' critical unfunded priorities requirements were met. On the Senate floor, those projects were further reviewed, and approved in the Senate versions of the authorization and appropriations bills.

However, this bloated omnibus appropriations bill also includes another $580 million—for 108 military ''airdropped'' construction projects, that is, funding for projects that were not included in any previous appropriations bill passed by the House or Senate. The House appropriators have once again waited until the last minute to present these new spending items to skirt responsibility for their pork spending. Mr. President, in the ethics reform law we passed with much fanfare earlier this year, we amended Senate rule 44 specifically to discourage such ''airdropping'' of projects in the dead of night. In an unprecedented and unfortunate act, the majority accepted $328 million of airdropped military construction authorizations into the recently passed national defense authorization bill. It was in part for this reason that I reluctantly decided not to sign the defense authorization conference report. I could not then, and cannot now, support the parachuting of new spending items into final reports that have not been transparently vetted on the floor of Congress. I am very disappointed that we in the Senate continue to condone this irresponsible practice in light of our efforts to prevent it with ethics reform.

The omnibus appropriations bill also earmarks over $41 million for the planning and design of pork military construction projects requested by Members of Congress. Congress normally authorizes funding annually for each military service to plan and design their critical future military construction priorities. This bill disregards the military's priorities and earmarks funds towards specific projects—without the Department being given the opportunity to determine whether or not those projects reflect actual military requirements.

Even more egregious is that we are proposing to pay for this airdropped pork by cutting over $900 million from the amount of $8.1 billion requested by the President to carry out the critical military construction activities related to the 2005 defense base closure and realignment round. The Department of Defense and the local communities affected by BRAC need enough funding to meet the statutory deadline of September 2011. To underfund BRAC in order to pay for earmarks is a sad reflection on the priorities of this Congress, which has again unabashedly put parochial interests above the needs of the Defense Department, our local communities and the American taxpayer.

We simply must start making some very tough decisions around here if we are serious about improving our fiscal future. We need to be thinking about the future of America and the future generations who are going to be paying the tab for our continued spending. It is simply not fiscally responsible for us to continue to load up appropriations bills with wasteful and unnecessary spending, and good deals for special interests and their lobbyists. We have had ample opportunities to tighten our belts in this town in recent years, and we have taken a pass each and every time. We can't put off the inevitable any longer.

In a report on our long-term budget outlook issued this month, the Congressional Budget Office states this: ''Significant uncertainty surrounds long-term fiscal projections, but under any plausible scenario, the federal budget is on an unsustainable path—that is, federal debt will grow much faster than the economy over the long run. In the absence of significant changes in policy, rising costs for health care and the aging of the U.S. population will cause federal spending to grow rapidly.''

The report goes on to say that: ''If outlays increased as projected and revenues did not grow at a corresponding rate, deficits would climb and federal debt would grow significantly. Substantial budget deficits would reduce national saving, which would lead to an increase in borrowing from abroad and lower levels of domestic investment that in turn would constrain income growth in the United States. In the extreme, deficits could seriously harm the economy. Such economic damage could be averted by putting the nation on a sustainable fiscal course, which would require some combination of less spending and more revenues than the amounts now projected. Making such changes sooner rather than later would lessen the risk that an unsustainable fiscal path poses to the economy.'' Again—this is not my dire prediction, it comes from our own CBO.

To underscore the urgency of the problem, in a speech at The National Press Club just yesterday, David Walker, the Comptroller General of the United States announced that—for the eleventh straight year—the Federal Government failed its financial audit. Mr. Walker said that ''the federal government's total liabilities and unfunded commitments for future benefits payments promised under the current Social Security and Medicare programs are now estimated at $53 trillion, in current dollar terms, up from about $20 trillion in 2000. This translates into a defacto mortgage of about $455,000 for every American household and there's no house to back this mortgage. In other words, our government has made a whole lot of promises that, in the long run, it cannot possibly keep without huge tax increases.''

The Comptroller General also highlighted a specific program that serves as an example of the serious problems we face. He said: ''The prescription drug benefit alone represents about $8 trillion of Medicare's $34 trillion gap. Incredibly, this number was not disclosed or discussed until after the Congress had voted on the bill and the President had signed it into law. Generations of Americans will be paying the price—with compound interest—for this new entitlement benefit.'' He went on to note that: ''Unfortunately, once federal programs or agencies are created, the tendency is to fund them in perpetuity. Washington rarely seems to question the wisdom of its existing commitments. Instead, it simply adds new programs and initiatives on top of the old ones. This continual layering is a key reason our government has grown so large, so expensive, so inefficient, and in some cases, so ineffective.''

Mr. Walker ended his speech by saying ''If all of us do our part, and if we start making tough choices sooner rather than later, we can keep America great, ensure that our future is better than the past, and ensure that our great nation is the first republic to stand the test of time. To me, that is a cause worth fighting for.'' I agree wholeheartedly. And I say to my colleagues: Let's start making those tough choices today. We have to face the facts, and one fact is that we can't continue to spend taxpayer's dollars on wasteful, unnecessary pork barrel projects or cater to wealthy corporate special interests any longer. The American people won't stand for it, and they shouldn't. They deserve better treatment from us.

ST. JOHN'S BAYOU/NEW MADRID FLOODWAY

Mrs. BOXER, Mr. President, I wish to speak to the intent of section 123 of title I of division C of the bill, which addresses the Corps of Engineers project—Saint Johns Bayou/New Madrid Floodway. As the chairman of the Committee on Environment and Public Works with jurisdiction over the Corps of Engineers, the Clean Water Act and the National Environmental Policy Act,

I offer my understanding of section 123. Section 123 does not interfere with or overturn any court decision concerning this project with regard to either or both of the Clean Water Act and the National Environmental Policy Act. The language provides that the project as described in the June 2002 Revised Supplemental Impact Statement, as supplemented by the March 2006 Revised Supplemental Environmental Impact Statement 2 is determined to be economically justified.

The language does not affect the application of the Clean Water Act and NEPA to this project. Because of the specific reference to the project documents, the language in section 123 does not alter legal requirements regarding cost/benefit analysis for subsequent or revised project documents, including environmental impact statements, or any requirements with regard to NEPA and the Clean Water Act.

Mr. CARDIN. Mr. President, nearly a year ago, when President Bush announced his decision to send 30,000 additional troops to Iraq, he predicted that increased U.S. troop levels would stabilize the country so that its national leaders could reach political agreement. More troops would enable us to accelerate training initiatives so that the Iraqi army and police force could assume control of all security in the country by November 2007. According to this plan, the Iraqi army and police force were to assume control of Iraq's security last month.

Well, the information before us in December, like the reports before us in September and July, show us that President Bush's troop escalation hasn't delivered on the President's promises. It has failed to stem the civil war going on in Iraq, failed to allow Iraqi forces to take control over their own security, and failed to lead to political reconciliation. That failure was clear when I last came to the floor to discuss this issue in September, and it is clear today.

With troop levels still 24,000 above where they were a year ago, and with no plans to lower them below pre-surge levels, not even President Bush's claims that substantial progress toward the ultimate goal of the escalation—political reconciliation—has occurred. There have been no agreements on de-Ba'athification reform, oil revenue sharing, provincial elections, or amnesty laws, nor has the Iraqi government or the Administration offered a clear plan for achieving a sustainable political reconciliation. Just 2 days ago, LTG Raymond Odierno, the No. 2 commander of U.S. forces in Iraq, was quoted pleading with the Iraqi government to make progress on national reconciliation and improving basic services.

Our country's resources remain locked in Iraq. Iran is emboldened. Insurgent violence is at its highest level in Afghanistan since U.S.-led forces first ousted the Taliban and our military reports signs of al Qaeda is returning to Afghanistan from Iraq. Pakistan is facing political turmoil and Turkey has begun military incursions into Iraq's Kurdish regions.

We have to change our mission in Iraq. The cost of further delay in lives, matériel, treasure, and our standing in the world is too great. The United States cannot impose the political reconciliation necessary to bring long-lasting security to that nation. It is time to direct our resources toward the rest of the region and to needs here at home.

A new policy begins by removing our troops from the middle of a civil war and giving them a more realistic mission, one that is in the best interests of Iraq and the United States. Given the facts and the realities independent reports provide us, I continue to support an amendment, this time sponsored by Senators FEINGOLD and REID, to change our mission in Iraq from providing security and services to a focus on training, counter-terrorism and force protection.

I voted against an amendment to add $40 billion to the omnibus spending package without any limits on the President's use of that money. The military has no immediate need for additional funds for Iraq. Congress just passed a $456 billion Defense Appropriations bill. The omnibus provides the Army and Marine Corps an additional $20 billion. Given the Department of Defense's ability to shift funds, this money should pay for the war through March. We will have a chance to vote on additional funding next year when we will have more information about trends on the ground in Iraq.

Further, while negotiating this year's spending levels this President has vetoed additional health and education funding and refused to negotiate over a modest increase in overall appropriations to fund critical needs here at home, and he continues to insist Congress fund a failed strategy in Iraq. The President's intransigence undermines our position in the world and has left this Congress fewer resources to direct toward priorities here at home. Those are the wrong priorities for our nation.

The world has an interest in a safe and secure Iraq. It is time to take steps to protect our troops and our all volunteer force, change the mission, step up our diplomatic efforts, and internationalize the effort to bring stability to that country and to the Middle East.

We don't need additional funds for Iraq, we need a new direction.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to discuss one provision of the fiscal year 2008 Omnibus appropriations bill which is of great importance to the security of our nation, and of particular importance to my State of New Jersey. That is Section 534, which will overturn the Department of Homeland Security's efforts to preempt the rights of State and local governments to adopt chemical security protections stronger than the standards adopted by the Federal Government.

The effort by DHS to prevent States from going beyond the measures adopted by DHS to protect their residents from terrorist attacks on chemical facilities was never authorized by Congress, and the inclusion of my provision overturning the Department's effort represents a strong rejection by Congress of the Department's attempt to do so.

Opposition to the Department's efforts has been widespread and bipartisan, including from the National Governor's Association, the National Conference of State Legislatures and the Chairmen of the 9/11 Commission, Representative LEE Hamilton and former New Jersey Governor Tom Kean. Nevertheless, DHS continues to insist that its partnership with industry rather than a partnership with States—will be sufficient to protect the American public. By including this provision in the omnibus bill, Congress is making clear that the role of State and local governments is not to be undermined by the Department of Homeland Security.

The provision included in the omnibus bill amends Section 550 of the Department of Homeland Security Appropriations Act, 2007 to clarify that DHS does not have the authority to preempt State or local governments from adopting chemical security measures stronger than those adopted by DHS. The language in this bill will allow States to go beyond the Federal regulations as long as there is no actual conflict with the Federal regulations. This means that unless it is impossible to comply with both State and Federal law, the State law is not preempted. Determinations on whether it is impossible to comply with both State law and Federal law are properly decided by the Federal courts, and DHS should not be prejudging or interfering with this determination.

While we all wish it were not so, the threat of terrorists using our chemical plants as a mechanism for killing hundreds or thousands of citizens is not far-fetched. It was reported as far back as December 2001 that chemical trade publications had been found in a hideout in Afghanistan used by Osama bin Laden. Numerous Government agencies and independent bodies have identified the Nation's chemical facilities as an attractive target for terrorists. And New Jersey has good reason to be concerned about a terrorist attack on a facility storing large amounts of dangerous chemicals. The FBI has called the stretch between Port Newark and Liberty International Airport ''the most dangerous two miles in America.'' According to a 2005 CRS report, 7 of the 111 sites identified by EPA that could put more than 1 million people at risk in the event of an attack or serious accident are in New Jersey. According to the same report, up to 7 facilities in New Jersey put up to 1 million people at risk, and up to 20 more facilities pose a risk to up to 100,000 people.

I want to thank the leadership of the Appropriations Committee and my colleagues in the Senate and the House for their support for including this critically important national security provision in the Omnibus appropriations bill.

Mr. SANDERS. Mr. President, like many of my colleagues, I worked very hard to assure that, given the veto threats of President Bush, the Omnibus appropriations bill was as strong as it could be. In that regard, we have made some real progress. Unfortunately,

however, this bill contains $40 billion for Iraq operations, with no strings attached the money to be used as the President wishes, with no accountability for when our involvement in Iraq will end. With expenditures of $12 billion a month, it is now estimated that the total cost of our Iraq involvement will end up being more than $1 trillion.

I cannot support providing more money for continuing our ill-conceived and tragic presence in Iraq, money provided with no requirement for plans as to when the redeployment will begin, when it will be concluded, and what our future course in Iraq will be. Consequently, I will vote against the Omnibus appropriations bill.

My vote against this bill also reflects genuine concern regarding last-minute additions of loan guarantees for questionable energy sources, which move us in exactly the wrong direction. More specifically, the report language accompanying the Omnibus appropriations bill provides $18.5 billion in loan guarantees for nuclear powerplants, $2.0 billion in loan guarantees for uranium enrichment, $6.0 billion in loan guarantees for coal, which I have reason to believe includes coal to liquids, and $2.0 billion in loan guarantees for coal gasification, which I also fear could be used for coal to liquids. It is, quite frankly, beyond belief that we would be passing legislation to support these questionable energy sources. In my view, we should be doing everything we can to transform our energy system so as to move away from unsafe and polluting sources to energy efficiency and sustainable and renewable technologies. Congress can, and must, do better.

Mr. INHOFE. Mr. President, now December 18 and we are all anxious to get home. Additionally tomorrow is my 48th wedding anniversary. That's why I want to get home. Standing in our way is final disposition of the 2008 appropriation bills. The leadership has brought before us an omnibus bill that combines the remaining 11 regular appropriation bills not yet signed by the President. That in and of itself is a failure. Instead of working to pass the annual appropriations bills and ensure the continued operation of our Government, congressional Democrats have spent the majority of the 110th Congress playing political games with critical funding for our troops, attempting to pass surrender resolutions, and pushing a path to amnesty for the millions of illegal immigrants in our Nation. Two months past the end of the fiscal year, Congress only managed to pass one of the annual appropriations bills, instead choosing to roll billions of dollars in funding into an Omnibus appropriations bill hours before Congress is supposed to recess for the year. In fact, this year we observed the latest date in 20 years that Congress failed to send a single annual appropriations bill to the President's desk. This Democrat-controlled Congress should be labeled as nothing but irresponsible. Additionally, I am here to point out that this bill violates rule XVI of the Standing Rules of the Senate because it is legislating on an appropriations bill.

Title I of Division C, which appropriates money for the Civil Works program of the Army Corps of Engineers, the following projects have either not yet be authorized or the amounts appropriated for them under this bill exceed the authorized levels:

Louisiana Coastal Protection and Restoration study; coastal Mississippi hurricane and storm damage reduction study; rural health care facility on the Fort Berthold Reservation of the three affiliated tribes; North Dakota environmental infrastructure project.

During consideration of H.R. 1492, the Water Resources Development Act, Public Law 110–114, I elaborated for my colleagues in great detail the history and function of the authorization process and stated that I would oppose any appropriation bill that attempted to fund projects either not previously authorized, or above their authorized level. As I made clear in my statements on September 24 prior to passage of the conference report and again on November 8, prior to the Senate's veto override vote, the authorization process is the foremost mechanism we have to control spending. We are violating it in this bill.

In addition to these increases in spending, the omnibus includes numerous provisions authorizing or modifying other projects and policies of the Corps in nonspending ways. These legislative provisions, too, should be decided within the authorization process, not in an omnibus appropriations bill.

Just over a month ago, we authorized $23 billion in projects for the Corps of Engineers, and Chairwoman BOXER and I have already begun discussions on a new authorization bill for 2008. So, I have to ask why are we violating not only the Standing Rules of the Senate, but creating an opportunity for criticism on our ability to control spending. It makes no sense, it is not necessary and I believe goes to the heart of why the public has such a low opinion of Congress. They don't trust us. Why should they, we cannot seem to follow our own rules.

Before I close, I would like to point out one more area of unnecessary and irresponsible legislating in this omnibus appropriation bill. There are several provisions to address climate change scattered throughout the bill. These provisions include creation of new requirements and a new mitigation incentives fund for the Economic Development Administration, in title I of Division B; a sense of Congress with a call for a mandatory program to reduce greenhouse gas emissions, in Division F; and the creation of a mandatory greenhouse gas registry, in title II of Division F, which appropriates money for the Environmental Protection Agency. We are in the middle of a regular order process for the consideration of climate change legislation. To include these provisions now, at the last minute on an omnibus, is a total affront to that process.

The proposed registry language is a completely standardless grant to the EPA, possibly an unlawful delegation of Congress' power to legislate. The language directs EPA to develop a mandatory reporting program of greenhouse gas emissions ''above appropriate thresholds in all sectors of the economy of the United States.'' There are no other standards or directions to the Agency. There are no standards by which a reviewing court can judge EPA's actions.

This registry language should be removed or, at a minimum, allowed to sunset at the end of fiscal year 2008 without implementation or effect.

In another provision, the appropriators express concern about proposed new power plants in Texas. This provision, at the very least, should refer to all fossil fuel generation, not just single out coal-fired generation.

Colleagues, I have no illusions that my attempt here today to bring about discipline on the spending process will succeed, but I cannot allow the bill to go through without registering in the strongest possible terms my objections to what we are doing here today.

I have no doubt that each of the Army Corps projects mentioned above have merit, and I would be happy to work with the sponsors, as would, I am sure, Chairwoman BOXER, during the authorization process, but doing it now is wrong. It violates our rules, it removes discipline from the process.

Mr. NELSON of Nebraska. Mr. President, I rise today to speak in support of the consolidated appropriations bill before the Senate and to discuss one small part of the bill that is an important component to our many efforts to advance the biofuels industry and to wean our nation off of its reliance on oil.

In the Energy and Water Appropriations bill, the Senate Appropriations Committee provided $2 million to the Department of Energy for ''E–85 infrastructure deployment.''

I want to highlight the importance of this funding and stress the need for DOE to utilize this money in the most cost efficient and effective manner possible.

E85 is an alternative form of transportation fuel that consists of 85 percent ethanol and 15 percent gasoline. It has been developed, in part, to address American's air quality issues and its dangerous dependence on foreign oil.

Currently, there are over 6 million E85 capable vehicles on the Nation's highways, and the use of E85 in these vehicles has the potential to significantly reduce the Nation's dependence on foreign oil, add billions to total farm income, help improve rural and the American economies, and help reduce levels of greenhouse gas emissions.

Recognizing the importance of E85, President Bush and Secretary of Transportation Mary Peters participated with the CEOs of General Motors, Ford, and Chrysler in an event on March of 2007, where they announced the growth in the production of flexible-fuel vehicles, FFVs, that can run on E85.

The automakers pledged to double their existing production of flexible fuel vehicles by 2010. They also pledged that by 2012 fully 50 percent of all vehicle production would be FFVs.

This pledge, however, was predicated on the fact that adequate fueling infrastructure would be available by that time to fuel the millions of additional E85-compatible vehicles.

It is the responsibility of Congress to provide adequate funding to help advance the deployment of E85 fueling infrastructure. I was encouraged then that the Senate elected to set aside $2 million for this purpose in the Energy and Water Appropriations bill. Once finalized, it will become the Department of Energy's responsibility to allocate this funding to the entity that can provide the most effective and cost-efficient service.

As Governor of Nebraska I helped create the Governors' Ethanol Coalition. In 1997, this coalition, along with the National Corn Growers Association, domestic automakers, and others, established a group named the National Ethanol Vehicle Coalition, NEVC, to be the Nation's primary advocate for the use of E85 ethanol as an alternative to oil-based transportation fuel.

Working with its many partners, NEVC maintains the primary national database on E85 fueling locations, E85 fuel providers, and comprehensive data on the technical requirements necessary to install E85 fueling systems. NEVC also provides the marketing and promotional materials used by all E85 fueling stations in the nation.

NEVC accomplishes all of these actions in a cost effective, timely, and prudent manner. In addition to having assisted with the opening of 1,413 existing stations, NEVC has provided assistance to station operators for securing reasonably priced supplies of ethanol. NEVC has also provided assistance regarding State and Federal tax credits and the materials needed for proper marketing and promotion by these stations.

NEVC has an extensive background, high level of technical competence, and vast experience in establishing and maintaining E85 fueling facilities, and they have proven themselves capable of effectively delivering assistance in a cost-efficient manner.

I note that there is broad consensus that additional alternative fueling infrastructure is needed in this country, and I stress the need for DOE to wisely use the limited funds we have made available.

As such, Mr. President, I strongly urge the Department of Energy to work closely with NEVC and give them all due consideration when it is expending the funding Congress has provided to meet the needs and goals for E85 fueling stations.

Mr. CORNYN. Mr. President, it is no secret that every Senator who comes to Washington, DC, comes with a few select issues in mind which he makes his own, and which he takes a particular interest in. For me, open and transparent government has been one of those issues.

From my time as a Texas lawyer, supreme court justice, and attorney general I know firsthand the importance, but also the difficulty of creating and enforcing open government and the free flow of information. I have always taken to heart, however, the words of James Madison, who once declared: ''The advancement and diffusion of knowledge is the only guardian of true liberty.''

Of course, I have the advantage of coming from Texas, one of the strongest States in terms of free information and open government. In Texas, it is a matter of principle that everyone should be able to quickly and easily find out what their government is doing and how.

That is why I was so pleased last week when the Senate passed the Openness Promotes Effectiveness in our National Government, or OPEN Government Act of 2007. Now, the House has likewise passed this important bill, and I eagerly await the President signing it into law.

I have to thank my colleagues, the chairman of the Judiciary committee, Senator LEAHY, and Lydia Griggsby of his staff; Senator KYL, and Joe Matal of his staff; and two of my former chief counsels, James Ho and Reed O'Connor. Without their hard work, we wouldn't be celebrating this legislative victory today.

I have spoken on several occasions in this Chamber about the importance of reforming and updating the Freedom of Information Act, so that undue delays and onerous burdens which plague American citizens looking for information that they by right should have. After 40 years of FOIA there still remain pending requests for information more than a decade old. And many requests result in costly and drawn out lawsuits which effectively prevent the average citizen from receiving the information they deserve.

This bill will restore this most fundamental principle of a free and informed citizenry. It reinforces Lincoln's notion of a government ''of the people, by the people, for the people,'' placing information back in the hands of Americans. It is nothing short of a victory for democracy.

This bill restores meaningful deadlines with real consequences to the FOIA system, ensuring Government agencies will provide timely responses to requests. It creates a new system for tracking pending FOIA requests and an ombudsman to review agency compliance. At the same time it closes loopholes and strengthens FOIA law ensuring all journalists have equal access to information.

These reforms are long overdue, and are but a part of creating a government focused on openness. Still, I look forward to the President signing this bill and pacing the way for a culture of transparency in America. In my home of Texas, we have worked hard to establish the ideals of openness and transparency, and I know that the Nation can follow suit. It is in everyone's best interest to throw a little more sunshine on Washington, DC.

Ms. SNOWE. Mr. President, I rise today to draw your attention to a critical amendment that I am offering to the Omnibus appropriation bill. As ranking member of the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard, I am working with my colleagues in the New England delegation to seek support for this amendment. Our amendment would allow fisheries disaster relief funds to be made available to hard-hit fishermen in all New England States, not just Massachusetts as is currently stipulated

From the time the first Europeans arrived in the region that would become New England, fish—particularly groundfish such as cod and haddock—were the fundamental natural resource. It was said that fish were once so bountiful that one could walk across the Gulf of Maine on the backs of codfish. But today, our centuries-old tradition of groundfishing is at a critical juncture, and many of our fishermen are increasingly finding that they can no longer find enough fish to make a living in an industry that has sustained their families for generations. This is because ongoing requirements to rebuild New England's groundfishery have resulted in drastic cuts to the fishing industry and severe economic impacts to our fishing communities. Since 1996, groundfishermen in the Northeast Multispecies Groundfish Fishery have seen their allotted days-at-sea slashed by over 75 percent, from an average of 116 to just 24 days a year. This effectively closes the fishery 93 percent of the time.

I understand the need to reduce catch on a temporary basis in order to allow the stocks to rebound from decades of overfishing, but if we are going to have any fishermen left to harvest those rebuilt stocks, we must have Government assistance to sustain the fleet through this rebuilding period. The Maine groundfishing fleet already has been cut in half over the past 13 years, from more than 220 boats in 1994 to just 110 today. Groundfish landings in Maine are down 58 percent over that same time period. Shoreside support industries such as fish processors, and ice, bait and fuel suppliers have suffered similar losses—with jobs in fish processing and wholesaling dropping 40 percent, from nearly 3,000 jobs to less than 1,800 today.

Because of these severe economic impacts and their ramifications to shoreside infrastructure and the overall health of coastal communities, earlier this year the Governor of Maine appealed to the Secretary of Commerce, asking that he officially declare a ''fisheries failure'' in this region. Such a declaration under existing law would allow the release of vital disaster assistance to help minimize the devastating losses our fishing communities are experiencing.

Unfortunately, the Secretary of Commerce failed our fishermen, when he failed to make this declaration. He misinterpreted Congress's intent when, in the most recent reauthorization of the Magnuson-Stevens Fishery Conservation Management Act, we authorized disaster relief funding for fisheries crippled by overly onerous regulations. And that mistake was fueled by his decision to cherry-pick numbers and timeframes that provided a rosier analysis of the true cumulative economic impact of the groundfish regulations. It was his contention that the fishery was ''rebuilding.'' While this may be true, the fact remains: today, our fishermen are only allowed to work 24 days a year. If these are the regulations we require, I think that is evidence enough that the fishery should be considered a failure.

But given the Secretary's decision, and his rejection of numerous appeals to reconsider, it is now up to Congress to provide this vital economic relief, which will enable our fishing communities to survive while groundfish stocks rebuild over the next several years. But as it now stands in the omnibus, Congress is poised to repeat the mistakes made by the Secretary of Commerce by denying this relief where it is most needed.

Currently, the language in the bill would only allow disaster relief funding to groundfishermen in the State of Massachusetts. This language marks a significant departure from the New England delegation's past efforts to address the impacts of groundfish regulations. For nearly a decade, until this language appeared, my staff and I have worked closely with Senators KERRY and KENNEDY—as well our colleagues from other New England States—to develop and put forth a comprehensive, consistent, regional approach for achieving the goal of fairly and effectively helping our groundfishermen. The simple fact is that this is a regional fishery. Massachusetts fishermen are chasing the same fish as their Maine or Rhode Island or New Hampshire counterparts. And I am deeply troubled to see that this regional, cooperative approach has been abandoned by my colleagues from Massachusetts, and they now choose to ''go it alone'' without seeing that this is a regional crisis. After all, considering that devastating economic impacts have hit all New England States, especially Maine, it is simply unfair and unreasonable to keep this funding contained to one State.

We first worked to remedy this situation and restore a strong regional solution last October. When the Senate passed our Commerce-Justice-Science Bill, S. 3093, we included a Sununu amendment, which I cosponsored, that would have directed $15 million of the funds provided to the National Oceanic and Atmospheric Administration to be available to carry out disaster relief activities of the Magnuson-Stevens Act. To my great dismay—and without consultation to the New England delegation—the omnibus before us no longer contains the Senate-passed language allowing this disaster relief for New England's groundfishermen. The Senate must now act to restore this funding.

If we fail to do the right thing today, the result will be that disaster relief funding will go to only Massachusetts—arguably the State that needs it the least. For example, the port of New Bedford, MA consistently ranks first in the Nation in the value of fisheries landings. Fishermen brought $281.2 million worth of fish to New Bedford alone in 2006, continuing a 7-year trend of increasing value of landings. On top of that—Massachusetts fishermen are already set to receive approximately 6 million of additional fisheries mitigation funding from operators of a liquefied natural gas facility.

If Congress does not act to remedy this situation, we could be sounding the death knell for groundfishermen in other New England States. The fishermen in Maine, New Hampshire, Rhode Island, and Connecticut would simply be unable to compete with their counterparts in Massachusetts, who will soon find themselves awash in an influx of cash, boosting their bottom lines and increasing their competitiveness. This would be a grievous injustice—one that we cannot countenance.

For the sake of the hard-working groundfishermen throughout the other New England States, who have already endured years of costly regulations and are working hard to help stocks recover, I implore my colleagues to support this amendment. Congress must right the wrongs that continue to be carried out on our hardest hit fishermen and coastal communities.

Mr. LIEBERMAN. Mr. President, I rise today to support the fiscal year 2008 omnibus appropriations bill. I know it has been difficult to reach a compromise on this bill, and I realize that many funding levels for important programs were reduced so we could reach an agreement.

Despite these cutbacks, I believe we can still be proud of this bill. It contains considerable funding for counterterrorism and crime prevention, scientific and medical research, Pell grants, title I schools, special education, small business programs, consumer product protection, Amtrak, State and local first responder grants, and low-income energy assistance. To meet the President's top line budget number, my colleagues had to make hard choices. To their credit, the bill before us today prioritizes the most critical domestic programs in the Federal Government.

The omnibus also contains an additional $3.7 billion in emergency funding for veterans, constituting the largest increase in veterans' spending in the history of our Nation. $1.9 billion of the increase is targeted for VA medical services. This much needed funding will improve treatment for traumatic brain injury and post-traumatic stress disorder, two of the most prevalent injuries from the global war on terrorism.

I am also proud of what this bill will do for the people and communities of Connecticut. The money I requested will assist many worthy local efforts, such as hospital renovations, the construction of a small craft maintenance facility at Naval Submarine Base New London, a community college manufacturing technology program, and improvements to several intermodal transportation facilities.

I would like to clarify conference language concerning two specific projects in the bill. Currently, the Interior, Environment, and Related Agencies conference report lists a State and tribal assistance grant project as ''$300,000 for The City of Southington for wellhead cleanup.'' This language should be interpreted as if it stated ''$300,000 for the Southington Water Department for wellhead cleanup.''

The Labor, Health and Human Services, Education and Related Agencies conference report lists an Office of Museum and Library Services project as ''$97,000 for the Connecticut Historical Society, Hartford, CT for educational programs and interactive school programs at the Old State House.'' This language should be interpreted as if it stated ''$97,000 for the Connecticut Historical Society, Hartford, CT for educational programs and interactive school programs at the Old State House and the Connecticut Historical Society Museum.''

Once again, I commend the efforts of my colleagues on the consolidated appropriations bill for fiscal year 2008. They deserve hearty congratulations for their demanding work and considerable willingness to compromise.

Mr. COBURN. As we approach the end of the year, Congress once again finds itself on a last-minute spending spree, approving billions of dollars of new spending with few questions asked, no amendments allowed, and little debate, discussion, or inspection permitted.

The U.S. national debt now exceeds $9.13 trillion. That means almost $30,000 in debt for each and every man, woman, and child in the United States. The U.S. debt is expanding by about $1.4 billion a day, or nearly $1 million a minute. The unfunded liability placed on a child born today is $400,000.

The ''Financial Report of the United States Government'' released this week found that the Federal deficit would be

nearly 70 percent higher than the $162.8 billion reported 2 months ago if the Government used the same accounting practices as private firms. Accounting for such liabilities as pensions and health care costs when they are incurred rather than when they are paid would have boosted the deficit to $275.5 billion, the report noted.

It is completely irresponsible for Congress to add to this debt that threatens the retirement security of our senior citizens and the economic prosperity of our children and grandchildren who will inherit the debt that results from the spending decisions Congress is making today.

The Omnibus appropriations bill, which combines the 11 unfinished appropriations bills to fund the Federal Government's operations in fiscal year 2008, provides approximately $515.7 billion in discretionary spending. The bill also adds approximately $11 billion in emergency spending, of which $3.7 billion is contingent emergency spending for veterans programs.

This bill was approved by the House of Representatives last night, and the Senate will vote on it today, even though it has only been available now for 36 hours. The bill is more than 3,400 pages, and I am fairly certain that not a single Member of either chamber of Congress, or anyone else, for that matter, has read it in its entirety. What is most shocking, however, is that the eagerness of Members of Congress to recess for the year and to satisfy the desire to secure pork projects has taken precedent over our responsibility to properly manage the Nation's finances and set national spending priorities.

While this bill does not provide the funding that is needed for our brave men and women in uniform fighting on the front lines in Iraq, it does contains over 9,000 special interest pork projects, known as ''earmarks.''

''An earmark Christmas, Lawmakers deck out omnibus with many a spending project,'' proclaims the front page of the Hill newspaper. ''Earmark Extravaganza, Nearly 9,000 Requests in Omnibus,'' exclaims the front page of Roll Call.

Nearly 300 of the earmarks in this bill costing over $800 million were air dropped into this bill during closed-door meetings not open to the public or most Members of Congress.

Among the thousands of earmarked projects tucked into this bill are:

$113,000 for rodent control in Alaska;

$213,000 for olive fruit fly research in France;

$1,645,000 for the City of Bastrop, LA. According to Bastrop Daily Enterprise, ''The money is officially earmarked for the purchase of bulletproof vests and body armor. Bulletproof vests only cost about $700–800, however, so $1.6 million would appear to be overkill.'' Police detective Curtis Stephenson agrees, conceding ''There's no way we'd need that kind of money just to put all our people in vests.'';

$200,000 for a Hunting and Fishing Museum in Pennsylvania;

$150,000 for a Louis Armstrong Museum in New York;

$700,000 for a bike trail in Minnesota;

$1,000,000 for river walk in Massachusetts;

$200,000 for a post office museum in downtown Las Vegas;

$1,000,000 for an earmark requested by a House Member who has been indicted on Federal charges of racketeering, money-laundering and soliciting bribes;

$824,000 for alternative salmon products;

$146,000 for an aquarium in South Carolina;

$1,000,000 for managing weeds in Idaho; and

$37,000 for the Lincoln Park Zoo in Illinois.

It is hard to argue that any of these are national priorities or more important than funding the troops in Iraq or worth increasing the national debt. Members of Congress have, however, learned to rationalize the practice of earmarking, but the truth is every earmark diverts funds away from more important national priorities.

I filed two amendments to this bill that would have demonstrated this point that I had hoped to offer but was blocked from doing so. These amendments would have given Congress the opportunity to choose between improving deficient roads and bridges and providing health care to women and children before steering funds toward special interest earmarks.

The first amendment, 3860, would have allowed the Department of Transportation to redirect earmarked funds to improve unsafe roads and bridges.

On August 1, 2007, the Interstate 35 West, I–35W bridge over the Mississippi River in Minneapolis, MN, collapsed during rush hour, killing 13 people and injuring another 123. This tragedy exposed both a nationwide problem of deficient bridges as well as misplaced priorities of Congress, which has focused more on funding earmarks than improving aging infrastructure.

According to the U.S. Department of Transportation, one out of every eight bridges in our Nation is structurally deficient. Of the 597,340 bridges in the United States, 154,101 bridges are deficient. Yet, instead of addressing needed bridge maintenance, Congress has prioritized earmarks for politicians' pet projects, many which do not even involve roads or bridges.

The $286 billion, 5-year Transportation authorization bill approved by Congress in 2005, for example, included 6,373 earmarks, totaling $24 billion, including the infamous ''Bridge to Nowhere'' in Alaska.

An investigation by the inspector general of the Department of Transportation found that ''Many earmarked projects considered by the agencies as low priority are being funded over higher priority, non-earmarked projects.'' The IG notes that ''Funding these new low priority projects added to the already substantial backlog of replacement projects and caused [Federal Aviation Administration] to delay the planning of its higher priority replacement projects by at least 3 years.''

Earmarks have siphoned away tens of billions of dollars that could and should have been spent to upgrade deficient bridges or improve aging roads rather than being spent on politicians' pet projects.

The Senate has already rejected a similar amendment in September, and this bill shows once again that Congress is more interested in securing earmarks than securing our Nation's roads and bridges.

The second amendment, 3861, would have allowed the Department of Health and Human Services to redirect earmarked funds to the Maternal and Child Health Block Grant Program.

Congress has spent much of this year posturing about who cares most about providing health care for children and the uninsured. Yet Congress has failed to enact any reforms to expand health care access. According to the Kaiser Family Foundation, in this country there were 9.5 million children who lacked health insurance for at least part of last year, and over 17 million women are uninsured.

This amendment ensures that many of these uninsured women and children would receive services from the Maternal and Child Health Block Grant, which provides funding for urgent health needs for pregnant women, mothers, infants, children, and adolescents. It is shameful that Congress has diverted tens of millions of dollars in the health title of this bill towards special interest pork projects when millions of children and women do not have access to critical health care.

The Senate rejected a similar amendment in October, and this bill demonstrates once again that while Congress may talk about prioritizing children's health care, the real priority of Congress is its own special interest pork projects.

There are plenty of other examples in this bill of Congress's misplaced priorities. The bill, for example, terminates the Baby AIDS Program that provides resources to prevent perinatal HIV transmission and care for mothers with HIV, while ensuring that San Francisco receives funding for deceased AIDS patients. The bill provides another $100 million for the 2008 political party conventions. It allows the Department of Justice to again provide Federal financial support for groups linked to terrorism by removing the prohibition passed by the Senate in October.

Who know what other travesties are hidden within this 3,400 page omnibus spending bill that Congress is expected to pass without having time to read, review, or amend? Members of Congress may never know, and apparently few seem to care.

It should come as no surprise to anyone that the approval ratings of Congress have reached alltime historical lows.

Congress has ignored the needs of our troops in combat, the looming bankruptcy of Social Security and Medicare, and the nearly insurmountable national debt that threatens the future prosperity of our Nation while showing virtually no restraint on spending, especially for parochial pork projects.

Mr. CRAPO. Mr. President, I rise today to offer my distinct dismay with the outcome of what has become omnibus funding legislation for 11 of the 13 appropriations bills for fiscal year 2008. H.R. 2764 is a sad testament to Congress's inability to draft and pass responsible Federal funding legislation. I am very disappointed that critical funding for drug abuse education efforts, crime victims and, more specifically, victims of domestic violence has been stripped from this bill. Idaho will lose more than 10 percent of Victims of Crime Act Funding, money, incidentally, which was never supposed to be subject to the appropriations process in the first place. Furthermore, funding for programs that help victims of sexual assault in 15 cities in Idaho and a program that has helped thousands of Idaho schoolchildren learn of the dangers of Internet predators have been eliminated during the conference process on this omnibus spending bill. Justice assistance grants have been significantly reduced. The Office of National Drug Control Policy Youth Anti-Drug Media Campaign was significantly cut, which jeopardizes important anti drug and, particularly anti meth media messaging for Idaho's youth. Although I have supported important funding along the way in these bills including veterans funding, border funds and other Idaho priorities, in my view, victims of crime and our youth are the clear losers in this legislation, and because of this and other substantial concerns I have with this, I have to vote against the bill.

Mr. PRYOR. Mr. President, I would like to express my support for a provision of the Consolidated Appropriations Act, 2008. Specifically, I would like to take this opportunity to highlight and clarify language included in Division E, the Department of Homeland Security Appropriations Act of 2008 regarding the secure handling of ammonium nitrate.

This legislation reduces the risk of large quantities of ammonium nitrate falling into the wrong hands, while ensuring access for agriculture professionals and farmers who use this fertilizer for legitimate purposes. It requires that ammonium nitrate sellers and purchasers register and receive a registration number in order to distribute or buy the product. Doing so reduces the possibility that ammonium nitrate will be misused. First, it allows Department of Homeland Security and relevant law enforcement agencies to know who has access to ammonium nitrate. Second, it requires registration number applicants to be matched against the terrorism screening database before being authorized to buy or sell ammonium nitrate. Finally, by making the sale or purchase of ammonium nitrate more difficult, it deters acquisition of this explosive precursor by dangerous persons.

Farmers who use ammonium nitrate in agriculture production normally obtain the ammonium nitrate from a retail fertilizer dealership. Any retail fertilizer dealership that stores and sells ammonium nitrate would have to register under this legislation. The intent of this legislation is ''track and trace''—to provide law enforcement officials with the ability to know where ammonium nitrate is being stored and the establishment of a prescreening process before a person can purchase and take away ammonium nitrate.

Retail fertilizer dealerships provide many services for farmers and one of those services is custom application. Many farmers buy the fertilizer, but never physically take possession of the ammonium nitrate. Instead, farmers purchase the services of a dealer who spreads the ammonium nitrate on their fields. In the southeastern United States, nearly 90 percent of the 41,800 tons of ammonium nitrate purchased is directly applied to the field from the custody of the fertilizer dealer or applicator company. Only 10 percent of the ammonium nitrate purchased in the southeastern United States is ever under the direct control and possession of the farm customer.

Businesses and employees who provide custom application services would be subject to the registration requirements of the legislation. It is not the intent of this legislation to require registration by individuals who use custom application services but never physically control any ammonium nitrate.

I believe this bill will help keep ammonium nitrate out of would-be terrorists' hands while allowing farmers to use it for legitimate purposes.

Mr. BROWNBACK. Mr. President, I rise to discuss the Omnibus appropriations bill that is before us today. Although I am supportive of a number of important items in the bill, I have serious concerns and reservations about how this voluminous package was put together and how it has reached this point. As we are all aware, none of the 11 bills in this package have ever been considered on the floor of this chamber. I believe this is a travesty and entirely contrary to our democratic process. I, for one, believe that next year we must make it a priority to consider all of the appropriations bills in regular order so that all Members can participate in the process. We are appropriating nearly $933 billion through this bill and only a select few Members in both Chambers have participated in the allocation of those dollars.

Despite my deep concerns about the process of putting this bill together, I have chosen to support it because it is within the President's budget request, it provides bridge-funding to support our troops in Iraq and Afghanistan, and it contains a number of other items that I support.

I am pleased that the bill contains funds to continue Marriage Development Accounts in the District of Columbia. We began this program in fiscal year 2006 as a way to stem the erosion of marriage in DC. Sadly, marriage is all but disappearing in low-income communities in this city and across the country because couples lose important benefits such as food stamps, low-income housing credits, Temporary Assistance to Needy Families, and Medicaid merely for taking a wedding vow. In addition, these couples often have to pay higher taxes when they choose to marry. For most low-income couples, the welfare system has made marriage a bad economic decision. MDAs are one way we are making marriage a good economic decision. With an MDA, a low-income couple can save for a house, for higher education, or to start a small business and we will match those funds 3-to-1 with two Federal dollars and one private matching dollar. In just its second year of operation, over 100 DC residents have opened MDAs and 7 have already bought houses with their matched savings.

I am also pleased that we were able to include language in this bill requiring the U.S. Mint to return the words ''In God We Trust'' to the face of the $1 Presidential coins and the $1 Sacagawea coins. ''In God We Trust'' is our national motto and since the beginning of our Nation, America's citizens have acknowledged how God is very much a part of the founding principles and traditions of our democracy. I would like to note that in 1861, Secretary of the Treasury Samuel P. Chase ordered that coins bear a motto expressing the American people's trust in God. The first coins with the phrase ''In God We Trust'' were minted in 1864. In 1955, the phrase was required for all new coins, and in 1956 Congress officially endorsed ''In God We Trust'' as the national motto. Therefore, I was troubled to learn that the words ''In God We Trust'' do not appear on the face of the new Presidential coins. These words are barely visible and almost hidden on the edge of the new coins. To rectify this situation, we have included language in this bill that will require the U.S. Mint to return our national motto to the front of the coin.

I would like to note that we have provided $80 million for the Consumer Product Safety Commission, an increase of $17 million over the fiscal year 2007 level. I believe that this increase is important and necessary because it will allow the CPSC to hire additional inspectors to ensure that toys and other consumer products entering our country are safe. We have all been deeply concerned over the flood of shoddy and dangerous products entering our ports. Most troubling is that

many of these products are designed for our smallest and most vulnerable consumers: everything from baby cribs and strollers to children's toys and baby teethers have been recalled just this past year. I believe these additional funds will help CPSC address this growing problem.

I am supportive of the $60 million available in this bill to support democracy in Iran. Although I am pleased that this money is in the bill, I would have hoped we could have come up with an additional amount for this important and essential work. I am also concerned about oversight of these funds. In my view, this money is a crucial part of our overall policy on Iran, and I will closely monitor how it is spent.

Finally, I would not be able to vote for this bill if it did not contain the necessary funding for our troops in Iraq and Afghanistan. The amendment that Senator MCCONNELL has offered today contains those important and necessary funds. We are making progress in the war in Iraq and we must continue to provide our brave servicemen and servicewomen all the armor and ammunition and support they need to continue to secure a peace in that region of the world.

I reiterate my deep concerns and consternation with how this omnibus bill was put together. To say that this behemoth bill was cobbled together in the dead of night among just a few Members is no exaggeration. Such an approach is undemocratic and dangerous. Although I will vote for the bill, I must insist that we abandon this undemocratic process and return to regular order when we take up next year's appropriations bills.

Ms. MIKULKSI. Mr. President, I rise today to discuss the Commerce, Justice, Science and Related Agencies, CJS, division of the Omnibus appropriations bill before the Senate. The CJS agreement in this bill is a bipartisan, bicameral compromise that is a product of hard work and tough choices. In order to meet a very stringent allocation mandated by the President, we had to cut $2.6 billion from the Senate CJS bill, which passed the Senate on October 16, 2007.

Although we were forced to make substantial cuts, we protected the subcommittee's priorities. First, security—keeping Americans safe from threats at home and abroad. Second, promoting competitiveness—developing new technologies that create jobs for the future. Finally, providing congressional oversight by demanding accountability from the agencies funded in this bill to ensure they act as good stewards of U.S. taxpayer dollars. Significant improvements to the President's budget were made in this bill to make America safer and stronger and ensure taxpayer dollars are being spent wisely.

Despite the tough choices we had to make, there are accomplishments for which we can be proud. First, the CJS subcommittee's top priority is to protect America from terrorism and violent crime. The subcommittee provided the Federal Bureau of Investigation (FBI), our domestic counterterrorism agency, $133 million above the President's request, for a total of $6.7 billion. The CJS agreement bolsters the FBI's efforts to fight emerging cyber security and terrorist threats and provide for 160 new FBI agents to track and dismantle terrorist cells in the United States For the Drug Enforcement Administration, DEA, we provide $53 million more than the President's request, for a total of $2.1 billion. These funds will lift the hiring freeze and give DEA the resources they need to hire 200 additional special agents. These agents will fight illegal drugs like heroin and methamphetamine that are destroying our communities and disrupt the poppy trade in Afghanistan, which funds terrorist activity.

In addition, the President's budget gutted funds for State and local law enforcement by $1.5 billion from last year's level. The CJS agreement provides a total of $2.7 billion to help State and local law enforcement fight crime, drugs and gangs. The agreement includes $1.2 billion more than the President's request. With the limited resources the subcommittee had, we were able to make modest increases to critically important State and local law enforcement programs. For example, we provided $20 million to put 260 new cops on the beat in our local communities; $400 million to keep women and children safe from domestic violence; $383 million to keep children safe from child predators, gangs and drugs; and $15 million to put cops in schools to fight the rising trend of violence on school grounds. These are critical programs and I wish we could have provided more funds to keep our children safe, protect our communities and provide those on the thin blue line the resources they deserve to protect us.

The CJS agreement continues the subcommittee's commitment to the development of new technologies that create jobs for the future. The CJS agreement fully funds the President's request of $17.3 billion for NASA. NASA is our premier innovation agency that is creating new technologies and inspiring future scientists and engineers. The CJS agreement maintains our commitment to the space station and the aging space shuttle fleet and fully funds the new space transportation vehicle. The CJS agreement also keep our commitment to NASA's scientific discovery and aeronautics research.

In addition, the CJS agreement rejects the President's cuts to Department of Commerce initiatives that create technologies and jobs. The agreement restores $80 million above the President's request for economic development grants to help our communities develop infrastructure to create new jobs. The agreement provides $90 million for the Manufacturing Extension Partnerships, MEP, which help small U.S. manufacturers stay competitive. Also, the agreement provides $65 million for the newly authorized Technology Innovation Partnership, TIP, program to encourage innovation.

The CJS agreement emphasizes oversight and accountability to prevent mismanagement of taxpayer dollars. Specifically, the agreement prohibits funds for lavish banquets and conferences and requires the Inspector General in each agency to stand sentry over grant spending to ensure taxpayer dollars are not squandered. The subcommittee agreement institutes an early warning system for cost overruns and schedule slippages on major satellite procurement programs so that costs to the taxpayers do not grow unchecked. The agreement also requires management reforms at the Patent and Trademark Office, PTO, to reduce application backlogs and waiting times. Currently there is a 2 year backlog to process a patent application and this backlog could reach over 800,000 applications this year.

Unfortunately, the subcommittee also had to make some very difficult choices. There were reluctant cuts dictated by the President's budget that forced the Subcommitte to cut things that we wanted to fund. For example, Byrne formula grants to States are funded at only $170 million. The President zeroed out Byrne formula grants, but our agreement is still $350 million below 2007. Byrne formula grants go to States to pay for police training and technology and crime prevention programs at the State and local level. This cut means there will be less direct Federal funding for State law enforcement budgets, straining State budgets that are already stressed.

Regrettably, the CJS agreement is $424 million below the President's request for the American Competitiveness Initiative, ACI, at the National Science Foundation, NSF, and National Institute of Standards and Technology, NIST. Our Senate bill fully funded the President's request for ACI, which has bipartisan support, but our allocation required very difficult choices and this was one of them.

Finally, I want to express about my disappointment that the House would not agree with two provisions that were included in the Senate CJS bill. First is emergency funding for NASA. Our Senate bill included $1 billion in emergency funding to reimburse NASA for the costs of returning the space shuttle to flight after the Columbia accident. This funding had bipartisan support in the Senate, but the House would not agree to it. The consequence will be a continued gap in time between shuttle retirement and development of our new vehicle.

Second, I included a provision in our Senate bill to extend the H–2B returning worker exemption. This was a simple 1-year extension of current law. On a bipartisan basis, the Senate wanted to protect small and seasonal businesses from going bankrupt. I regret

that the House would not agree to the extension.

Overall, the CJS agreement is a bipartisan effort, a product of hard work and tough choices in order to meet a very tight allocation. Even within the tight allocation, we provide funding to keep America safe, we secure America's competitiveness, and we provide strong oversight and accountability to ensure stewardship of taxpayer dollars.

I want to thank my ranking member, Senator SHELBY for his collegiality and cooperation. I also want to thank Chairman BYRD and Ranking Member COCHRAN for their hard work and advocacy. And I thank their staff, specifically, Art Cameron, Chuck Kieffer, and Bruce Evans. I encourage my colleagues to support of the CJS agreement.

Mr. KERRY. Mr. President, I rise in support of the Feingold amendment because the strategy it mandates gives us the best chance to succeed in Iraq and strengthen America's security around the world. In fact, recent developments in Iraq and Afghanistan have made it clear that this amendment is as important now as it was when Senator FEINGOLD and I first introduced a similar measure a year and half ago.

I have heard the arguments that the escalation has worked, that we no longer need to change the mission, and that we are now on the path to victory in Iraq. Every one of us agrees that the troops in Iraq have done an extraordinary job under unbelievably difficult circumstances. The entire country owes them a profound debt of gratitude for their incredible sacrifices.

But we must not lose sight of the bigger picture, which is that the brave men and women of our armed forces no matter how heroically they perform cannot end an Iraqi civil war. Every one of our generals, the Secretary of Defense, and the Secretary of State have all told us repeatedly that there is simply no military solution to this conflict. The President himself has acknowledged as much and that is why he made clear that the purpose of the escalation was to give the Iraqis one last opportunity to make the tough political compromises that are the only hope for bringing lasting stability to Iraq.

But the bottom line is that we have not seen any political progress from the Maliki government since the escalation began nearly one year ago. Not one single additional political benchmark has been met and by some accounts they are even further away from compromising than they have ever been. So when we assess progress in Iraq over the past few months, let's be clear: by the measure that ultimately counts the most political reconciliation this strategy has not accomplished the goal that the President himself established.

The reason is simple: the Iraqi government has proven time and again that without a deadline they will not make the tough compromises necessary to bring about a political solution that is the only solution. And as long as we continue to follow the same course of giving them an open-ended commitment, they will continue to pursue their narrow sectarian interests while our troops continue to pay the ultimate price.

To succeed over the long term in Iraq, we must change course. We must insist on a strategy that honors what our troops have accomplished and force the Iraqis to finally take advantage of the opportunity they have before them. That's what the Feingold amendment does. It changes the mission to one that can be sustained even as we draw down troops to pre-surge levels which our overstretched military requires us to do: training Iraqi security forces, conducting targeted counter-terrorism missions, and protecting U.S. forces and facilities. And most importantly, it sets the deadline we need to create the leverage necessary to bring about real political reconciliation.

In fact, if you look closely at what has occurred over the past few months in Iraq, it is clear that a significant amount of the progress we have seen in terms of reducing violence has been the result of political decisions. That's not to understate the key role our troops have played it's simply to recognize the realities of this type of counterinsurgency mission.

We all know that the Sunni tribal leaders in Anbar province made a calculated decision, based on their own self-interest, to turn against al-Qaida in fact, many of us have argued for some time the Iraqis themselves would never tolerate foreign extremists in their midst.

We also know that one of the key factors in reducing the violence has been the decision by Moktada al-Sadr to tell his Mahdi militia to stand down—at least temporarily. This was reportedly due, at least in part, to a request Prime Minister Maliki made of Iran in August to help rein in the Shia militias. In fact, according to the New York Times, spokesmen for our own military ''have gone out of their way to publicly acknowledge Iran's role in helping to slow the flow of weapons into the country.''

And finally, we know that the flow of foreign fighters into Iraq from Syria has diminished considerably at a time when we have finally begun some level of diplomatic engagement with Syria.

So we must learn the right lessons from the positive developments we have seen over the last few months and recognize that the way forward, the best chance for lasting progress, is through political and diplomatic efforts. We must act now to take advantage of the window our troops have provided. I applaud the summits that have been held on Iraq in Sharm el Sheikh and Istanbul, but we need to see much more sustained, hands-on engagement at the highest levels of the administration. And we need a deadline to fundamentally change the dynamic for Iraq's political leaders.

The alternative is to continue giving the President a blank check which is exactly what the McConnell amendment does. There's no requirement to transition the mission, and no deadline to leverage political process. And there's no relief for a military stretched to the breaking point. That will not resolve the sectarian divisions that have fed this civil war, it will not bring longterm stability to Iraq, and it will not protect our national security interests around the world.

Nowhere is that more important than in Afghanistan, where the same killers who attacked us on 9/11 are right where we left them, plotting more attacks on our homeland. The simple fact is that because of the attention, energy, and resources we have devoted to Iraq, we're now in danger of losing Afghanistan. The Taliban and al-Qaida have regrouped along the Afghan-Pakistan border, currently hold large swathes of territory, and are expanding their reach into regions that haven't seen the Taliban since 2001. Violence may be down in Iraq, but it's at its highest levels in Afghanistan since the invasion. Opium cultivation has soared to 93 percent of the world's market. Reconstruction efforts have stalled, and Oxfam International is reporting ''humanitarian conditions rarely seen outside sub-Saharan Africa.''

That is why Secretary Gates and Admiral Mullen called for more troops, equipment, and a strategic plan to get it right in Afghanistan last week. But because we have expended valuable American blood and treasure in Iraq and allowed our focus to wander from our top national security priority, the resources just aren't there to fight Taliban and al-Qaida in Afghanistan. If we change the mission in Iraq and return our focus to Afghanistan, we still have time to achieve the stable democracy we promised.

But we must act now. In Iraq and in Afghanistan, time is not on our side. We must seize this moment to put America on course to a safer and more secure future.

Mr. DURBIN. Mr. President, the fiscal year 2008 appropriations bills do not adequately address all of the long-term needs of the American people. We have no one to blame but the President and his Republican allies who have chosen to stand by his side.

The bills we drafted and passed out of the Appropriations Committees on a bipartisan basis went far beyond what we have here today, but the President has made it clear he would veto any bills that were above his grossly inadequate budget.

These allies stood with the President and his budget, a budget that I cannot believe anyone would be proud to support. The President's budget contained cuts of 800 grants for medical research at NIH, cuts in programs that provide access to health care by $595 million, cuts in rural health initiatives by 50 percent, cuts for crucial Department of Education programs by $1.2 billion, and

cuts in Homeland Security Grants for police, firefighters, and medical personnel by $1.1 billion.

This is what we were presented with take it or leave it. The President refused to compromise and instead made it very clear that in his eyes, cuts for health care, education, jobs, and homeland security are nonnegotiable. For the cost of what we spend in 2 months in Iraq, the President was more than willing to sacrifice a year's worth of badly needed investments into health research, our children's education, worker safety, and homeland security.

The President has done all of this under the banner of fiscal responsibility. This is hard to believe from a President who increased spending 50 percent since he came to office, saddled our children and grandchildren with $3.3 trillion in new debt, doubled the size of foreign debt held by other countries, and asked for another $200 billion for the war in Iraq without paying for it.

This President also had no problem with a Defense spending bill that was 11 percent more than he asked for. He has no problem asking us for a blank check to fund war in Iraq. This is a President who says it is OK to increase spending for those in other countries, but not here at home. When it comes to raising money for our needs at home his answer comes with a stroke of his new-found veto pen.

When the President drew his line in the sand, we reached out to our Republican counterparts in an effort to build a bipartisan coalition to overcome his veto, but Republicans gave us the cold shoulder and have decided to stand with the President. These are the same Republicans who last Congress failed to pass a budget or complete any of its work on domestic funding bills. They have criticized us for the size of this bill, but compared to nothing, I will take our work here.

We realize we have an obligation to the American people to fund the important functions of our Government and to finish our work as a Congress. To complete these bills we had to make tough decisions in the face of the President's unreasonable demands and work toward prioritizing the needs of the country.

Even within the unreasonable constraints of the President's budget numbers, we still put veterans first. This bill added $3.7 billion above the President's budget request for veterans and their health needs. This $3.7 billion in veterans spending is a proposal the President once threatened to veto. These funds will be used for medical and prosthetic research, health services for injured and ill veterans, and the construction of new medical facilities to help those returning home from Iraq and Afghanistan. The additional $3.7 billion for veterans is contingent on Presidential action. The President must make an emergency spending request by January 18, 2008.

Within the President's overall budget numbers, we were still able to increase spending for health, education and workers by $3.9 billion. That is $3.9 billion for our needs here for Americans at home. Even with the President's hard-line position on his overall budget numbers, the fiscal year 2008 Consolidated Appropriations Act better reflects American priorities.

Democratic increases above the President's budget request include $3.7 billion for veterans healthcare, $613 million for medical research, $3 billion for education, $486 million for renewable energy sources, $788 million for heating assistance for low-income households, $1.6 billion for highways and bridges, $1.2 billion for State and local law enforcement, $1.8 billion for homeland security, and $17 million for consumer protection.

I am also very pleased and proud of what we were able to do with very limited funding within the Financial Services and General Government Appropriations Subcommittee.

Our bill provides $20.6 billion in funding for the Department of the Treasury, the Internal Revenue Service, the Executive Office of the President, the Federal judiciary, the District of Columbia, and an array of 20 independent agencies, including the Consumer Product Safety Commission, the General Services Administration, the Federal Communications Commission, the Federal Election Commission, the Federal Trade Commission, the Postal Service, the Securities and Exchange Commission, and the Small Business Administration.

Therefore, while I would like to highlight some of the features in the Financial Services title, I note that the circumstances that led to the final bill forced us to make regrettable cuts, because of the President's insistence on his overall bottom line on domestic spending.

I am pleased this bill provides $80 million for the Consumer Product Safety Commission, a 30-percent increase of $17.3 million above the fiscal year 2007 enacted level and $16.75 million above the budget request.

This increase in funding will allow the agency to hire employees, find space for additional employees, and make critically needed IT improvements.

In addition, the bill includes $115 million for election reform programs to be available for States for assistance in meeting the requirements of the Help America Vote Act of 2002. The amended bill also provides $10 million for an election data collection pilot program.

Within the IRS, funding of $2.15 billion is provided for the Taxpayer Services account. This is $11.7 million above the fiscal year 2007 enacted level, $46.9 million above the President's request, and $800,000 above the Senate committee-reported level. The President's budget sought to cut Taxpayer Services by $35.1 million below the fiscal year 2007 level. The bill also establishes a new $8 million pilot grant program to improve the Community Volunteer Income Tax Assistance Program to serve underserved populations and hardest-to-reach areas.

The bill boosts funding for Treasury's Community Development Financial Institutions, CDFI, Fund to $94 million, reflecting an increase of $39.5 million over the fiscal year 2007 enacted level, $65.4 million above the President's request, and $4 million above the Senate committee-reported level. The President's request would have decimated the fund, which promotes access to capital and local economic growth by directly investing in and supporting community development financial institutions and by expanding lending, investment, and services offered by banks and thrifts within underserved markets.

The Federal judiciary receives a 4.3 percent increase over fiscal year 2007 in both mandatory and discretionary funding. Within the Judiciary title, the bill provides $410 million—an 8.3 percent increase over fiscal year 2007—for court security. The bill also authorizes a pilot program to permit the U.S. Marshals instead of the Federal Protective Service to provide security for seven Federal courthouses including the Dirksen Courthouse in Chicago.

Finally, among an array of general provisions applicable government-wide in Title VII of Division D, the bill provides for a 3.5 percent cost-of-living adjustment for civilian Federal employees as included in both the House-passed and Senate committee-reported bills.

I am frustrated that we were not able to do more and that the process has been delayed, but the fiscal year 2008 funding levels we consider this evening reflect America's priorities and I am pleased to support the final package.

Mr. REID. Mr. President, with the Senate's passage of the Omnibus appropriations bill for fiscal year 2008 and H.R. 6, the Energy Security and Independence Act of 2007, the Department of Energy must now finally understand that its irrational hostility toward geothermal energy research and development has come to an end, pursuant to these two acts of Congress.

First, H.R. 6 will become law ahead of the omnibus and thereby controls the primary use and priorities for funds provided by Congress following its enactment. As Senators may know, the United States and particularly Nevada and the West have tens of thousands of megawatts of clean power generation potential from geothermal energy sources just waiting to be developed. In title VI, H.R. 6 contains very important research and development provisions collectively referred to as the Advanced Geothermal Energy Research and Development Act of 2007 that will help realize that enormous potential and create significant sustainable economic growth in rural areas throughout America.

The Department must, by law, comply with the program direction provided in H.R. 6. The Department staff

need not reinvent the wheel or plead that they cannot accept or acknowledge statutory direction from Congress at this point in the fiscal year, since they have not and will not have had any conflicting direction from Congress.

Second, the Omnibus appropriations bill requires that the Department cease and desist its efforts to shut down the existing geothermal program. Instead, the bill provides approximately $20 million for geothermal energy technology research. This is an increase of $20 million over the budget request for the deployment of large-scale enhanced geothermal systems, to include accelerating the development of subsurface technologies, including geological and geophysical data collection and synthesis. This direction to the Department is entirely consistent with that provided in H.R. 6.

The Congress expects the Department to use that money wisely and in a balanced fashion that comports with the direction in the appropriations bill's statement of managers and the statutory direction provided in H.R. 6. Clearly, the funds should not and cannot be used to focus on one or even a narrow set of technologies to the exclusion of the continuum of geothermal energy technologies. I also expect that next year's budget request will reflect the direction given to the Department by Congress in H.R. 6.

The PRESIDING OFFICER. All time is yielded back.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. HATCH (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 17, as follows:

[Rollcall Vote No. 441 Leg.]

YEAS—76

Akaka	Cantwell	Dole
Alexander	Cardin	Domenici
Baucus	Carper	Dorgan
Bennett	Casey	Durbin
Bingaman	Cochran	Grassley
Bond	Coleman	Gregg
Boxer	Collins	Harkin
Brown	Conrad	Hutchison
Brownback	Corker	Inouye
Bunning	Cornyn	Johnson
Byrd	Craig	Kennedy
Kerry	Mikulski	Smith
Klobuchar	Murkowski	Snowe
Kohl	Murray	Specter
Kyl	Nelson (FL)	Stabenow
Landrieu	Nelson (NE)	Stevens
Lautenberg	Pryor	Sununu
Leahy	Reed	Tester
Levin	Reid	Thune
Lieberman	Roberts	Vitter
Lincoln	Rockefeller	Warner
Lott	Salazar	Webb
Lugar	Sanders	Whitehouse
Martinez	Schumer	Wyden
McConnell	Sessions	
Menendez	Shelby	

NAYS—17

Allard	Crapo	Hagel
Barrasso	DeMint	Inhofe
Bayh	Ensign	Isakson
Burr	Enzi	McCaskill
Chambliss	Feingold	Voinovich
Coburn	Graham	

ANSWERED ''PRESENT''—1

Hatch

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Feinstein	Obama

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF JOHN DANIEL TINDER, OF INDIANA, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Executive Calendar No. 373, the nomination of John Daniel Tinder, to be United States Circuit Judge.

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

The legislative clerk read the nomination of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate on the nomination, equally divided.

Mr. LEAHY. Mr. President, we end the 2007 legislative session as we began it, by making significant progress confirming the President's nominations for lifetime appointments to the Federal bench. At the Judiciary Committee's first business meeting of the year, held less than 2 weeks after the Republican caucus agreed to the resolutions organizing the Senate, I included on our agenda five judicial nominations. On January 30, the Senate confirmed the first two judicial nominations of the session. Today's confirmation of John Daniel Tinder to the Court of Appeals for the Seventh Circuit will be the 40th, including 6 of this President's nominations to powerful circuit courts.

I thank the members of the Judiciary Committee for their hard work all year in considering these important nominations. I thank especially those Senators who have given generously of their time to chair confirmation hearings throughout the year.

Given the work of the Senators serving on the Judiciary Committee, we will have exceeded the yearly total in each of the last 3 years when a Republican majority managed the Senate and the consideration of this Republican President's nominations. Indeed, with the confirmation today of Judge Tinder to replace Judge Daniel A. Manion, like that of Reed O'Connor who was confirmed last month to the Northern District, we are proceeding to fill vacancies before they even arise.

The progress we have made this year in considering and confirming judicial nominations is sometimes lost amid the partisan sniping over a handful of controversial nominations and attempts to appeal to some on the far right wing. When we confirm the nomination we consider today, the Senate will have confirmed 40 nominations for lifetime appointments to the Federal bench this session alone. That is more than the total number of judicial nominations that a Republican-led Senate confirmed in all of 1996, 1997, 1999, 2000, 2004, 2005 or 2006. It is 23 more confirmations than were achieved during the entire 1996 session, more than double that session's total of 17, when Republicans stalled consideration of President Clinton's nominations. It is seven more than the confirmations in the second to last year of President Clinton's final term.

We continue to make progress on circuit court nominations. We began the year by resolving an unnecessary controversy over Judge Norman Randy Smith's nomination to one of California's seats on the Ninth Circuit. That nomination could easily have been confirmed—and a judicial emergency addressed—in the last Congress had the Bush administration chosen the commonsense approach of nominating Judge Smith, who is from Idaho, to Idaho's seat on the Ninth Circuit. After many months of urging by me and others, President Bush finally did the right thing at the beginning of this Congress by pulling the controversial Myers nomination to Idaho's Ninth Circuit seat and nominating Judge Smith, instead. He was confirmed in February. We could make even more progress if the President would make a California nomination to fill the long-vacant California Ninth Circuit seat left open by Judge Stephen Trott's retirement.

We continued through the year to consider and confirm district and circuit court judges. In October, the Senate confirmed the nominations of Judges Jennifer Walker Elrod and Judge Leslie Southwick, who became the fourth and fifth circuit court nominees confirmed this year.

After this confirmation today, the Senate will have confirmed six circuit court nominees, matching the total circuit court confirmations for all of 2001. We will also have exceeded the circuit court totals achieved in all of 2004 when a Republican-led Senate was considering this President's circuit

nominees; all of 1989; all of 1983, when a Republican-led Senate was considering President Reagan's nominees; all of 1993 when a Democratic-led Senate was considering President Clinton's nominees; and, of course, the entire 1996 session during which a Republican-led Senate did not confirm a single one of President Clinton's circuit nominees the entire session.

The treatment of President Clinton's nominees contrasts harshly with the treatment Democrats gave the circuit court nominees of Presidents Reagan and Bush in the Presidential election years of 1988 and 1992. In those two election years, the Democratic-controlled Senate averaged nine circuit court confirmations. Regrettably, the Republican Senate reversed that course in the treatment of President Clinton's circuit court nominations, confirming an average of only four in the Presidential election years of 1996 and 2000, and none in the entire 1996 session.

At the end of the 106th Congress, the last 2 years of the Clinton administration, the Republican-led Senate returned to the President without action 17 of his appellate court nominees. I have not duplicated that record and I do not intend to, any more than I intend to see the Senate pocket filibuster more than 60 of President Bush's judicial nominees, as Republicans did with President Clinton's.

It is a little known fact that during the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

I continue to try to find ways to make progress. Last month, I sent the President a letter urging him to work with me, Senator SPECTER, and home State Senators to send us more well-qualified, consensus nominations. Now is the time for him to send us more nominations that could be considered and confirmed as his Presidency approaches its last year, before the Thurmond Rule kicks in.

As I noted in that letter, I have been concerned that several recent nominations seem to be part of an effort to pick political fights rather than judges to fill vacancies. For example, President Bush nominated Duncan Getchell to one of Virginia's Fourth Circuit vacancies over the objections of Senators WARNER and WEBB, one a Republican and one a Democrat.

They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell. As a result, this nomination that is opposed by Democratic and Republican home-state Senators is one that cannot move.

The Administrative Office of the U.S. Courts will list 43 judicial vacancies and 14 circuit court vacancies after today's confirmations. Compare that to the numbers at the end of the 109th Congress, when the total vacancies under a Republican controlled Judiciary Committee were 51 judicial vacancies and 15 circuit court vacancies. That means that despite the additional 5 vacancies that arose at the beginning of the 110th Congress, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican led-Judiciary Committee.

The President has sent us 27 nominations for these remaining vacancies. Sixteen of these vacancies—more than one third—have no nominee. Of the 17 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 7, nearly half of them. If the President would decide to work with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make even more progress.

Of the 16 vacancies without any nominee, the President has violated the timeline he set for himself at least 11 times—11 have been vacant without so much as a nominee for more than 180 days. The number of violations may in fact be much higher since the President said he would nominate within 180 days of receiving notice that there would be a vacancy or intended retirement rather than from the vacancy itself. We conservatively estimate that he also violated his own rule 15 times in connection with the nominations he has made. That would mean that with respect to the 43 vacancies, the President is out of compliance with his own rule more than half of the time.

We have succeeded in dramatically lowering vacancies and, in particular, circuit court vacancies. We have helped cut the circuit vacancies from a high water mark of 32 in the early days of this administration to as low as 13 this year. Contrast that with the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees that resulted in increasing circuit vacancies during the Clinton years from 17 when he was inaugurated to 26 at the end of his term. During those years, the Republican-led Senate engaged in strenuous and successful efforts under the radar to keep circuit judgeships vacant in anticipation of a Republican President. More than 60 percent of current circuit court judges were appointed by Republican Presidents, with the current President having appointed more than 30 percent of the active circuit judges already.

The American people expect the Federal courts to be fair forums where justice is dispensed without favor to the right or the left. I have set out since the beginning of this Congress to do all that I can to ensure that the Federal judiciary remains independent and able to provide justice to all Americans. These are the only lifetime appointments in our entire government, and they matter. I will continue in the 2008 session to work with Senators from both sides of the aisle as I have in the 2007 session.

John Daniel Tinder has a decade of service as a District Court Judge for the Southern District of Indiana. Before his tenure on the bench, he worked for 7 years at the Justice Department as U.S. Attorney and Assistant U.S. Attorney for the Southern District of Indiana. He has worked in private practice and has experience as a county prosecutor and county public defender. His nomination has the support of both home State Senators. I acknowledge the support of Senators LUGAR and BAYH, and want to thank Senator DURBIN for chairing the hearing on this nomination.

While I support Judge Tinder's confirmation, I am concerned about his answer to a question I sent him on the legal significance of Presidential signing statements. I asked Judge Tinder if an alleged violation of the law prohibiting cruel, inhuman, and degrading conduct by American personnel were to come before a court, would it be appropriate for that court to consider the President's signing statement as legislative history, in addition to the text of law itself. I am troubled by Judge Tinder's answer that he is open to looking at signing statements as a tool for determining the meaning of a statute.

Throughout the country's history, Presidents used signing statements for limited purposes, such as explaining to the public the likely effects of legislation or providing direction to administrative agencies within the Executive Branch. It has long been considered out of bounds for any President to use signing statements—which are at most post-passage remarks—for the more expansive and controversial purpose of creating legislative history that our courts would be expected to follow. Legislative history is created within the Congress, which is charged by the Constitution with considering and passing laws. The President may veto legislation, but the constitutional system of checks and balances does not allow the President to speak for Congress.

The Nation stands at a pivotal moment in history, where Americans are faced with a President who makes sweeping claims for almost unchecked Executive power. This President has used signing statements to challenge laws banning torture, laws on affirmative action, and laws that prohibit the censorship of scientific data. When the President uses signing statements to unilaterally rewrite laws enacted by Congress, he undermines the rule of law and our constitutional checks and balances. It is incumbent upon the Federal judiciary, to safeguard and protect the constitutional balance when necessary.

I hope that Judge Tinder will fulfill his oath and be an independent buffer against constitutional overreaching. I congratulate the nominee and his family on his confirmation today.

Mr. LUGAR. Mr. President, I appreciate this opportunity to support the

President's nomination of Judge John Daniel Tinder to serve as a United States Circuit Judge for the Seventh Circuit.

I would first like to thank Senate Judiciary Chairman PAT LEAHY, Ranking Member ARLEN SPECTER, the respective Leaders, and Senator BAYH for their important work to facilitate timely consideration of this nomination.

Late last year, Circuit Judge Dan Manion informed me of his decision to assume senior status after a distinguished career of public service. Given this upcoming vacancy and the need for continued strong leadership, I was pleased to join with my colleague EVAN BAYH in commending John Tinder to President Bush. This selection was a product of a bipartisan process and reflective of the importance of finding highly qualified Federal judges to carry forward the tradition of fair, principled, and collegial leadership.

As the Founders observed when our Constitution was drafted, few persons ''will have sufficient skill in the laws to qualify them for the stations of judges,'' and ''the number must be still smaller of those who unite the requisite integrity with the requisite knowledge.'' Judge Tinder embodies the rare combination that the Framers envisioned.

I have known John for many years and I have always been impressed with his high energy, resolute integrity, and remarkable dedication to public service.

John graduated with honors from Indiana University while earning his Bachelor's degree and then later graduated from Indiana University School of Law in Bloomington.

John served in a variety of critical legal roles early in his career which helped to shape his strong litigation background and experience. Among many legal positions, he has served as an assistant United States Attorney, a public defender, chief trial deputy in the county prosecutor's office and as a partner in private practice.

Given his broad experience and great abilities, John was a natural selection to serve as United States Attorney for the Southern District. After 3 years of active and distinguished service, John was then tapped again by President Reagan to serve as United States District Court Judge for Southern Indiana where he has served since 1987. In 20 years on the bench, he has presided over more than 200 jury trials in this district. His decisions are well known to be clear, well-reasoned, and thorough while applying appropriate precedents to the facts in each case. He is fully aware of the importance of appellate court decisions and their impact on the trial courts.

Throughout John's career, his reputation for personal courtesy, fairness, decency and integrity was equally well-earned and widespread among colleagues and opposing counsel alike and on both sides of the political aisle. The Senate has already unanimously confirmed him twice, and it is not surprising that news of his Circuit Court nomination has been well received by stakeholders in the legal community and the public.

I am also pleased that John's experience and professionalism were recognized by the American Bar Association which bestowed their highest rating of ''well qualified'' for his nomination.

I would again like to thank Chairman LEAHY and Ranking Member SPECTER for their important work on this nomination. I believe that Judge Tinder will demonstrate remarkable leadership and will appropriately uphold and defend our laws under the Constitution.

Mr. BAYH. Mr. President, this past spring, Senator LUGAR and I made a joint recommendation to President Bush to nominate Judge John Tinder for a seat on the U.S. Court of Appeals for the Seventh Circuit, the second highest court in the land. President Bush followed our advice, the Judiciary Committee unanimously approved his nomination, and today I am pleased to announce that the Senate will vote on Judge Tinder's nomination.

I take very seriously the Senate's constitutional duty to provide advice and consent for all judicial nominees. The Senate shares a responsibility with the President to ensure that the judiciary is staffed with men and women who possess outstanding legal skills, suitable temperament, and the highest ethical standing.

I regret, however, that the process for confirming judicial nominees has become too partisan in recent years and has produced too many controversial nominees.

I have worked hard with my friend and colleague, Senator LUGAR, to restore civility in Washington and to end the politics of personal destruction. We have worked closely together to build consensus and move forward in a responsible way to address the challenges that face the American people.

John Tinder is the embodiment of good judicial temperament, intellect and evenhandedness. He has been praised from both sides of the political spectrum for his service in the Southern District of Indiana, and I am confident he will receive those kinds of reviews, as well, on the Seventh Circuit.

I have known John for 20 years. Judge Tinder was born in Indiana, went to law school in Indiana, and has spent his entire legal career in Indiana, where he and his wife Jan currently reside. Judge Tinder is a Hoosier through and through.

At only 57, Judge Tinder has had a distinguished legal career that would make most lawyers envious. Judge Tinder has served as a Federal district court judge, Federal and local prosecutor, public defender, adjunct professor, and private practitioner. In 1984, at 34 years of age, he was nominated by President Reagan to become the U.S. attorney for the Southern District of Indiana. Three years later, Reagan nominated him to become a Federal judge. With over 30 years of experience, Judge Tinder has already practiced on both sides of the bench in the Seventh Circuit, arguing cases before it as an assistant U.S. attorney and presiding by designation in 12 cases. Overall, he has presided over 750 trials and has published over 700 opinions.

By all accounts, Judge Tinder is a good, smart, honest judge, who is highly experienced and capable. Judge Tinder has received the highest possible rating from the ABA.

If we had more nominees like John Tinder, we would have less fighting around this place. He is a good judge, he is a good lawyer, he is thoughtful, and he is nonpartisan. I hope that going forward, perhaps, others of a similar mold will come before us so that we can do our duty with less acrimony.

Judge Tinder enjoys my whole-support, and I ask my Senate colleagues to confirm Judge Tinder to the Seventh Circuit Court of Appeals.

Mr. LEAHY. Mr. President, with this nomination, I note we have confirmed more in this session of the Senate—of President Bush's judges—than the total number of judicial nominations the Republicans confirmed in all of 1996, 1997, 1999, 2000, 2004, 2005, and 2006. I thought I would mention that.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I simply ask unanimous consent that the record of John Daniel Tinder be printed in the CONGRESSIONAL RECORD, and I urge my colleagues to support him for confirmation.

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

JOHN DANIEL TINDER

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Birth: 1950, Indianapolis, Indiana.

Legal Residence: Indiana.

Education: B.S., with honors, Indiana University School of Business, 1972; Hoosier Scholar and Dean's List, 1968–1972; Beta Gamma Sigma (national business honorary fraternity), 1971 and Business School Honor Society.

J.D., Indiana University School of Law—Bloomington, 1975.

Employment: Associate, Tinder & O'Donnell, 1975; Assistant U.S. Attorney, U.S. Attorney's Office, Southern District of Indiana, 1975–1977; Partner, Tinder & Tinder, 1977–1982; Public Defender, Marion County Criminal Court, 1977–1982; Deputy Prosecutor (Chief Trial Deputy), Marion County Prosecutor's Office, 1979–1983; Associate, Harrison and Moberly, 1982–1984; Adjunct Professor, Indiana University School of Law, 1980–1987 and United States Attorney, Southern District of Indiana, 1984–1987 and United States District Judge, Southern District of Indiana, 1987–Present.

Selected Activities: Academy of Law Alumni Fellow, Indiana University School of

Law, 2007; Volunteer of the Year, Wheeler Boys and Girls Club, Indianapolis, 1988; Member, Indianapolis Bar Association, 1975–Present; Current Vice President and Member Pro Bono Standing Committee, 2002–2004.

Bloomington Board of Visitors, Indiana University School of Law, 1985–1996; Chair, 1994 and Dean Search Committees, 1990, 2003.

Member, Indiana Supreme Court.

Member, U.S. Attorney General's Advisory Committee of U.S. Attorneys, 1985–1987 and Vice Chairman, 1986–1987.

Member, Judicial Conference of the United States; Member, Committee on Automation and Technology, 1994–1997 and Member, Committee on Court and Judicial Security, 1990–1992.

ABA Rating: Unanimous well-qualified.

The PRESIDING OFFICER. If there is no further debate, the question is, Shall the Senate advise and consent to the nomination of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 442 Ex.]

YEAS—93

Akaka	Dorgan	McConnell
Alexander	Durbin	Menendez
Allard	Ensign	Mikulski
Barrasso	Enzi	Murkowski
Baucus	Feingold	Murray
Bayh	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Gregg	Pryor
Bond	Hagel	Reed
Boxer	Harkin	Reid
Brown	Hatch	Roberts
Brownback	Hutchison	Rockefeller
Bunning	Inhofe	Salazar
Burr	Inouye	Sanders
Byrd	Isakson	Schumer
Cantwell	Johnson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dole	McCaskill	Wyden

NOT VOTING—7

Biden	Domenici	Obama
Clinton	Feinstein	
Dodd	McCain	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

50TH ANNIVERSARY OF THE ORVIS SCHOOL OF NURSING

Mr. REID. Mr. President, as the Senate finishes its business for the year, it is my privilege to rise today in recognition of the 50th anniversary of the Orvis School of Nursing at the University of Nevada, an important part of Nevada's health care community.

The beginnings of the Orvis School are humble. During a brief hospitalization in Reno, Arthur Orvis, a stockbroker and Nevada resident, noticed the lack of student nurses and began to wonder about the educational opportunities for health care providers in Nevada. On December 15, 1955, in a letter to University President Minard W. Stout, Orvis wrote, '' I desire to give $100,000 to the University of Nevada for the establishment of a department to be known as the 'Orvis School of Nursing.' This is a free will offering with no strings attached.''

As a result of this generosity, the Orvis School of Nursing was founded by Arthur and Mae Orvis at the University of Nevada in 1957. When the Orvis School opened its doors in the fall of that year, there were 12 students and 5 faculty members. Unusual for the time period, the Orvis School's first class was very diverse, including one African-American student, one male student, one Asian-American student, and nine white female students.

The Orvis School of Nursing has come a long way from that first class of 12 students. Today, a wide group of students attend a world-class institution that offers the highest quality of nursing education. While traditional nursing programs focus only on hospital nursing, the Orvis School is distinctive in that it offers a bachelor's of science degree in nursing, emphasizing nursing leadership, community health, and nursing research. I confidently believe that this unique focus will lead to greater innovations and ideas for the future of health care.

In closing, I extend my most sincere gratitude to the Orvis School of Nursing, its alumni, and greater community. Nevadans are fortunate to have such a talented and skilled institution in our State.

GLOBAL HIV/AIDS

Mr. REID. Mr. President, I rise in recognition of World AIDS Day, which millions around the globe commemorated on December 1. Although this event will be a recent memory as the new year begins, it is my hope that its purpose will be reflected in our thoughts and actions throughout 2008 and beyond.

World AIDS Day is a solemn opportunity to remember that HIV/AIDS continues to wreak havoc on individuals, families, and communities around the globe. Although the new estimates on HIV prevalence is good news, we cannot forget that AIDS is still a leading cause of death. More than 5,700 lives are taken by this disease every day, many just at a time when they are attending school, raising children, or contributing to society as productive adults. At the same time, nearly 7,000 people become infected every day, meaning that as 2.5 million more people—about as many people in my home state of Nevada—will face the start of the new year with HIV/AIDS. More than 30 million globally are already living with HIV/AIDS today.

In Nevada, the number of HIV and AIDS cases diagnosed each year since 2000 is on the upward trend, and AIDS rates continue to disproportionately impact ethnic and racial minorities. Our State also ranks 14th in the Nation for the rate of adolescents and adults living with AIDS. As a Nevadan, as well as a Member of Congress, I know that more must be done to tackle the epidemic at home and abroad.

In Congress, we must continue to support international AIDS relief programs like PEPFAR and the Global Fund to Fight AIDS, Tuberculosis, and Malaria. It should be a priority to fund vital programs that fight HIV/AIDS domestically as well, especially the Ryan White Care Act and the National Family Planning Program, which works to prevent the spread of HIV/AIDS and other diseases. Medicaid in particular is a lifeline for vulnerable HIV/AIDS patients who would otherwise have no other means of receiving the care they need.

In giving recognition to the human toll of the HIV/AIDS global epidemic, let us also heed the resulting call to action. From supporting prevention to treatment, individual remembrance to public awareness, let us all keep working together to ensure that the goals of World AIDS Day will soon become reality.

DARFUR

Mr. DURBIN. Mr. President, I have repeatedly come to the floor to speak

about one of the worst human tragedies in recent memory—the crisis in Darfur.

For 4 long years the world has watched as thousands of innocent victims have been murdered, tortured, and raped—their villages burned, their livelihoods stolen. More than 2 million people have been chased from their homes—many trapped in dangerous refugee camps for almost 5 years.

Many of us on both sides of the aisle and in the international community have repeatedly called for greater U.S. and global action. President Bush has rightly called the situation in Darfur genocide. British Prime Minister Gordon Brown has said, ''Darfur is the greatest humanitarian crisis the world faces today.''

And U.N. Secretary General Ban Ki-moon has made ending the crisis one of his top priorities.

His efforts and those of many others led to 2 promising breakthroughs earlier this year.

First, the various parties agreed to start peace talks. With more and more rebel groups involved in the violence, a long-term political settlement will be vital in bringing stability to the region.

Second, the U.N. Security Council voted to deploy a 26,000-member peacekeeping force to bring the ongoing carnage to an end and help create an atmosphere for such negotiations.

Under pressure from the international community, the Sudanese government—notorious for its delays, denials, and obstruction—grudgingly accepted this new force.

Despite these assurances, we had many reasons to be skeptical of the regime's true intentions.

For example, Sudan has appointed its own former minister of interior, Mr. Ahmed Harun, to lead a committee to investigate human rights abuses and also to help oversee the deployment of the peacekeeping force.

Mr. Harun is wanted by the International Criminal Court for war crimes.

As interior minister, Mr. Harun helped fund, recruit, and arm the Janjaweed militia which was directly involved in perpetuating the genocide in Darfur.

Mr. Harun's place in on trial in The Hague, not investigating violence he helped perpetuate.

Equally troubling are the continued attacks on international aid workers, fissures in the peace agreement between North and South Sudan, and continued violence in Darfur.

While the Khartoum government thumbs its nose at the international community, thousands of innocent victims remain trapped in sprawling refugee camps—their lives horribly uprooted, their families traumatized with fear and dislocation.

And now, tragically, it appears that the Sudanese government was never serious about the U.N. peacekeeping force. With only 3 weeks until the deployment is scheduled to begin the Sudanese government is back to its old tricks.

A few weeks ago, the U.N.'s top peacekeeping official, Jean-Marie Guéhenno, told the Security Council that obstacles created by the Sudanese Government were jeopardizing the deployment of the new peacekeeping force.

In particular, Sudan is now objecting to the deployment of non-African peacekeepers.

Sudan's obstruction is madness and must not be tolerated.

In fact, 13 former world leaders and current activists, including former President Jimmy Carter, former U.N. Secretary General Kofi Annan, Bangladeshi microfinance champion Muhammed Yunus, and Archbishop Desmond Tutu have called for the immediate deployment of the peacekeeping force.

This group of ''Elders'' noted in a recent report that the residents of Darfur, as well as Sudanese elsewhere, are desperate for the peacekeepers to arrive.

The stakes are too high and the humanitarian crisis has dragged on too long to allow any further backsliding by the Sudanese Government.

That is why I believe it is time to increase the pressure on the Sudanese Government.

Earlier this year I introduced 2 versions of legislation that would increase economic pressure on the Sudanese regime. Each of those bills supported state and local divestment efforts, and therefore would allow each of us to do our part to end the madness in Darfur by selling off any investments in companies that support the Sudanese regime.

I am pleased that Senator DODD, as chairman of the Banking Committee, adopted ideas from these bills into the Sudan Accountability and Divestment Act of 2007—a bill the Senate passed last week and the House just moments ago passed by a unanimous vote of 411 to 0.

I thank him, as well as Ranking Member SHELBY and others who have worked on this bill—especially Senators CORNYN and BROWNBACK, who joined me as lead sponsors of the legislation I originally introduced.

I hope Congress's support for this bill sends the Government of Sudan an important message—that its brazen delays and obstruction of an internationally sanctioned peacekeeping force in Darfur can no longer be tolerated.

CONGRATULATING OLIVET NAZARENE UNIVERSITY

Mr. DURBIN. Mr. President, I rise today to congratulate Olivet Nazarene University on its 100th-year anniversary.

Olivet Nazarene University was founded by a group of families led by Edward Richards and Orla Nesbitt in 1907, first as a grade school and later as a liberal arts college. From humble beginnings, the university has endured bankruptcy, fire, a change of location to Bourbonnais, and tornado devastation to become the fine institution of higher learning that it is today. Olivet Nazarene University has grown as a liberal arts institution, with additional locations now throughout the greater Chicago area and in Hong Kong.

The university also has the distinction of serving as the summer home of the Chicago Bears. Olivet has hosted the NFL team for its training camp since 2002.

Currently, 4,400 undergraduate and postgraduate students attend the university. Olivet Nazarene offers these students 100 undergraduate fields of study, nearly 20 master's degrees, nontraditional adult degree completion programs, and a doctor of education in ethical leadership.

Olivet Nazarene University has graduated many notable alumni who have given back to the university, the State of Illinois, and this country in significant ways. An estimated 30,000 Olivet Nazarene University alumni live and work around the world, including Georgia Southwestern State University president Kendall A. Blanchard and Ticketmaster cofounder Cecil Crawford.

Olivet Nazarene University sets a standard of affordable excellence, with a cost below average for private colleges nationwide. Approximately 96 percent of traditional undergraduates receive a total of $24.9 million in scholarships and grants.

I congratulate Olivet Nazarene University, its president, Dr. John C. Bowling, and all the staff on 100 years of service to their students and alumni, the State of Illinois, and our Nation.

FARM BILL CONFERENCE

Mr. GRASSLEY. Mr. President, I want to speak about an issue that may come up during the negotiations between the House and the Senate to reconcile the farm bill.

The bill we passed last week in the Senate included a sense-of-the-Senate resolution addressing trade in sweeteners between parties to the North American Free Trade Agreement, also known as NAFTA.

Apparently, some view this language as just a placeholder for new language that will be inserted in conference.

Even more troubling, the new language that is being contemplated would call for managed trade in sweeteners between the United States and Mexico.

The issue of trade in sweeteners between the United States and Mexico has a long history.

For years, Mexico put up barrier after barrier to our exports of high fructose corn syrup.

It started in 1998. That year, Mexico imposed an antidumping duty order on imports of high fructose corn syrup from the United States.

We challenged that order, and we won. In 2001, a dispute resolution panel determined that Mexico was out of compliance with its obligations under NAFTA.

The appellate body of the World Trade Organization reached a similar conclusion.

The antidumping duty order on our high fructose corn syrup was inconsistent with Mexico's obligations under the WTO.

Mexico finally lifted its antidumping duties in 2002. But that same year, Mexico imposed a 20 percent tax on soft drinks flavored with high fructose corn syrup.

This soda tax was designed specifically to discriminate against high fructose corn syrup imported from the United States.

As a result of this unfair discrimination, our exports of high fructose corn syrup to Mexico fell dramatically.

We challenged Mexico's discriminatory tax at the World Trade Organization.

In 2006, the appellate body determined that this tax was inconsistent with Mexico's obligations under the WTO.

Mexico complied with the WTO decision earlier this year by repealing its discriminatory soda tax.

Now, after years of pressuring Mexico to drop its unfair barriers to our exports of high fructose syrup, we're finally at a good spot.

Mexico has eliminated both its antidumping duty order and its discriminatory tax.

We are on the verge of seeing high fructose corn syrup start to flow freely across our border.

Starting January 1, 2008, Mexico is obligated to provide duty-free access to our exports of high fructose corn syrup under NAFTA.

That is why I am so concerned. This new language being contemplated for the farm bill could disrupt our legitimate expectations of free trade in high fructose corn syrup next year.

If instead of free trade we end up with managed trade, it could significantly impede our exports of high fructose corn syrup to Mexico.

Under a managed trade regime, we would presumably limit the amount of sugar that we import from Mexico.

And in response, Mexico would presumably limit imports of high fructose corn syrup from the United States.

Simply put, managed trade could reverse all the gains we have made over the years to get Mexico to take our high fructose corn syrup.

Corn farmers and high fructose corn syrup producers in Iowa and other States would, of course, be harmed by any import restrictions imposed by Mexico as a result of managed trade.

And managed trade could well result in Mexico further violating its obligations under NAFTA.

Many of my colleagues complain, legitimately, when our trading partners fail to comply with their international trade obligations.

The last thing we should do is give Mexico an excuse to violate its NAFTA obligations, particularly when it would harm U.S. agricultural producers.

The current language in the Senate-passed bill does not call for managed trade.

The current language would not likely induce Mexico to impose further restrictions on our exports of high fructose corn syrup.

As a Senator from Iowa, as well as the ranking member of the Senate Finance Committee and a member of the Committee on Agriculture, I have worked hard over the years to get a fair deal for agriculture when it comes to international trade.

In particular, I have put considerable effort into opening foreign markets to our exports of agricultural products.

Too often our trading partners have imposed barriers to U.S. farm exports. And too often those barriers are in violation of international trade obligations.

Those barriers harm American farmers and agricultural producers.

Whether it is unfair restrictions on U.S. beef exports to Japan and Korea, or under restrictions on U.S. corn exports to Europe, it is imperative that we focus our efforts to remove barriers to trade.

With effort, we have been successful in getting our trading partners to remove such barriers.

That is the case with Mexico's treatment of high fructose corn syrup, as I have described.

We can't go backwards.

Our corn farmers and our producers of high fructose corn syrup are counting on us.

I will be working hard to see that the current language on trade in sweeteners is retained without change in the conference report to the farm bill.

Free trade in high fructose corn syrup with Mexico is long overdue.

I yield the floor.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 207(c) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 207(b) discretionary spending limits and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 for legislation reported by the Senate Appropriations Committee that provides a certain level of funding for fiscal year 2008 for four program integrity initiatives. The initiatives are continuing disability reviews and supplemental security income redeterminations, Internal Revenue Service tax enforcement, health care fraud and abuse control, and unemployment insurance improper payment reviews.

On July 23, 2007, I revised both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays to reflect that the committee had reported legislation that met the conditions of 207(c) for the four program integrity initiatives. The total amount of that adjustment was an additional $1,042 million in budget authority and $699 million in outlays for fiscal year 2008.

The level of funding provided for each of the program integrity initiatives in H.R. 2764, the Consolidated Appropriations Act, 2008, however, is lower than the levels mandated by section 207(c). Consequently, I am reversing the adjustments made on July 23, 2007, to both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 207(c) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 207(b) SENATE DISCRETIONARY SPENDING LIMITS

In Millions of Dollars	Current Allocation/Limit	Adjustment	Revised Allocation/Limit
FY 2008 Discretionary Budget Authority	954,095	−1,042	953,053
FY 2008 Outlays	1,029,097	−699	1,028,398

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 301(a) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children's Health Insurance Program, SCHIP. Section 301 authorizes the revisions provided that certain conditions are met, including that such legislation maintains coverage for those currently enrolled in SCHIP and that it not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

In addition, section 304(b)(2) of S. Con. Res. 21 permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that both increases the reimbursement rate for physician services under section

1848(d) of the Social Security Act and includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures. Section 304(b)(2) authorizes the revisions provided that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Further, section 320(a) of S. Con. Res. 21 permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that provides for a delay in the implementation of the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register, or any other rule that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, transportation, or medical services under title XIX of the Social Security Act. The adjustment is contingent on such legislation not worsening the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Finally, section 320(c) of S. Con. Res. 21 permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that extends the Transitional Medical Assistance program, provided that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Mr. President, I find that the Medicare, Medicaid, and SCHIP Extension Act of 2007, which was introduced today by Senators BAUCUS and GRASSLEY, satisfies the conditions of the four deficit-neutral reserve funds mentioned above. Therefore, pursuant to sections 301(a), 304(b)(2), 320(a), and 320(c) of S. Con. Res. 21, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 301(a) Deficit-Neutral Reserve Fund for SCHIP Legislation, Section 304(b)(2) Deficit-Neutral Reserve Fund, for Physician Payments, Section 320(a) Deficit-Neutral Reserve Fund for Delay of Rule, and Section 320(c) Deficit-Neutral Reserve Fund for Transitional Medical Assistance

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,025.853
FY 2009	2,121.872
FY 2010	2,175.881
FY 2011	2,357.045
FY 2012	2,499.046
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−24.943
FY 2009	14.946
FY 2010	12.160
FY 2011	−37.505
FY 2012	−98.050
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,512.349
FY 2009	2,526.893
FY 2010	2,580.802
FY 2011	2,695.912
FY 2012	2,735.561
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,476.144
FY 2009	2,573.701
FY 2010	2,608.687
FY 2011	2,701.268
FY 2012	2,714.335

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 301(a) Deficit-Neutral Reserve Fund for SCHIP Legislation, Section 304(b)(2) Deficit-Neutral Reserve Fund for Physician Payments, Section 320(a) Deficit-Neutral Reserve Fund for Delay of Rule, and Section 320(c) Deficit-Neutral Reserve Fund for Transitional Medical Assistance

[In millions of dollars]

Current Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,088,237
FY 2008 Outlays	1,082,300
FY 2008–2012 Budget Authority	6,067,090
FY 2008–2012 Outlays	6,057,094
Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	3,465
FY 2008 Outlays	4,644
FY 2008–2012 Budget Authority	−71
FY 2008–2012 Outlays	−80
Revised Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,091,702
FY 2008 Outlays	1,086,944
FY 2008–2012 Budget Authority	6,067,019
FY 2008–2012 Outlays	6,057,014

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 310 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other levels for legislation that reauthorizes terrorism risk insurance, provided that such legislation does not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that H.R. 2761, the Terrorism Risk Insurance Program Reauthorization Act of 2007, which cleared the House of Representatives today, satisfies the conditions of the deficit-neutral reserve fund for terrorism risk insurance reauthorization. Therefore, pursuant to section 310, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Banking, Housing, and Urban Affairs Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 310 Deficit-neutral Reserve Fund for Terrorism Risk Insurance Reauthorization

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,025.853
FY 2009	2,122.272
FY 2010	2,176.581
FY 2011	2,357.845
FY 2012	2,500.246
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−24.943
FY 2009	15.346
FY 2010	12.860
FY 2011	−36.705
FY 2012	−96.850
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,512.549
FY 2009	2,527.393
FY 2010	2,581.502
FY 2011	2,696.712
FY 2012	2,736.461
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,476.344
FY 2009	2,574.201
FY 2010	2,609.387
FY 2011	2,702.068
FY 2012	2,715.235

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 310 Deficit-neutral Reserve Fund for Terrorism Risk Insurance Reauthorization

[In millions of dollars]

Current Allocation to Senate Banking, Housing, and Urban Affairs Committee	
FY 2007 Budget Authority	11,641
FY 2007 Outlays	−1,788
FY 2008 Budget Authority	13,296
FY 2008 Outlays	−1,878
FY 2008–2012 Budget Authority	64,093
FY 2008–2012 Outlays	−18,543
Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	200
FY 2008 Outlays	200
FY 2008–2012 Budget Authority	3,100
FY 2008–2012 Outlays	3,100
Revised Allocation to Senate Banking, Housing, and Urban Affairs Committee	
FY 2007 Budget Authority	11,641
FY 2007 Outlays	−1,788

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 310 Deficit-neutral Reserve Fund for Terrorism Risk Insurance Reauthorization—Continued

FY 2008 Budget Authority	13,496
FY 2008 Outlays	−1,678
FY 2008–2012 Budget Authority	67,193
FY 2008–2012 Outlays	−15,443

DOCTOR'S PAYMENT FIX

Mr. MARTINEZ. Mr. President, I wish to address the issue of what is commonly referred to as the Medicare ''doctor fix.'' Unless Congress acts, there will be a 10-percent reduction to Medicare reimbursement rates in the coming year; putting good doctors further at odds with Medicare payments for their service.

This is a problem that not only affects patients with Medicare but also our military veterans, many of whom rely on Medicare as their primary health care provider.

Delaying the issue will put our veterans relying—on Tricare until the age of 65 and Medicare after retirement—at increased risk of additional health problems if their ability to see a doctor remains in question.

If not addressed, millions of Americans could be denied immediate access to treatment when they need it most. It would also put an even greater strain on doctors, who are already forced to be selective in determining which Medicare patients they can treat.

This is a choice no doctor should have to make, and our seniors and doctors deserve better. We have the opportunity to act before we leave in the coming days, and I urge my colleagues to consider the consequences that would result from an additional cut to the program.

In my home State of Florida, the dilemma has reached a critical mass, with an increasing number of doctors leaving the program—refusing to continue treating a very vulnerable population. All because the bureaucracy is too much and reimbursement is too low.

These are doctors that play important roles in treating seniors in their communities. These are doctors like Dr. Troy Tippett, a neurosurgeon in Pensacola, who is often faced with the choice of continuing to treat Medicare patients at a loss or refuse them because of declining reimbursements from Medicare.

Dr. Tippett was so worried about the threat of further cuts to the Medicare reimbursements he receives, he recently called to let me know the detrimental impact the declining reimbursement rate would have on his ability to continue treating Medicare patients.

I hope for the sake of good doctors like Dr. Tippett we can develop a comprehensive, long-term solution that fixes this problem once and for all.

This is a problem, I believe, that we must fix soon, rather than kicking the can down the road and hoping the next Congress will provide an answer to the more than 40-million Medicare patients. But today, we can do our part by opposing a cut to the broken payment system that penalizes our doctors for treating Medicare patients.

We owe it to the people who have worked so hard in life and need quality care now more than ever. We also owe it to the doctors who treat them on a regular basis.

I urge my colleagues to support fixing the reimbursement rate that so many doctors in my State—and around the country—depend on, especially in the face of rising medical costs and skyrocketing medical malpractice insurance premiums.

It is my understanding that we are very close to coming to agreement on a doctor fix and that floor action could occur very soon. I am hopeful we will have the opportunity to approve that fix. We must act because our physicians and their patients are counting on us.

And while I am pleased we are about to address the problem—let's not make the mistake of leaving it as a short-term fix. The American people deserve a long-term solution. I look forward to coming back next year and working on a permanent ''doctor fix.''

RENEWABLE CONSUMER AND ENERGY EFFICIENCY ACT

Mr. INOUYE. Mr. President, today, I am pleased that the Congress is sending energy legislation to the President. For too long, the United States has taken a back seat in the fight against global warming. This bill is a good first step in moving our Nation's energy policy in the right direction.

Without the support of a number of Senators, this legislation, and title I in particular, would not have been possible. I wish to extend particular thanks to Senators FEINSTEIN, STEVENS, LEVIN, SNOWE, KERRY, DORGAN, LOTT, CARPER, BOXER, DURBIN, ALEXANDER, CORKER, and CANTWELL for their work in increasing automobile fuel economy standards.

In addition, the tireless efforts of groups dedicated to conservation and improving national security were vital to enacting this legislation. Of special note is the support of a nonpartisan group of business executives and retired senior military leaders concerned about global energy security, known as Securing America's Future Energy, SAFE. I am grateful for the support and hard work of its leaders, Frederick W. Smith and General P.X. Kelley, as well as Robbie Diamond, who served as their liaison. The Union of Concerned Scientists—David Friedman in particular—provided significant technical support and advocacy for the Ten-in-Ten Fuel Economy Act.

The White House says that the President will sign the bill tomorrow. I thank him for taking swift action on this landmark legislation.

NEW CENTURY FARM PROGRAMS

Mr. HARKIN. Mr. President, I certify that neither I nor any of my family members have a pecuniary interest in the New Century Farm Programs for which I requested congressionally directed spending via floor action on Harkin amendment No. 3500, a substitute to H.R. 2419.

NATIONAL DEFENSE AUTHORIZATION ACT

Mrs. MCCASKILL. Mr. President, this chamber approved the fiscal year 2008 National Defense Authorization Act. I am particularly pleased with the inclusion of an important provision contained in section 846 of the legislation to modernize the whistleblower protections afforded to defense contractor employees. At a time when reports of fraud, waste, and abuse in defense contracts are rampant, it is absolutely vital that we have in place the types of whistleblower protections for contractor employees that I will empower them in reporting such abuse and therefore will protect those who wish to protect American I taxpayer dollars.

I would like to thank Senator COLLINS for working with me on this important provision and further thank Senators LEVIN and MCCAIN for their leadership and stewardship of this provision through the Senate and conference-considerations of the Defense Authorization Act.

I come to the floor, however, to make one explanatory clarification as to the final language of this amendment because I think it critical that the record be clear as to the intent of the Congress. Last year in Garcetti v. Ceballos, the Supreme Court canceled constitutional protection for speech made within the normal course of an employee's execution of his or her job duties, specifically because those disclosures are covered by other whistleblower statutes. There should be absolutely no confusion that the Congress believes that the logic and holding of Garcetti is inapplicable to the defense contractor whistleblower protection statute, 10 U.S.C. 2409, as amended by section 846 of this act.

Disclosures taken to carry out job responsibilities, within the normal course of an employee's duties, are protected by this provision for three core reasons. First, they are essential preliminary steps for a responsible disclosure to the government. Second, often they in fact are indirect disclosures to Government inspectors, auditors, and investigators who must study associated internal corporate records to engage in informed oversight. Third, the purpose of whistleblower statutes is to reduce waste. But waste would be maximized if employees had to avoid their own organizations and go straight to the Government in order to avoid waiving their whistleblower rights. The law's goal is maximized by employees being empowered to safely

work within their employment structure, as a first step, so contractors can clean their own houses. Any reading that would exclude disclosures within an employee's internal chain or command would simply be an illogical, exceedingly narrow reading of the statute. Congress fully intends the employee protections, as amended, to be interpreted to include disclosures within the employee's company.

I thank my fellow Senators for joining Senator COLLINS and me in our efforts to protect whistleblowers and provide greater contractor accountability and oversight.

LOOP FUNDING

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science, and related agencies, I rise today to clarify for the U.S. Senate the sponsorship of a congressionally designated project included in the Joint Explanatory Statement to accompany the consolidated appropriations amendment to H.R. 2764. Specifically: Senator LEVIN should be listed as having requested funding for city of Grand Rapids, MI, for LOOP funded through the Department of Justice.

INTERNET GAMBLING

Mr. KYL. Mr. President, I would like my colleagues to be aware of an important letter signed by 45 State attorneys general expressing ''grave concerns'' about Representative BARNEY FRANK's Internet Gambling Regulation and Enforcement Act, H.R. 2046.

The State attorneys general note that the recently enacted Unlawful Internet Gambling Enforcement Act of 2006 has ''effectively driven many illicit gambling operators from the American marketplace.'' The Frank bill ''proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling companies to do business with U.S. customers.'' The letter continues:

> A federal license would supersede any state enforcement action, because § 5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

One final but very important point from the letter is the impact of the so-called ''opt-out'' provisions. Specifically, the letter reads:

> [T]he opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

The Frank bill is unacceptable to the State attorneys general and it ought to be unacceptable to Members of Congress as well. I urge my colleagues to oppose the Frank bill or any similar proposals that would create a permissive Federal licensing scheme for Internet gambling.

I ask unanimous consent to have printed in the RECORD the letter from the National Association of Attorneys General.

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

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,
Washington, DC, November 30, 2007.

Hon. NANCY PELOSI,
Speaker,
House of Representatives.
Hon. HARRY REID,
Majority Leader,
U.S. Senate.
Hon. JOHN BOEHNER,
Minority Leader,
House of Representatives.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate.

TO THE LEADERSHIP OF THE U.S. HOUSE OF REPRESENTATIVES AND SENATE:

We, the Attorneys General of our respective States, have grave concerns about H.R. 2046, the ''Internet Gambling Regulation and Enforcement Act of 2007.'' We believe that the bill would undermine States' traditional powers to make and enforce their own gambling laws.

On March 21, 2006, 49 NAAG members wrote to the leadership of Congress:

''We encourage the United States Congress to help combat the skirting of state gambling regulations by enacting legislation which would address Internet gambling, while at the same time ensuring that the authority to set overall gambling regulations and policy remains where it has traditionally been most effective: at the state level.''

Congress responded by enacting the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA), which has effectively driven many illicit gambling operators from the American marketplace.

But now, less than a year later, H.R. 2046 proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling companies to do business with U.S. customers. The Department of the Treasury would alone decide who would receive federal licenses and whether the licensees were complying with their terms. This would represent the first time in history that the federal government would be responsible for issuing gambling licenses.

A federal license would supersede any state enforcement action, because §5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

The bill would legalize Internet gambling in each State, unless the Governor clearly specifies existing state restrictions barring Internet gambling in whole or in part. On that basis, a State may ''opt out'' of legalization for all Internet gambling or certain types of gambling. However, the opt-out for types of gambling does not clearly preserve the right of States to place conditions on legal types of gambling. Thus, for example, if the State permits poker in licensed card rooms, but only between 10 a.m. and midnight, and the amount wagered cannot exceed $100 per day and the participants must be 21 or older, the federal law might nevertheless allow 18-year-olds in that State to wager much larger amounts on poker around the clock.

Furthermore, the opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

H.R. 2046 effectively nationalizes America's gambling laws on the Internet, ''harmonizing'' the law for the benefit of foreign gambling operations that were defying our laws for years, at least until UIGEA was enacted. We therefore oppose this proposal, and any other proposal that hinders the right of States to prohibit or regulate gambling by their residents.

Sincerely,

John Suthers, Attorney General of Colorado; Bill McCollum, Attorney General of Florida; Douglas Gansler, Attorney General of Maryland; Troy King, Attorney General of Alabama; Talis J. Colberg, Attorney General of Alaska; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Edmund G. Brown, Jr., Attorney General of California; Richard Blumenthal, Attorney General of Connecticut; Joseph R. (Beau) Biden III, Attorney General of Delaware; Linda Singer, Attorney General of District of Columbia; Thurbert E. Baker, Attorney General of Georgia; Alicia G. Limtiaco, Attorney General of Guam; Mark J. Bennett, Attorney General of Hawaii; Lawrence Wasden, Attorney General of Idaho; Lisa Madigan, Attorney General of Illinois; Stephen Carter, Attorney General of Indiana ; Paul Morrison, Attorney General of Kansas; Charles C. Foti, Jr., Attorney General of Louisiana; G. Steven Rowe, Attorney General of Maine; Lori Swanson, Attorney General of Minnesota; Jim Hood, Attorney General of Mississippi; Jeremiah W. (Jay) Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Kelly A. Ayotte, Attorney General of New Hampshire; Anne Milgram, Attorney General of New Jersey; Gary King, Attorney General of New Mexico; Roy Cooper, Attorney General of North Carolina; Wayne Stenehjem, Attorney General of North Dakota; Marc Dann, Attorney General of Ohio; W.A. Drew Edmondson, Attorney General of Oklahoma; Hardy Myers, Attorney General of Oregon; Tom Corbett, Attorney General of Pennsylvania; Patrick C. Lynch, Attorney General of Rhode Island; Henry McMaster, Attorney General of South Carolina; Larry Long, Attorney General of South Dakota; Robert E. Cooper, Jr., Attorney General of Tennessee; Greg Abbott, Attorney General of Texas; Mark Shurtleff, Attorney General of Utah; William H. Sorrell, Attorney General of Vermont; Robert McDonnell, Attorney General of Virginia; Rob McKenna, Attorney General of Washington; Darrell V. McGraw, Jr., Attorney General of West Virginia; J.B. Van Hollen, Attorney General of Wisconsin; Bruce A. Salzburg, Attorney General of Wyoming.

FARM BILL

Mr. FEINGOLD. Mr. President, I thank Senators HARKIN and CHAMBLISS for their tireless work on this important bill. I know that both worked diligently on this legislation, and that, like all of us, they have the best interests of America's farmers, ranchers, rural and urban communities at heart. I would also like to thank the committee staff for the assistance and support they have provided to me and my staff throughout the farm bill process. While I am disappointed at the lack of reform in the commodity programs, the bill does make significant improvements in a number of other programs.

The committee bill included a number of provisions I included in legislation that I introduced earlier this year, the Rural Opportunities Act, to help sustain and strengthen rural economies for the future, and create more opportunities in rural communities. I am pleased that the committee included a number of provisions similar to my legislation to support local bioeconomies and food markets, encourage local renewable fuels and biobased products, expand broadband Internet service in rural areas, and help develop the next generation of farmers, ranchers, and land managers.

The bill also includes several important provisions to increase affordable broadband service in rural areas. Critical among the bill's provisions is making sure that limited Federal resources are better targeted to actual rural areas without broadband service. Several reports have highlighted problems with the current program including funding projects in new suburban communities.

The bill also provides funding for the community food projects and other programs that promote local markets, which help farmers and consumers by providing a direct connection between them. I know that the local food movement is gaining more and more momentum, and I hope that these provisions in the bill will help expand this wonderful opportunity to even more communities across the country. There is also a clarification included in the bill that I first proposed in 2006 to help ensure that schools can use local preference when purchasing food for meals and snacks. The bill also makes an investment in advanced biofuels, as well as language from a bill I cosponsored to provide local residents an opportunity to invest in biorefineries located in their communities.

Mr. President, I am extremely pleased that the bill makes improvements to the Milk Income Loss Contract—MILC—program. Along with several of my colleagues, including Senator KOHL, I have called for the MILC program's reimbursement rate to be raised to its original 45 percent, which will happen in 2009 under this legislation. The MILC program is an important safety net for Wisconsin's dairy farmers, and one that operates in a responsible way—only kicking in and providing payments to farmers when times are tough. Milk prices are higher now than they have been in years; consequently, no MILC payments have been made since February of this year. Further, the MILC program caps the amount of payments one farmer can receive, ensuring that it helps small and medium farmers survive tough times without subsidizing expansion of larger farms. The improvements to this program are vital to farmers in Wisconsin.

The bill also makes significant improvements to existing nutrition and conservation programs. While there is room for more improvement in both of these areas, I know the committee worked hard to provide additional funds for these programs within a very tight budget. On the conservation side, the bill includes significant funding for a number of programs, including the Environmental Quality Incentives Program, EQIP, the Conservation Security Program, CSP, and the Conservation Reserve Program, CRP. I know that these and other programs are extremely popular among Wisconsin farmers and residents, and I am pleased that the committee worked to address some of the funding shortfall that exists.

The nutrition title of this bill makes significant investments in the Food Stamp Program. Perhaps most importantly, the bill ends benefit erosion by indexing benefits to inflation. The bill also removes the cap on deductions for childcare costs entirely, which had been set at $175 per month, though Wisconsin parents spend, on average, $780 per month on childcare. Lastly, the bill changes certain assets limits for the Food Stamp Program, allowing recipients to save money for retirement or to help send their children to college or other training. I know that improving food stamps was a priority for Senator HARKIN, as it was for me and many of the other Members of this body. Other important programs see an increase in this bill, including the Emergency Food Assistance Program, grants to promote use of food stamp EBT cards at farmers markets, the Fresh Fruit and Vegetable Pilot Program, and the Senior Farmers Market Program.

I was also extremely pleased to see the addition of a new livestock title in the bill to promote competition and fair practices in agriculture. As many of my colleagues know, most areas of agriculture present different challenges, and often these situations are not fully analogous to other businesses. I am glad the committee took this step to address the unique problems of agriculture. I am especially glad that a provision I authored with Senator GRASSLEY to prevent mandatory arbitration clauses in agricultural contracts was included in the bill.

In addition to the improved competition protections that will benefit livestock producers, the underlying bill contains two other provisions that are also especially beneficial. I was glad to support Senator KOHL's longstanding efforts to find a way for meat from small and often specialty State-inspected meat processors to be sold across State lines so that consumers nationwide can enjoy these high quality Wisconsin products. The underlying bill contains a compromise that appears to strike a fair balance on this issue, and this is a significant benefit to Wisconsin's local livestock producers and processors. I was also glad that the underlying bill will finally allow a country-of-origin labeling requirement for meat and produce to be enforced.

In addition to the Agriculture Committee's portion of the bill, the Finance Committee also made a significant contribution to the Senate's legislation. I was glad that my Farmer Tax Fairness Act was included in the finance portion of the bill. This legislation will update the optional ability for farmers and other self-employed individuals to remain eligible for social security and disability benefits that had been eroded by inflation. It also indexes the program to inflation, so we are not in the same situation again sometime in the future.

I would also like to thank the chairman and ranking member for accepting several of my amendments into the managers' package. First, in a continuation of an effort I began with Senator Jeffords in 1998, I am pleased that the committee accepted my amendment to improve the authority of what we had called the small farm advocate in previous amendment. I am pleased to have continued this effort with Senator SANDERS and hope that this small office can continue to help America's small and beginning farmers. On a related note, I was glad to have an amendment accepted that will ensure that small farm research priority continues to be an option even with the proposed restructuring of agricultural research. These small efforts can make a tremendous difference for our small farmers.

As many of my colleagues know, I have long been advocating for reform of the Federal milk marketing order system. To that end, I was pleased that the chairman provided for a commission to examine dairy marketing orders in his draft of the bill and hope that this commission takes a close look at the antiquated rules that provide dairy farmers at a competitive disadvantage in the upper Midwest. I was also glad to have an amendment accepted to make a small modification to ensure the commission is balanced to better consider the interests of dairy farmers and ensuring fair competition.

Ensuring transparency and fair competition in the dairy industry has also been a continuing effort throughout my Senate career. Over the past year, a couple developments showed a need for further action in this area. First, the GAO report on cash cheese trading that I requested with several of my colleagues confirmed that the market remains prone to manipulation even

though there have been some improvements. Secondly, a sustained nonfat dry milk price reporting error that lasted over a year was found to have cost dairy farmers millions in reduced prices. I was glad to have an amendment accepted that would require regular auditing of the dairy price reporting and require the USDA to better coordinate oversight of the dairy industry both within the Department and with other Federal agencies. I hope that this added diligence and transparency can help give dairy farmers added confidence in the system.

With this year's high profile case of imported wheat gluten being adulterated with melamine, it is important to assess the risks and make sure that other high-protein products are safe. I am especially concerned that unsafe imports of dairy proteins such as milk protein concentrates and casein would have the potential to undercut consumer confidence in dairy products in general and severely damage our domestic industry and producers. Therefore, I am glad that the committee accepted an amendment to require a report on all high-protein imports including both gluten and dairy proteins to make sure that we are taking the proper precautions and testing.

Every year, I distribute a survey to farmers at a booth at the Wisconsin Farm Technology Days and ask what their top challenges are. Even in this farm bill year, the responses have overwhelmingly indicated that health care is their top concern. I know that the farm bill cannot fix this problem completely and I have a proposal with Republican Senator LINDSEY GRAHAM to move forward on the broader need for health care reform. But in the meantime, farmers need help meeting their health care needs.

I have no doubt that many of my colleagues hear from farmers and their families regularly about the particular challenges they face in finding and affording health care. More and more, one member of a farming family is essentially forced to work off-farm just to be eligible for a health care plan. I cannot tell you how many times my staff and I have heard from a farmer's spouse about how much they would like to be spending their days working on the farm, with their family, but instead go into town to work as a teacher or at a bank just for the health care. I look forward to the results of a study that was cosponsored by Senator HARKIN and was also accepted into the managers' package on the challenges farmers—and the rural areas they live in—face in obtaining health care. I hope that this body can work in the future to alleviate this problem faced by so many hard-working American farmers.

I also believe that as we look to expand our Nation's renewable energy and lessen our dependence on oil, we need to provide opportunities for farmers and rural communities. Earlier this year, I introduced the Rural Opportunity Act and am very pleased that several key elements supporting local bioenergy were included in the farm bill. One amendment I got accepted encourages the USDA's continued support for and the expansion of regional bioeconomy consortiums, which can consist of land grant universities and State agriculture agencies dedicated to researching and promoting sustainable and locally supported bioenergy. I was also pleased to work with Senator COLEMAN on another ''rural opportunity'' provision, which is based on our legislation, S. 1813, to provide local residents an opportunity to invest in biorefineries located in their communities.

Mr. President, my home State is home to many organic producers. I was glad that the chairman and ranking member accepted an amendment I authored expressing the sense of the Senate that organic research at the Agricultural Research Service should get a fair share of research funding a—share proportional to its share of the market. It is hard to believe, but when we passed the 2002 farm bill, organics were a new, trendy, item. Today organics account for about 6 percent of food purchases in the U.S.

While Wisconsin is perhaps more widely known as a leader in milk and cheese production, we also lead the Nation in production of cranberries and ginseng. I was glad to see a priority competitive research area for cranberries in the underlying legislation. Similarly, I was glad that my legislation with Senator KOHL and Representative OBEY to require country-of-harvest labeling for ginseng was accepted as an amendment. This is an important step to help combat mislabeling of foreign ginseng as U.S. or Wisconsin grown, which receives a premium price for its higher quality.

While there were many positives in this legislation, these accomplishments are bittersweet for me as the Senate missed an important opportunity for meaningful targeted reform of the farm support programs. I was deeply disappointed that several amendments to make the commodity support programs more balanced to better target family farms and not concentrate payments in larger corporate-scale operations were unsuccessful.

While I cosponsored or supported several reform amendments, I was especially disappointed that despite the support of a majority of Senators, the Dorgan-Grassley payment limit and Klobuchar adjusted gross income amendments were defeated because they could not reach a 60-vote threshold. There is no good reason why large, wealthy corporate farms, nonfarmers and even estates of dead people receive hundreds of thousands of dollars per year from taxpayers. The result on Dorgan-Grassley was particularly troubling because we able to pass a similar provision in 2002.

I was also disappointed to be prevented from offering an amendment to make a progressive cut to direct payments and redirect the savings to benefit farmers and rural America with my colleague Senator MENENDEZ. Our amendment would have addressed the most serious problems with direct payments. Direct payments are particularly problematic because they are based on a history of crop growing, regardless of what is currently being grown or even whether the land is being farmed at all. Nor are they tied to need, crop prices, or weather conditions. When prices are low, they are insufficient; when prices are high, like now, they are hard to justify.

With many needs and very few new resources available for this farm bill reauthorization, we recognized the need to keep the majority of the savings in our farmers' pockets and in our rural communities, but instead of going to the largest landowners, the money would have been refocused to meet many of the unmet needs in programs that help a broad number of farmers.

Our amendment had the support of a diverse group of organizations including the Wisconsin Farmers Union, the New Jersey Conservation Foundation, the Sustainable Agriculture Coalition, the Cornucopia Institute, the National Rural Health Association, the Rural Coalition, and the National Conference of Catholic Bishops.

PATENT REFORM ACT

FURTHER IMPROVEMENTS

Mr. LEAHY. Mr. President, I would like to take a moment, along with the distinguished Senator from Utah, a longstanding member of the Judiciary Committee and a consistent partner of mine on intellectual property issues, to discuss S. 1145, the Patent Reform Act of 2007.

Mr. HATCH. I would be happy to discuss this important issue with my good friend from Vermont.

Mr. LEAHY. First, I want to express my appreciation for my colleague's efforts in working to ensure that our patent laws are modernized. We first cosponsored patent reform last Congress. We again jointly introduced comprehensive patent reform this Congress in the form of S. 1145 in April of this year. Both bills had their foundations in numerous hearings with the testimony of dozens of witnesses and in innumerable meetings with the myriad of interested participants in the patent system. The message we heard repeatedly was of the urgent need to modernize our patent laws. The leaders of the House Judiciary Committee also heeded that call to legislate, and working with them, we introduced identical, bipartisan bills. H.R. 1908 was introduced the very same day that we introduced the Senate bill.

In July, after several extensive and substantive markup sessions, the Senate Judiciary Committee reported S. 1145 favorably and on a clear and strong bipartisan vote. In the course of

our committee deliberations, a great many changes were made to improve and perfect the bill. These improvements included changes on the key issues of enhancing patent quality, clarifying rules on infringement and compensation of inventors, and improving the ability of the Patent and Trademark Office to do its job well.

Mr. HATCH. I am proud to be a leading cosponsor of patent reform. The inventiveness of our citizens is the core strength of our economy. Our Founding Fathers recognized the critically important role of patents by mandating in article 1, section 8, of the Constitution that Congress was to enact a patent law. The Congress has periodically seen fit to update the law to ensure it meets the changing needs of both science and our economy. But the current law has not seen a major revision since 1952. Much has changed since then. The courts have struggled valiantly to interpret the law in ways that make sense in light of change. but that piecemeal process has left many areas unclear and some areas of the law out of balance. So action by the Congress is needed, and needed urgently.

Mr. LEAHY. I agree with my distinguished colleague that now is the time to enact patent reform, and we are in good company in that belief. Our leadership has committed to taking up S. 1145 as early in the new year as possible, and we commend that commitment. I fully recognize that when the bill was reported by the Judiciary Committee, a number of members expressed a strong view that the bill should be further perfected before it comes to a vote on the floor of the Senate. I made a commitment to the members of the Judiciary Committee at the markup that I would work closely with each of them, and other Members of the Senate, to make further improvements in the bill. I reaffirm that commitment.

Mr. HATCH. Thank you. I was among the members of the committee who expressed the view that while I believed we were reporting a very sound bill, further improvements should be considered. I very much appreciate your willingness to work with me and other Senators and very much appreciate your commitment.

Mr. LEAHY. As you and I have discussed, successful enactment of patent reform requires the input of all Senators. Over the past months, since the committee reported the bill, I have had numerous meetings with both members and affected interests. I know you have too. My staff has had literally hundreds of meetings and discussions about this legislation. In the course of those meetings, it has become clear to me that several issues are on the minds of most people: ensuring compensation for infringement is fair and adequate; clarifying rules on venue; and improving the ability of parties to challenge the validity of granted patents through administrative processes.

Mr. HATCH. I agree with my colleague, further improvements should be considered to key provisions of the bill, including damages, postgrant review, inequitable conduct defense, and venue.

Let me just say a few words about the need to make further reforms to the inequitable conduct defense. I commend Senator LEAHY for working to develop an effective solution to the problem of the inequitable conduct defense during committee deliberation in July. No doubt he has done a good job in initiating this process. We certainly share many perspectives on how to reform this area of the law, but I believe more must be done to change the use of this defense as an unfair litigation tactic.

I know some have opposed any meaningful changes in this area because of how it would affect the generic pharmaceutical industry. As a coauthor of the Drug Price Competition and Patent Restoration Act, informally known as the Hatch-Waxman Act, I certainly understand the generic drug industry, but S. 1145 is an innovator's bill. Unless we promote and protect a structure that fosters a strong and vibrant environment for innovators, there will be fewer and fewer drugs for the generics to manufacture—and all, including patients, will suffer.

Much like Senator LEAHY, my staff and I have met with many interested stakeholders and individuals about these provisions, and they have stated that further refinements to these four key provisions would garner even greater support of S. 1145. I firmly believe that compromise on each of these provisions is achievable, and I know that my good friend from Vermont would agree.

Mr. LEAHY. Over the course of early January, I invite you and our colleagues to work with me to find viable solutions. It is my intention to seek and hear the views of any and all parties and to include all interested staff and Senators. This will continue to be an open and deliberative process, with the goal of favorable Senate action as early as the floor schedule permits. I am committed to a strong and effective balanced bill. I know there are some out there who would rather see us do nothing and leave the systems now in place or merely codify current jurisprudence. I believe that following this course would be shirking our responsibility to ensuring the economic strength of our country that is built on inventiveness.

Mr. HATCH. I agree with your intentions and applaud your plan. I stand ready to work with you and each of our colleagues. I also agree that this should not become an excuse for further delay or for doing nothing. Unfortunately, some would like to play political football with this bill to pursue other agenda items. Make no mistake: this bill is far too important and should not fall prey to such partisan tactics from either side. The Senate has a tremendous opportunity and responsibility to further strengthen our Nation's competitiveness through meaningful patent reform.

HONORING REPRESENTATIVE JULIA CARSON

Mr. BAYH. Mr. President, in remembrance of Congresswoman JULIA CARSON, who died on December 15, 2007, I have printed in the RECORD a column written by former Representative Andy Jacobs Jr. of Indiana.

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

REMEMBERING CONGRESS'S JEWEL NAMED JULIA

''Look where he came from and look where he went; and wasn't he a kind of tough struggler all his life right up to the finish?'' The words are those of Carl Sandburg in praise of Abraham Lincoln. The same praise could and should be said of our sister, the late Rep. Julia Carson (D–Ind.), who has passed beyond the sound of our voices into the sunset of her temporal life and into a dawn of history.

Where did she come from? Same place as Lincoln—Kentucky. And like him, she was born both to physical poverty and spiritual wealth, and moved to Indiana.

Another similarity: Julia also had an ''angel mother,'' Velma Porter, who put a lot of physical, mental and spiritual nutrients into the little flowerpot of her only child.

Fast-forward to a month after my first and improbable election to Congress. I was told by mutual friends that at the Chrysler UAW office, I could find a remarkable woman to join me as a co-worker in my Washington Congressional office. Remarkable? Understatement. Thus began my 47–year friendship and, eventually, virtual sibling-ship with the already honorable Julia Carson, one of the most intelligent, ethical, industrious and compassionate people I have ever known.

Check out her first Congressional brainstorm. It started a national trend. Why make constituents in need of Congressional assistance with bureaucratic problems travel all the way to D.C. to get it? Why not take that part of the office to them? So we adopted her suggestion and did our ''case work'' in Indianapolis with Julia at the helm. It set an example that has been followed by other Congressional offices all over the country ever since. OK, there was one other factor. She had two little kids she preferred to rear in Indianapolis, doing well by her kids by doing good for her country.

Later, my refusal to bring home a particularly pernicious piece of political pork earned me a severe gerrymander that, together with the Nixon landslide, ejected me from Congress. Nothing is all bad; the beneficiary of the gerrymander was my much-admired friend, Bill Hudnut (R). That was the year I had to talk Julia into running for the state House of Representatives. She thought it would be disloyal to our friendship because it would take her away from my campaign, which was a campaign of futility that year.

She was elected to the state House, where she served with distinction and, in time, she became a state Senator, again gaining friends and admirers on both sides of the aisle.

Still later, she became the Center Township trustee and produced real ''welfare reform,'' not with ignorant histrionic speeches and braggadocio, but with hard, quiet and meticulous work. It was reform that broke no poor child's heart, nor sent such a child to bed hungry. She not only ferreted out welfare cheats, but also sued them and got the money back for the taxpayers. Her reform wiped out a long-standing multimillion-dollar debt, moving the then-Marion County Republican auditor to say, ''She wrestled the monster to the ground.''

Julia was unique in that she was the only human being ever to be named Woman of the Year by The Indianapolis Star on two different occasions.

It was common parlance to say, ''Congresswoman Carson's people,'' a reference to poor black constituents. Rubbish. The 7th district is about 70 percent nonblack and ''her people'' were all the people of the 7th, regardless of physical or economic description. Millionaires can be treated unjustly by the federal government just as middle- and low-income citizens can. And wherever there was injustice, this Lincoln-like lady was there to redress it. Her political philosophy was a plank from the Sermon on the Mount: ''Blessed are they who thirst for justice.''

There's another one: ''Blessed are the peacemakers.'' She cast our vote against the conspicuously unconstitutional resolution that gave the Cheney gang a fig leaf to order our innocent military to the fraudulent and internationally illegal blood-soaked blunder in Iraq.

Julia called me just before she cast that vote and said that, in view of the dishonesty, panic and jingoism of the moment, she expected to lose the next election. ''Courage,'' my mother said, ''is fear that has said its prayers.''

Our Julia, who art in Heaven.

TRIBUTE TO FORMER GEORGIA HOUSE LEADER TOM MURPHY

Mr. CHAMBLISS. Mr. President, I want to associate the following comments with my distinguished colleague and friend, Senator ISAKSON, to honor the late former Georgia House Leader Tom Murphy, who passed away last night.

Tom, known by his friends as Speaker and others as ''Mr. Speaker,'' was once the longest serving State House speaker in the nation, serving Georgia from 1974 to 2002. In describing the life's work of Tom Murphy, one of our veteran reporters in Atlanta quoted an old 1960's western film and wrote, ''When the legend becomes fact, print the legend.'' The reporter goes on to say, ''There will be no such confusion over Tom Murphy, the tough-talking master politician whose gruff exterior concealed a heart that ached for the poor and helpless and in the Speaker's case, they were one and the same.''

He was a true champion for our great State, and all Georgians, from Rabun Gap to Tybee Light, will reap the benefits of Tom's work legacy for generations to come.

During the time Tom served our State, Georgia became one of the leading States to attract international business, our ports were expanded, the Quick Start program was created and expanded to help companies train new workers, and teachers salaries were given higher priority.

The expressway system in Georgia was completed during his tenure, and if you live in the vicinity of Atlanta, you have Tom to thank for the widening of the connector in Atlanta; additional runways at Hartsfield-Jackson International Airport; and the World Congress Center that was built and expanded to allow Georgia to compete for conventions and trade shows.

He was always supportive of rural Georgia and agribusiness, and he was part of a transformation of our state into a State that has a significantly more diversified and stronger economic base than ever before.

One of our former colleagues, former Senator and Governor, Zell Miller, one of our greatest Governors, describes his working relationship with Tom as one that was tumultuous, but mutually beneficial. They worked together for many years in the State legislature, and it is no secret that the two often dueled over many issues, but they always had Georgia's best interest in mind. Zell has stated, ''If there had not been a Tom Murphy, I guess I would have created one, and if there had not been a Zell Miller, I guess he would have had to create one. Because that's the way we rallied our troops.'' Both recognized that they could not survive without the other.

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

Mr. President, I ask unanimous consent to have printed in the RECORD Zell's interview.

Tom's integrity and fairness were his trademarks, and he will always be remembered for his longstanding commitment to Georgia values.

When we depart from this world, we all hope to leave it a better place. Tom Murphy left Georgia better than he found it.

''HE WAS A ONE-OF-A-KIND'' INDIVIDUAL

(By Dick Pettys)

Make no mistake: there was real respect and, yes, even affection between Tom Murphy and Zell Miller, though you would never have known it from the way Murphy introduced Miller on occasion as the ''extinguished'' lieutenant governor, or the way Miller referred to Murphy's House as the ''mausoleum'' for his legislative initiatives.

Murphy, who died Monday, and Miller came to the Georgia Legislature in the same year—1961—and their careers were forever entangled after Murphy became Speaker and Miller became lieutenant governor and later governor.

''I've often thought this as I looked back on (our) careers—we worked off each other to benefit what we were trying to get done,'' Miller said in a telephone interview Tuesday. ''If there had not been a Tom Murphy, I guess I would have created one, and if there had not been a Zell Miller, I guess he would have had to create one. Because that's the way we rallied our troops.''

At such times, it often took a woman's touch to keep them from doing each other a bodily harm, and Shirley Miller filled that role, Murphy used to say.

There was sadness in Miller's voice as he spoke of Murphy's legacy.

''He was a one-of-a-kind individual, and for four decades whatever happened in Georgia, he was right in the middle of it,'' Miller said. ''We will never see, I don't think, ever again one Georgia leader have the power that he had for as many years as he had it. It's really remarkable and I don't think the way politics is today that you'll ever see that again.''

Miller, who taught college history at an earlier point in his career, said Murphy came along at an historic time in the state's history.

''We were all the same. We were white male Democrats, mostly from rural Georgia. And then suddenly that all changed with the court rulings and the county unit system, reapportionment and all of that. And it became a very, very volatile time to be in politics.

And the fact that he could hold that House together like he did for so many years, it's really historic.

''Loyalty is the most important ingredient in legislative politics and he enjoyed that from his House like no one ever has before or will again,'' he said.

Why?

''They knew it was a two-way street; that he would look after them and he would be as loyal to them as they were to him. He, of course, very wisely would place people in various positions which would be of benefit to him later . . . Next to his real family, the House was his family.''

''The night I was elected (November, 1990), he was one of the first to come up to where we were, and I appreciated that. The next day, I went up to the third floor, sat down and told him I might could get elected without him, but I sure couldn't govern without him. That was the truth.

''We worked together and fought together for so many years, it's hard to believe what a long period of time it really was. I give him a lot of credit for the fiscal soundness of the sound and bringing along rural legislators on things like the World Congress Center, which was not an easy job. So many things. It's a shame he didn't get that reservoir, which was looked upon as sort of pork at the time. It would have helped today if we had had it.''

For both men and for the state, that remarkable period of time was quite a ride. ''I feel very, very fortunate to have been part of it,'' he said.

COMMENDING CINDY CHANG

Mr. GREGG. Mr. President, I want to take a moment to recognize the hard work of Ms. Cindy Chang, Senior Adviser for Budget and Appropriations at the State Department's Bureau of Legislative Affairs.

Cindy has worked closely with the State, Foreign Operations, and Related Programs Appropriations Subcommittee for the past several years and has been an invaluable asset to the Congress. Cindy understands the appropriations and budget processes. She understands foreign policy, whether the complexities associated with the Middle East or the nuances of Southeast Asia. Cindy is also extremely responsive to the subcommittee's many and frequent requests for information.

Secretary of State Condoleezza Rice should understand that in the opinion of the Appropriations Committee, Cindy Chang is among the brightest stars at the State Department. As the year draws to a close, my staff joins me in recognizing and thanking Cindy for her outstanding support of the subcommittee in 2007.

SPECIAL THANKS TO WALLY RUSTAD

Mr. CONRAD. Mr. President, today I want to pay tribute to an outstanding friend and advisor, Wally Rustad, who will be concluding his time as chief of staff on January 10, 2008.

In July 2007, when my longtime chief of staff announced his intention to retire, Wally agreed to come out of retirement to serve as interim chief of staff during the transition period. Wally was no stranger to my office. Following a long career working for the National Rural Electric Cooperatives, he served as my state liaison for 6 years. In fact, Wally and I have a history of working together that spans back over 40 years when I was an intern in the office of Congressman Rolland Redlin and he was serving as the young chief of staff for the Congressman. Wally and I have been working together in one form or another ever since.

Wally came on board as my interim chief of staff and immediately provided the steady leadership that is crucial during times of change. During his tenure in my office, Wally has done an outstanding job of seeing my staff through personnel changes and legislative challenges, and has provided me the steady advice of a seasoned veteran. His work has been outstanding.

Finally, and most importantly, Wally Rustad is an outstanding person. He has never forgotten the small-town values he learned growing up Grenora, ND. He has worked quietly and tirelessly behind the scenes to make things happen and was always happy to divert credit to others. He has been tremendously loyal, dedicated, and a passionate advocate for the people of my State. He has never forgotten that he is working for the American taxpayer. And he has been a good friend and a mentor to others on staff.

With extraordinary gratitude for his time serving as my chief of staff, I wish Wally well as he returns home to his lovely wife Marlys. I have been blessed to have Wally as a trusted advisor and confidante but most importantly he has been a great friend. I wish him all the best as he returns to retirement and look forward to continuing our association for many years to come.

CONSTITUENT VIEWS

Mr. SPECTER. Mr. President, I ask unanimous consent that a letter from Mr. Richard Morgan from Shavertown, PA, be printed in the CONGRESSIONAL RECORD.

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

DECEMBER 7, 2007.

Re: Congressional members

Hon. ARLEN SPECTER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SPECTER: My name is Richard H. Morgan. I reside at 145 Woodbine Road, Shavertown, PA. I am retired at 72 years of age and a military veteran of the U.S. Navy and U.S. Coast Guard. I have been a Republican since 21 years of age.

On November 20, 2007 at 11 a.m., you returned my phone call. During our conversation I agreed to write a letter stating my views of the job the Senate has done. You agreed to read this letter on the Senate floor. I told you I would really like to stand and talk in front of the Senate.

I am part of the great generation of people who lived, worked, and died for this country. I often wonder to myself where we as a society let our country go so wrong. We are not safe in our own country. I am not afraid of terrorists from other countries; I have greater fear from my own government. I would like to list a few examples.

First, congressional personnel do not live their lives as the working average middle class nor our lower class society. They think of us as uneducated. They may be right since we placed our trust in their hands and believed they would do the job right. I question too what has happened to the oath of office they took as a serious promise to us and God. The majority of Congress lacks integrity and humility. They are definitely not role models for our society. I know our country's business can be conducted better. I have no special interest groups to benefit by my vote.

Second, I have a problem concerning social security and how the word entitlements is used. It makes me feel like they are giving me personally a handout. The social security trust fund is completely funded by the citizens of the United States through payroll tax deductions and collected by the Internal Revenue Service. I must add that they are elected by citizens to manage these funds for us and not to fund other programs. So, I feel the word of entitlements should have reference to congressional perks, which are completely funded by tax paying citizens.

Finally, my third area of concern is the marriage of congressional members and corporate business. I am not sure if it's illegal, but I do know it's unethical. This has caused so much damage to my country. I have done the research on many programs such as the Bureau of Public Debt, Federal Accounting, and the U.S. Office of Personnel Management.

The answer to this whole problem is for all elected congressional members to gain a conscience or to resign from office.

Respectively,

RICHARD H. MORGAN.

RESTORING JUSTICE FOR BOOKER TOWNSELL

Mr. FEINGOLD. Mr. President, today I want to take a moment to recognize a victory for the cause of justice, albeit one that is long overdue. In 1944, Booker Townsell, a private in the U.S. Army, was convicted of a crime in an unfair and racially biased trial, 63 years ago to this day. I join Booker Townsell's family in heralding the recent decision by the Army Board for Correction of Military Records to overturn this conviction and restore all rights lost as a result of the conviction. Although Booker Townsell is no longer with us, and no ruling can change the injustice that Booker Townsell suffered when he was wrongly convicted by the Army in 1944, I am pleased to see that the Army is rejecting the original decision handed down 63 years ago.

Despite the injustice he suffered, Booker Townsell displayed tremendous strength, and went on to lead a full life in Wisconsin, including raising a wonderful family. I am glad to see the tremendous weight of this conviction lifted from his family. It is due to their valiant effort that this decision was finally overturned. I also thank Congressmen JIM MCDERMOTT and DUNCAN HUNTER for putting vital pressure on the Army to review the 1944 decision. While it has taken far too long, 63 years later, justice has finally been restored to Booker Townsell and his family.

HONORING DENIS O'DONOVAN

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following resolution from the HELP Committee to be printed in the RECORD.

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

Resolution commending Denis O'Donovan with deepest sincerity for his dedicated and skillful work to improve the health and well-being of the American people.

Whereas Denis O'Donovan has served with distinction and skill for 10 years as Chief Clerk of the Committee on Health, Education, Labor and Pensions of the Senate;

Whereas Denis O'Donovan exemplifies the best traditions of selfless public service, having devoted 40 years to improving the lives of all Americans through service to the Senate;

Whereas Denis O'Donovan has met every Member of the Committee and their staffs with cheerfulness and consideration;

Whereas the faultless competence of Denis O'Donovan has enabled the Committee to function effectively under Chairmen of both parties;

Whereas Denis O'Donovan will begin a well-earned retirement next month; and

Whereas Denis O'Donovan may be gone as of this date, but he will never be forgotten by those who had the fortune to work with him: Now, therefore, be it

Resolved, That the Committee on Health, Education, Labor and Pensions of the Senate—

(1) commends Denis O'Donovan with deepest sincerity for his dedicated and skillful work to improve the health and well-being of the American people; and

(2) wishes Denis O'Donovan all happiness and fulfillment in retirement.

RETIREMENT OF PATRICIA KNIGHT

Mr. KENNEDY. Mr. President, I rise to acknowledge the retirement from the Senate of a person of great skill and accomplishment, Patricia Knight. She will be greatly missed.

Trish has devoted more than a quarter century of her life to public service, the last nine years as chief of staff to my good friend and colleague, Senator ORRIN HATCH. Her leadership on so many issues over that time has improved the lives of millions of Americans in so many ways.

Over the years, Trish has brought her skills and energy to bear on a range of important issues from energy policy to foreign policy and so much more. She served in the Reagan administration and the first Bush administration as a key adviser on health legislation. She has been an aide on the Appropriations Committee covering bills as vast as funding for the Commerce Department and our foreign aid programs.

In no area has her able hand been more evident than health care. Before her appointment as chief of staff, Trish served as chief health adviser to Senator HATCH. In that capacity, she was his lead staffer in the creation of the Children's Health Insurance Program which today provides health coverage to more than 6 million poor children. She was a leader, too, in improving the work of the Food and Drug Administration in enhancing the safety and efficacy of prescription drugs and food. The Public Health Service is a stronger agency because of Trish's able work.

Most of all, she has been a trusted adviser and friend to so many of us. It was always clear where Trish stood on a question, and she always had clear reasons for her views. Everyone who worked with her respected her for her wisdom, judgment and determination to succeed. Her subtle humor and great spirit got us through many very difficult negotiations.

Trish, we love you and we will miss you and wish you well in the next adventure.

TRIBUTE TO RETA LAFORD

Mr. CRAPO. Mr. President, I am proud to announce the recent appointment of my legislative fellow for 2007, Ms. Reta LaFord, to the position of Deputy Forest Supervisor on the Coronado National Forest in New Mexico and Arizona. Reta has been invaluable in my office throughout this past year, specializing in Native-American and natural-resource issues. Her 20 years of experience working for the Forest Service in Montana and other parts of the West provided me with greater expertise related to how the Federal Government can successfully work with the tribes and other stakeholder groups on critical land management issues. She has particular sensitivity to the cultural concerns of the tribes in the West, and the USDA Forest Service will indeed gain from her knowledge and understanding as the Federal Government works with tribal governments in the Coronado National Forest to resolve important resource management challenges. Reta's diligence and thoroughness for the projects she manages will bring her tremendous success in this next chapter of her career.

I wish her the very best and thank her for her devoted service to the great state of Idaho during 2007. She will be missed in my office.

THE EAGLES

Mr. LEAHY. Mr. President, I have had the privilege of attending performances by the Eagles, and I have enjoyed a long friendship with Don Henley and the members of the band.

I talked with Don recently about their new double-disc set ''Long Road Out of Eden'' and how they came about making it. We also talked about the last impromptu performance of the Eagles I attended, which was at Camp David at a farewell party for President Bill Clinton, who was leaving office within 48 hours. As always, they were superb.

I have listened so many times to their music while traveling, at my home in Vermont, and in my office, and I thought my colleagues may benefit from the transcript of an interview Don Henley recently had with CNN. I ask unanimous consent that it be printed in the RECORD.

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

NASHVILLE, TENNESSEE (CNN).—It may have been 28 years since the last Eagles studio album—yes, ''The Long Run'' came out in 1979—but, in terms of sales, it's as if the famed band has never left.

The group's new CD, the double-disc set ''Long Road Out of Eden,'' debuted at No. 1 on the Billboard album charts with more than 700,000 copies sold in its first week. This—despite its being available only at Wal-Mart.

That relationship with America's biggest merchant has also raised eyebrows. Wal-Mart's reputation does not seem to dovetail with the interests of the Eagles, particularly the band's Don Henley, an outspoken environmentalist.

In a rare interview, Henley addressed those concerns, along with the idea of patriotism, the changing music business, and why ''Long Road'' may be the group's last album.

CNN's Denise Quan spoke to Henley at the Country Music Association awards last week, and said that Henley was a ''true Southern gentleman,'' ending the interview by sending the crew on its way with plates of mashed potatoes, corn and biscuits.

CNN. Don Henley, congratulations on the first-week sales of this album. I think it exceeded everyone's expectations.

HENLEY. More than 700,000 in this country. And I'm told it has sold 3 million worldwide. So we're delighted.

CNN. Somewhere, Kanye West is quaking in his boots, I would imagine.

HENLEY. I doubt it. (Laughs)

CNN. You made us wait 28 years for this new CD.

HENLEY. Yeah. Well, we don't like to rush into things.

CNN. I was surprised when it was announced you had gone with a Wal-Mart deal exclusively. Why did you do that?

HENLEY. Our deal with the major label expired several years ago, and we just decided we wanted to try something new. . . . Everybody's been calling for a new paradigm in the record industry. Some people have gone to the Internet and haven't had a lot of success with that.

Some people have decided to go with the indie labels, who are mostly distributed by the major labels. Some people have signed with major coffee companies with varying degrees of success.

So Wal-Mart came to us, and they made us a really good offer. And they told us about their green initiative, and how they're trying to make their company more ecologically responsible. And we were impressed by their programs in that regard, and what they're trying to do. And a lot of our fans are customers of Wal-Mart, so we thought it was a good fit.

CNN. There are two discs in ''Long Road Out of Eden.'' One disc is full of romantic ballads with those harmonies the Eagles are known for, and the other disc is full of satirical, witty, kind of biting—

HENLEY. (Interrupts) Thank you. Thank you for not using the word ''cynical.'' (Laugh) Which has become a real cliche.

Protest songs are an old tradition that seems to be coming back now. People writing about government has been going on since the Middle Ages. . . . But to hear some journalists tell it, this is like it's never been done before, and it's outrageous!

If people don't agree with us, they can hit the skip button. We are ticked off about some things, but we also do some of it with humor. People seem to miss our humor. A lot. It seems to go (brushes side of his head with his hand).

CNN. The Eagles have long been associated with the country sound—only you brought the rock element to it when you first appeared on the scene.

HENLEY. Yeah, yeah.

CNN. But your politics are different than a lot of people in Nashville, who are more conservative than I would say you are.

HENLEY. Yeah. Well, Nashville is changing. Nashville is not nearly as conservative as it used to be.

CNN. People just don't talk about it, perhaps.

HENLEY. It's just like you don't talk about religion and politics. This country was founded on rebellion. We believe that we are patriotic. We believe that everyone has the right to speak out. In fact, we believe that it's unpatriotic not to speak out.

Lord knows, we've been criticized enough during our career. When we were younger, (adopts Bugs Bunny voice) it hurt our widdle feewings. But now we have no feelings! We had them removed. Surgically. This is probably the last Eagles album that we'll ever make. So we decided to just say whatever we felt like saying. And let the chips fall where they may.

CNN. But doesn't the success of this album spur you to make more music? Obviously, people want to hear it.

HENLEY. I can't sit here and tell you for certain that there will never be another Eagles album, but we got 20 songs on this album. You know, we got a lot of things off our chest, so to speak.

I don't know if everybody's going to want to do another one. If we do a world tour, that'll take at least two years. We're all pushing 60. Well, some of us are 60. . . .

Anyway, we'll see. But we all have some solo plans still. I still have a contract with a major label for a couple of solo albums. I think parenting is one of the highest things on our agenda right now. We all have young children. So making another album is not our first priority right now.

CNN. It seems like you've mellowed quite a bit. Is it fatherhood that's changed you, or perhaps just turning 60?

HENLEY. I think we've all mellowed in this group. I think having children was really good for all of us. And you supposedly get mellower with age. However, as some of the songs will indicate, we're not too mellow. (Pauses)

CNN. What are you thinking?

HENLEY. I hate that word ''mellow,'' actually. We've been saddled with that word since the very beginning of our career, you know. It has something to do with Southern California. I wish they would find a new word. We're either ''mellow'' or we're ''cynical.'' They can't make up their minds. It's sort of a contradiction.

CNN. But I think you've been sort of a contradiction. Certainly an enigma to a lot of people.

HENLEY. Well, good! (Laughs) Yeah, well, this band is a contradiction. This album is. But life is a contradiction, isn't it? There are good things, and there are bad things going on in the world simultaneously. There's love and hate. There's war and peace. There are all kinds of things happening at the same time. And so that's reflected on this album, I think.

CNN. So how are you guys all getting along these days?

HENLEY. The same. (Laughs)

CNN. For better or worse?

HENLEY. All that stuff has been exaggerated. You ask any band if they get along all the time, and they will tell you, ''Of course not.'' But we get along, I'd say, as well as any band does.

There's something we've created called the Eagles that's more important than any one of us individually. And we serve that. You know, we call it ''The Mothership.'' We can all do this, that and the other, but we always come back to the Mothership. It's something that we all built together.

And all this stuff about fighting in the band, and brawling, and fistfights and all that stuff has been grossly exaggerated. When it gets reprinted, and our publicist says, ''Well, where'd you get that information,'' they invariably say, ''I read it on the Internet''—as if the Internet were some source of truth! The Internet is no more accurate than the New York Post, you know.

(Looks straight into the camera lens) Put that in! (Laughs)

ADDITIONAL STATEMENTS

CARROLL COLLEGE FIGHTING SAINTS FOOTBALL TEAM

• Mr. BAUCUS. Mr. President, I wish to recognize a group of hard working student athletes from my hometown who continue to make history.

This past Saturday, on a mud soaked field in Savannah, TN, the Carroll College Fighting Saints football team claimed their fifth National Association of Intercollegiate Athletics championship in the past six seasons. The Fighting Saints overcame the weather and a tough squad from the University of Sioux Falls in South Dakota to prevail with a 17 to 9 victory.

Carroll College is a private, Catholic college in my hometown of Helena, MT. Carroll boasts an enrollment of about 1,500 students and is known around the country for its award-winning academic and preprofessional programs. Carroll is particularly strong in premedical, engineering, and nursing programs.

The Saints enjoy great support from the community of Helena and from folks all across Big Sky country. Fans pack Nelson Stadium on the Carroll campus each Saturday when there is a home game. Rain, snow, sub-zero temperatures—nothing will stop the Carroll faithful from coming out to cheer on their beloved Saints. I always look forward to being a part of the crowd whenever I can. The student cheering section known as the ''Carroll Crazies'' joins with parents and community members to create an atmosphere that is so energetic on game day you would think you were at a much larger school.

Like hard working folks all across Montana I value my money, but I was so confident that Carroll would be victorious in the title game that I made a little wager with my good friend from South Dakota, Senator Tim Johnson. The winner gets some delicious buffalo steaks my staff and I look forward to enjoying them. A special thanks to Senator JOHNSON for being such a good sport.

In the title game the Saints were led by running back Gabe Le, who slogged through the mud to pick up 116 hard-fought yards and scored Carroll's only two touchdowns on the day. For his efforts Le, a sophomore from Hayden, ID, was named the offensive player of the game. Le started the season as a backup but found his way into the starting lineup and rushed for over 100 yards in each of Carroll's four victories in the playoffs. The Carroll defense rose to the occasion and slowed down Sioux Falls' high-flying offense. Hard hitting linebacker Owen Koeppen, a junior from Florence, MT, took the honors as defensive player of the game. Koeppen has also been named to the 2007 American Football Coaches Association NAIA All-America Team.

The 2007 edition of the Fighting Saints was particularly dominant. They finished the season a perfect 15–0, running their record over the past 6 years to an astounding 79 to 6. The squad didn't surrender a touchdown until the eighth game of the season and gave up an average of less than five points per game. Carroll outscored their opponents by a combined total of 370 to 72.

Head football coach Mike Van Diest, a native of East Helena, came home in 1999 to coach the Saints. In addition to the five national titles, the Saints have won eight straight Frontier Conference championships and made it to the semifinal round of the NAIA playoffs seven times under his direction. Van Diest is not only a fantastic coach who has built a winning football program; he is an even better person, husband, and father. Mike has taught his players many life lessons along the way. He preaches the importance of getting a quality education, the value of teamwork, and the need to give back to the community. This embodies the service mission of Carroll College and the school's motto, ''Not for school but for life.'' Coach Van Diest has a lifetime of respect and appreciation for the Carroll standard and tradition of excellence and the college is truly blessed to have him.

All of Carroll's athletic programs have enjoyed great success as of late. This fall the women's soccer team won the first ever Frontier Conference Championship and claimed their first ever victory at the NAIA national tournament. The men's and women's basketball team and the volleyball team have also won numerous conference championships in recent years and have represented the school proudly in regional and national tournaments. This record of excellence can be attributed to the fine student athletes that come to Carroll from towns small and large all across Montana and the Northwest. These individuals put it all on the line not only on the playing fields and courts but also in the classroom. I appreciate and admire this tradition of excellence in both athletics and academics. Many athletes achieve honor roll status and go on to experience success in their respective fields of study. The dedicated coaches and their staff have nurtured and helped these athletes to grow by putting in countless hours throughout the year to prepare for their respective seasons. Athletic director Bruce Parker also deserves recognition as he has helped to build and oversee the success of Carroll athletics.

Finally, I would like to congratulate the president of Carroll College, Dr. Tom Trebon, whose leadership and dedication have made Carroll the highly regarded institution that it is. I look forward to cheering on the Saints again in 2008 as they begin their quest for an unprecedented sixth national title. I know they will make Montana proud.•

TRIBUTE TO FORT CAMPBELL HIGH SCHOOL

• Mr. BUNNING. Mr. President, I wish to pay tribute to the Fort Campbell Varsity football team from Fort Campbell, KY. On December 8, 2007, the Fort Campbell High School Varsity football team won the Class 2–A State Championship in Louisville, KY.

For the young men on this team, this is not just a trophy; it is an affirmation that with hard work and determination, anything is possible. To accomplish this goal the members not only have to juggle long practices and games, but they continue to achieve academic excellence. Not only are these young men excellent athletes and students, but they pride themselves in giving back to their community for all the support they have received by doing community service, fundraising, and school public relations.

Fort Campbell, KY, is proud to be home to the 101st Airborne Division and 160th Special Operations Airborne Division. Many of the players on the Fort Campbell Falcons have loved ones currently serving our Nation abroad. I am confident that these loved ones would be proud of what the Falcons have accomplished this season.

The citizens of Fort Campbell, KY, are fortunate to have the 2007 Class 2–A State Champions and families living and learning in their community. Their example of hard work and determination should be followed by all in the Commonwealth.

I am very proud of the accomplishments these young men have made. I would like to congratulate the members of the Fort Campbell High School Varsity football team for their success. But, also, I want to congratulate their peers, coaches, teachers, administrators, and dedicated parents for the support and sacrifices they have made to help the Fort Campbell High School football team make their dreams a reality.•

VALDOSTA STATE NATIONAL CHAMPIONS

• Mr. CHAMBLISS. Mr. President, today I wish to congratulate the Valdosta State University Blazers football team for winning the 2007 NCAA Division II National Championship.

The Blazers celebrated their second national championship in 4 years on December 15, 2007, in Florence, AL, and completed their season with a final record of 13 to 1. Valdosta State's playoff run included victories over Catawba University, University of North Alabama, and the University of California-Pennsylvania en route to defeating Northwest Missouri State 25 to 20 in the championship game.

I am extremely proud of these talented men for all of their hard work and dedication that contributed to this victory. I congratulate all of the team members, particularly the senior class. Their leadership and talents will surely be missed. In addition, sophomore wide receiver Cedric Jones and junior safety Sherard Reynolds were both named First-Team All-Americans. The Blazers also had seven players named to the Gulf South Conference All-Conference Team, including Cedric Jones, Gerald Davis, William Montford, Sherard Reynolds, Maurice Leggett, Michael Terry, and Travis Harrison. Furthermore, I would like to extend my appreciation to all the families and fans for their continual support of the Blazers throughout the season.

The success of the team could not have been achieved without the exceptional coaching staff, led by head coach David Dean. Coach Dean is in his first season as head coach of the Blazers, having been the team's offensive coordinator for the past 7 years. He is only the second first-year coach in history to lead his team to a Division II title.

Valdosta, a city long known for its tradition in high school football, can now boast about the success of Valdosta State University, which has won 2 Division II National Championships in 4 years. It is my hope that the winning tradition at Valdosta State will continue for many years to come.

Congratulations again to all of these young men and to all associated with the Valdosta State Blazers football program for their great accomplishments and hard work.•

BEST HIGH SCHOOLS IN NEW MEXICO

• Mr. DOMENICI. Mr. President, today I applaud the top public high schools in my home State of New Mexico. I was pleased to learn that in U.S. News and World Report's first ranking of America's best high schools, 16 high schools in New Mexico were awarded with silver and bronze medals for their outstanding performance on standardized tests and in providing college-level coursework.

The students come from many different backgrounds, but they are successful because of the mind-set that says every student can succeed. These schools and the communities around them have embraced the differences in their student body and demonstrated that every single student, regardless of background, can and will learn. It takes the dedicated leadership of a good principal, a talented teaching corps and engaged parents to achieve this level.

The teachers and staff of these high schools have demonstrated their commitment to excellence through quality education. I have always been very proud to call New Mexico my home because of the countless opportunities it provides. This is a well deserved recognition for the excellent work being done by these high schools, and I would like to congratulate them on their great success.

The following schools were commended with awards: Academy for Technology and the Classics in Santa Fe, NM; Bloomfield High School in Bloomfield, NM; Clayton High School in Clayton, NM; Cliff High School in Cliff, NM; Eldorado High School in Albuquerque, NM; East Mountain Charter High School in Sandia Park, NM; Hagerman High School in Hagerman, NM; La Cueva High School in Albuquerque, NM; Lake Arthur High School in Lake Arthur, NM; Logan High School in Logan, NM; Los Alamos High School in Los Alamos, NM; Magdalena High School in Magdalena, NM; Sandia High School in Albuquerque, NM; Springer High School in Springer, NM; Tatum High School in Tatum, NM; and Texico High School in Texico, NM.

Again, I commend these fine high schools on a job well done, and I hope that these awards will inspire high schools in my home State and around the country to strive for the best.•

TRIBUTE TO THE HONORABLE STEPHEN LOW

• Mr. LUGAR. Mr. President, I rise today to congratulate a distinguished former member of the Foreign Service, the Honorable Stephen Low, on the occasion of his recent 80th birthday on December 2, 2007. He has rendered many years of service to our Nation, and I am honored to celebrate this milestone and his achievements.

Upon receiving his doctorate from the Fletcher School of Law and Diplomacy in 1956, the future Ambassador joined the Department of State as an Intelligence Research Officer in what was then the Bureau of Far Eastern Affairs. In the years that followed, Ambassador Low served as the Economic-Labor Officer in Kampala, Uganda; the Chief of Political Section, Dakar, Senegal; the Special Assistant to the Deputy Under Secretary of State for Political Affairs; and the Counselor for Political Affairs in Brasilia, Brazil. He then returned to Washington where he was named the Director of Brazil Affairs in the early 1970s.

During the Ford administration, Stephen Low advised our Nation's policymakers on the National Security Council as the senior staff member for Latin America. He then returned to service abroad, as the U.S. Ambassador to Nigeria. Three years later he served as Ambassador to Zambia. Ambassador Low performed these duties admirably, receiving the Department of State Distinguished Honor Award and two Presidential Meritorious Service Awards.

In 1982 Ambassador Low became the Director of the State Department's Foreign Service Institute, the Federal Government's primary training institution for officers and support personnel of the U.S. foreign affairs community. His commitment to education has been steadfast ever since. In addition to teaching and administrative posts at the Johns Hopkins University and other schools, Ambassador Low was named President of the Association of Diplomatic Studies and Teaching, an office he held until 1997.

Today the Ambassador continues his active career. As President and Founder of the Foreign Affairs Museum Council, Ambassador Low worked with members of Congress and all living former Secretaries of State to improve public understanding of the role of diplomacy and the Foreign Service. As he has stated:

> Many Americans have little idea what an embassy is, or what an ambassador does. Nor are they aware that our diplomats and other Foreign Service personnel work 24/7 around the world in the interest of the American people.

His subsequent advocacy and leadership in the planning of a National Museum of American Diplomacy at the Department of State has helped to ensure that our Nation honors the past achievements and ongoing service of our country's diplomats.

I congratulate Ambassador Low on his 80th birthday and his lifetime of achievement. I wish him many more years of good health and active service to our country.

I ask that the attached resolution be printed in the RECORD.

The material follows.

> Congratulating Hon. Stephen Low on a lifetime of service to the cause and promotion of American diplomacy, and on the recent passing of his 80th birthday on December 2, 2007;
>
> Whereas throughout his years as a career Foreign Service Officer, Ambassador Low served as the U.S. Ambassador to Nigeria and the U.S. Ambassador to Zambia;
>
> Whereas while advising the National Security Council, Ambassador Low served as a senior staff member for Latin America;
>
> Whereas Ambassador Low has received the Department of State Distinguished Honor Award and two Presidential Meritorious Service Awards;
>
> Whereas in his commitment to education, Ambassador Low has served as the Director of the State Department's Foreign Service Institute, President of the Association for Diplomatic Studies and Training, and several teaching posts in the United States and abroad;
>
> Whereas Ambassador Low continues to be active in the creation of a museum and center for the study of American diplomacy at the Department of State: Now, therefore, be it

Resolved, That the Committee on Foreign Relations expresses to Ambassador Low deep appreciation for his service to the Department of State and the United States of America.●

SERGEANT AARON HENEHAN

● Ms. MURKOWSKI. Mr. President, During this holiday season, I would like to recognize the soldiers and veterans from Alaska who have given so much and continue to give so much. I would like them to know that their sacrifices in Afghanistan and Iraq have not gone unnoticed by their fellow Alaskans. When I was in Iraq I had the pleasure of meeting soldiers and National Guardsmen from Anchorage, Fairbanks, Seward, Soldotna, Eagle River, Slana, and Wasilla. Hearing their stories and commitment made me incredibly proud to be an Alaskan.

Every day, Alaskans write my office praising the service men and women who have returned and those still in combat. Sometimes it is just a short message conveying their support, while other times is a long heartfelt letter praising our heroes and expressing solidarity with them for the sacrifices they have made. I truly believe that the fact that Alaska has the largest number of veterans per capita says a lot about our State's character.

Alaskan veterans are some of the most exemplary in the Armed Forces. The 172nd Stryker Brigade in particular had their tour in Iraq extended to 16 months, but when their country asked them for more they remained strong and proud. Just last week I received an e-mail from the commander of the 172nd. He informed me that on December 12 Sgt. Gregory Williams from the 172nd was presented the Distinguished Service Cross, the second highest award for valor, for his actions in combat while in Baghdad. Despite being injured himself when their vehicle was struck by a bomb, Sergeant Williams was able to return fire and help a wounded comrade to safety. To date, there have been only eight Distinguished Service Crosses awarded since the war began in 2001.

We Alaskans often enjoy doing things our own way. In Iraq, one Alaskan marine discovered he had hidden talents he never imagined when his innovative approach to searching out insurgents earned him the Navy and Marine Corps Commendation Medal. SGT Aaron A. Henehan led his squad to search out and detain 18 ''blacklist'' or high-value insurgents while on his third tour in Iraq.

An adventurous young man, Sergeant Henehan was barely out of high school and anxious to see the world when he first thought of signing up to serve his country. September 11 and the outbreak of war did not cause his decision to waiver an inch.

Sergeant Henehan deployed in April of 2003 and spent his first tour in the town of Babylon in Najaf Province. He served his country well, like many who fought alongside him, and began to learn the undercurrents and inner workings of Iraqi society. He returned for a second tour to Husaybah, near Iraq's border with Syria in August 2004. At the time Husaybah was a dangerous town.

Sergeant Henehan served his second tour in Iraq with distinction again but still felt he needed to do more. Before deploying for his third and final tour in February of 2006 he told friends and family back home that he yearned to make a difference in Iraq, a sentiment many American soldiers and guardsmen share with him. He spent a lot of time between his second and third tours thinking about what he could do differently, how he could learn from his experience and achieve a better result.

Combining his marine training with information he learned from a retired LAPD officer deployed to Iraq to teach our troops urban tactics, Sergeant Henehan approached his third tour with what he referred to as a ''beat cop mentality.'' He wanted to approach the problem of rounding up insurgents as if he were a native of the area. He spent his free time studying the tribal history and geography of Husaybah for hours at a time.

The ability to put his plan in motion, Sergeant Henehan says, was made possible in part by Operation Steel Curtain, which had cleared Husaybah block by block, and set up outposts called ''firm bases'' throughout the city. Upon returning for his third tour, Sergeant Henehan immediately noticed that after this push, while not always willing to openly support the coalition forces, many Iraqis felt safe enough to give him tips on where the insurgents were hiding. This change in mentality, coupled with Sergeant Henehan's knowledge of family and tribal connections, allowed him to determine which people to ask about each of the 18 high value insurgents he located. He knew exactly who would be willing to tip him off about a social rival or historic foe.

Traveling with an interpreter, Sergeant Henehan had a talent for remembering names and personal details. He took every opportunity he could to talk with the locals and learn about the town's social organization and tribal boundaries, often returning several times to talk with the same families to gain their trust. Bringing with him candy, doctors, and his good humor, he would knock on doors and politely ask to chat. Entire families opened up to him. Sometimes it would start with a toy given to a child; sometimes it was a heartfelt conversation with a shopkeeper. The response he got astonished everyone, including the insurgents hiding out in the town.

The 12 marines in his squad called him a fair, but tough leader who they felt very safe with. His intense and proactive preparation for the more than 80 combat missions which he led and his personal attention to each of his 12 soldiers' well-being gave them a sense of security. They too noted how his relaxed Alaskan exterior quickly helped earn him the respect of the townspeople.

Even more remarkably, Sergeant Henehan's reputation for being fair and caring allowed him to detain all 18 high-value insurgents without any real violence. These 18 also led him to their associates, significantly disrupting insurgent operations in that part of Al Anbar Province. Sergeant Henehan remained behind after his unit returned to the States to train new troops about how he learned to wage urban warfare while gaining the trust of the townspeople. The downturn in violence in Al Anbar can be linked, in part, to his efforts and efforts of those like him.

Sergeant Henehan is currently attending a California community college and plans to transfer to a larger State school after completing his distribution credits. He wants to major in computer programs and even talks of one day creating video games that more accurately portray what war in the modern era is like. He has already begun organizing photographs from his three tours to use as backdrops. Clearly his talent for careful planning and his desire to share his knowledge and experiences with others did not leave with his donning of civilian clothes. I wish him the best in all his future endeavors, just as I wish the best for all of our Alaskan veterans and those now serving.●

TRIBUTE TO DR. DOUGLAS C. PATTERSON

● Mr. SESSIONS. Mr. President, today I commend a distinguished resident of the State of Alabama, Dr. Douglas C. Patterson on the occasion of his retirement from Troy University. Upon receiving his bachelor's degree from Alabama College in 1967, Patterson was commissioned a lieutenant in the U.S. Marine Corps and served as a platoon commander for a Combat Engineer Platoon and as an intelligence officer for the First Engineer Battalion of the First Marine Division in the Republic of Vietnam.

Upon returning from Vietnam, Patterson received his masters from the University of Montevallo and his doctorate from the University of Alabama. Dr. Patterson's experience includes serving as a high school counselor, director of Counseling and Career Services at Jefferson State Junior College, vice president for instruction at the Alabama Institute for the Deaf and Blind and currently, he serves as the senior vice chancellor for administration for Troy University.

Dr. Patterson has served Troy University with great honor and distinction as a senior administrator since 1989 and has provided exemplary service to the university and to the citizens of the State of Alabama. During his tenure as senior vice chancellor for administration, Dr. Patterson directed

the institution's finance and budgeting, information technology, institutional effectiveness, television and radio, strategic planning, athletics, and day-to-day operations. Under his leadership, the University has enjoyed an unprecedented era of growth, doubling worldwide student enrollment to almost 30,000 students. Dr. Patterson has been instrumental in Troy University's glowing record of stewardship and financial stability, garnering praise and awards from the National Association of College and University Business Officers and earning TROY recognition as a ''Best Value'' university from such publications as MONEY Magazine and The Princeton Review. Dr. Patterson played a key role in the university's decision to move Troy University athletics to the highest level of NCAA competition, bringing national recognition to the university and fostering pride among its students, alumni, and friends. Dr. Patterson was recently honored by Troy University as the Honorary Alumnus of the Year for 2007.

I commend Dr. Douglas C. Patterson, on the occasion of his retirement from Troy University, for his leadership in Alabama higher education and for his outstanding service to Alabama and our country.●

HONORING SIMPLY DIVINE BROWNIES

● Ms. SNOWE. Mr. President, with the holiday season upon us, I rise today to recognize a Maine small business that operates with a philosophy of giving back to those in need. Simply Divine Brownies of Brunswick is a baker and distributor of gourmet brownies and assorted gift packages that recently received well-deserved attention for finishing second in Forbes magazine's Boost Your Business contest.

Founded in November 2004 as a home business by Trina Beaulier, Simply Divine Brownies is a true treat for the taste buds. In just 3 years, the company has grown to 20 employees, including Trina's daughter Meggen, and now operates in Brunswick's historic Fort Andross Mill. Its gourmet brownies range from the chocolate and nut-filled brownies to the more eclectic cappuccino or peppermint frosted brownies. Seizing the opportunity to bring a creative twist to the epicurean world, Simply Divine produces brownies with a unique Maine accent. The Need'him is a chocolate and coconut brownie based on the needham, a traditional Maine cookie. And the Singin' the Blues consists of a chocolate brownie that is covered with blueberry buttercream frosting and topped with wild Maine blueberries. Simply Divine's brownies also come in a variety of shapes, such as Christmas trees, wedding cakes, and lobsters and even palm trees for those seeking a different climate. Remarkably, Simply Divine is also able to offer Reflection Brownies imprinted with a digital image of the client's choosing, as novel remembrances for special occasions.

What makes the company so special—aside from its delicious baked goods—is what Trina and Meggen do to help the less fortunate. Seeking to use their skills to help others, they developed the Divine Intervention Brownie Collection. These specialty brownies come in the shape of hearts and stars, and after each purchase of one of these sets, Simply Divine donates a portion of the proceeds to Volunteers for America, a national nonprofit group that assists people of all ages in rebuilding their lives. Whether it be helping the homeless find safe and affordable housing, or aiding at-risk teens and those with mental illnesses, Volunteers for America helps over 2 million people in over 400 communities, a task that it has successfully performed since 1896. Volunteers for America's philanthropic acts of kindness and compassion are admirable, and at this time of year, we can be particularly thankful for the work that Simply Divine Brownies and other businesses like it do to make these programs a reality.

For all their hard work and success, the Beauliers have been celebrated in various capacities over the past several years. Their brownies have been cited as the Snack of the Day on the ''Rachel Ray Show'' and have also been featured on NBC's ''Today's Show.'' Most recently, and perhaps most prominently, Simply Divine came in second in online voting for a Forbes magazine contest to receive a financial assistance package to grow its business. They beat out nearly 1,000 other small companies to place in the final round. Having to create a forward-looking business plan for the contest has been of tremendous benefit to the Beauliers, who say that their newfound knowledge, combined with increased sales and peaked interest in the company, has allowed them to forge ahead with their planned expansion.

In the past 3 years, Simply Divine Brownies has made a name for itself. As a family-owned small business that has flourished and continues to receive accolades of the highest accord, Simply Divine's growth certainly has not gone unnoticed. Yet, through it all, the Beauliers and the employees at Simply Divine have found the will and desire to make a difference, and they are to be commended for their insatiable appetite to brighten the lives of others. I wish Trina and Meggen Beaulier and everyone at Simply Divine Brownies a happy holiday season, and continued success in the years to come.●

TRIBUTE TO FLOYD RED CROW WESTERMAN

● Mr. THUNE. Mr. President, today I recognize Floyd Red Crow Westerman. Mr. Westerman passed away early in the morning on Thursday, December 13, 2007, at the age of 71.

Floyd was born on the Lake Traverse Reservation in Northeast South Dakota on August 17, 1936. When he was just 5 years old, he was removed from his family to attend Wahpeton Indian School. He later transferred to Flandreau Indian School where he finished out his high school education. After high school, Floyd went on to graduate from Northern State University majoring in art, speech, and theatre.

Mr. Westerman was a very intelligent and talented individual. He was a man of many trades including acting, singing, and songwriting. His acting career was especially extensive. He performed in more than 50 movies and television shows. Some of his more popular acting works included, ''Dances with Wolves,'' ''Hidalgo,'' ''The X-Files,'' and ''Walker, Texas Ranger.''

His music career was also a successful one. Mr. Westerman performed with many talented musicians including Johnny Cash, Willie Nelson, Bonnie Raitt, Harry Belafonte, Jackson Browne, Kris Kristofferson, and Don Henley.

Floyd Red Crow Westerman was a thoughtful, kind, and inspiring man. Although many will miss him, I know his spirit will never be forgotten.●

MESSAGES FROM THE HOUSE

At 11:10 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution, without amendment:

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''.

S. 2484. An act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

S.J. Res. 13. Joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

At 2:20 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendments of the House to the amendments of the Senate to the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending in September 30, 2008, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to the following resolution:

H. Res. 880. Resolution relative to the death of the Honorable Julia Carson, a Representative from the State of Indiana.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1374. An act to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes.

H.R. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3454. An act to provide for the conveyance of a small parcel of National Forest System land in the George Washington National Forest in Alleghany County, Virginia, that contains the cemetery of the Central Advent Christian Church and an adjoining tract of land located between the cemetery and road boundaries.

H.R. 3911. An act to designate the facility of the United States Postal Service located at 95 Church Street in Jessup, Pennsylvania, as the ''Lance Corporal Dennis James Veater Post Office''.

H.R. 4210. An act to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''.

H.R. 4220. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

H.R. 4286. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

H.R. 4342. An act to designate the facility of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, as the ''Dan Miller Post Office Building''.

H. J. Res. 15. Joint resolution recognizing the contributions of the Christmas tree industry to the United States economy.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. 246. Concurrent resolution honoring the United States Marine Corps for serving and defending the United State on the anniversary of its founding on November 10, 1775.

H. Con. Res. 254. Concurrent resolution recognizing and celebrating the centennial of Oklahoma statehood.

H. Con. Res. 270. Concurrent resolution to make corrections in the enrollment of the bill H.R. 1593.

ENROLLED BILL SIGNED

At 4:11 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 6. An act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 4:35 p.m., a message from the House of Representatives, delivered by Ms. Brandon announced that the House agrees to the amendment of the Senate to the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

At 6:47 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. An act to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3690) to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the title of the bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 8:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 597. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''.

S. 2484. An act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

H.R. 797. An act to amend title 38, United States Code, to improve low-vision benefits matters, matters relating to burial and memorial affairs, and other matters under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 2408. An act to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the ''Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic''.

H.R. 2671. An act to designate the United States Courthouse located at 301 North Miami Avenue, Miami, Florida, as the ''C. Clyde Atkins United States Courthouse''.

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3739. An act to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

S.J. Res. 13. Joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4386. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by personnel at the Naval Surface Warfare Center; to the Committee on Appropriations.

EC–4387. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a multiyear procurement that is being sought for UH/HH–60M and MH–60S aircraft for fiscal year 2007 through fiscal year 2011; to the Committee on Armed Services.

EC–4388. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Receiving Reports for Shipments'' (DFARS Case 2006–D024) received on December 18, 2007; to the Committee on Armed Services.

EC–4389. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Ship Critical Safety Items'' (DFARS Case 2007–D016) received on December 18, 2007; to the Committee on Armed Services.

EC–4390. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Information Assurance Contractor Training and Certification'' (DFARS Case 2006–D023) received on December 18, 2007; to the Committee on Armed Services.

EC–4391. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Functions Exempt from Private Sector Performance'' (DFARS Case 2007–D019) received on December 18, 2007; to the Committee on Armed Services.

EC–4392. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''DoD Representations and Certifications in the Online Representations and Certifications Application'' (DFARS Case 2006–D032) received on December 18, 2007; to the Committee on Armed Services.

EC–4393. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General John M. Brown III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4394. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Terrance T. Etnyre, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–4395. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–4396. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–4397. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Regulations; Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway—Winter Use'' (RIN1024–AD29) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC–4398. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Authentic Native Handicrafts'' (RIN1024–AD20) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC–4399. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Regulations—National Capital Region—Parking'' (RIN1024–AD40) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC–4400. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indian Oil Valuation'' (RIN1010–AD00) received on December 17, 2007; to the Committee on Energy and Natural Resources.

EC–4401. A communication from the Under Secretary for Science, Department of Energy, transmitting, pursuant to law, a report relative to energy and water supplies; to the Committee on Energy and Natural Resources.

EC–4402. A communication from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent'' (RIN3150–AH40) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4403. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Clean Air Interstate Rule'' (FRL No. 8506–4) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4404. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Missouri; Clean Air Interstate Rule'' (FRL No. 8506–8) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4405. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Nebraska; Interstate Transport of Pollution'' (FRL No. 8507–1) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4406. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Implementation Plans of Michigan: Clean Air Interstate Rule'' (FRL No. 8508–1) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4407. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)'' (FRL No. 8339–2) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4408. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Privacy and Disclosure of Official Records and Information'' (RIN0960–AG14) received on December 12, 2007; to the Committee on Finance.

EC–4409. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Certain Foreign Currency Transactions'' (Revenue Ruling 2008–1) received on December 10, 2007; to the Committee on Finance.

EC–4410. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Timing, Character, Source and Other Issues Respecting Prepaid Forward Contracts and Similar Arrangements'' (Notice 2008–2) received on December 10, 2007; to the Committee on Finance.

EC–4411. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fast Track Loan Modifications'' (Rev. Proc. 2007–72) received on December 10, 2007; to the Committee on Finance.

EC–4412. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Creditability of Mexican Single Rate Business Tax'' (Notice 2008–3) received on December 11, 2007; to the Committee on Finance.

EC–4413. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Diagnostic Medical Procedures'' (Revenue Ruling 2007–72) received on December 11, 2007; to the Committee on Finance.

EC–4414. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Partnership Audit Techniques Guide—Chapters 3, 4, 5, 6 and 9'' (Docket No. LMSB–04–1107–076) received on December 17, 2007; to the Committee on Finance.

EC–4415. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the status of consular training with respect to travel and identity documents; to the Committee on Foreign Relations.

EC–4416. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the six-month suspension of the limitation on the obligation of the State Department under the Jerusalem Embassy Act of 1995; to the Committee on Foreign Relations.

EC–4417. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–212 , ''Child Abuse and Neglect Investigation Record Access Temporary Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4418. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–213 , ''School Proximity Traffic Calming Temporary Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4419. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-214 , ''Lower Income Homeownership Cooperative Housing Association Re-Clarification Temporary Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4420. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-215 , ''Department of Small and Local Business Development Subcontracting Clarification, Benefit Expansion, and Grantmaking Authority Temporary Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4421. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-216 , ''School Modernization Use of Funds Requirements Temporary Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4422. A communication from the Chairman, Council of the District of Columbia,

transmitting, pursuant to law, a report on D.C. Act 17-210 , ''Health Services Planning Program Re-establishment Temporary Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4423. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-208 , ''Mortgage Disclosure Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4424. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-206 , ''Heurich House Foundation Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4425. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-207 , ''Southeast Water and Sewer Improvement Special Assessment Authorization Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4426. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-205 , ''Home Equity Protection Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4427. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-198 , ''Closing of a Public Alley in Square N-515, S.O. 07-6534, Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4428. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-197 , ''Closing of a Portion of a Public Alley in Square 234, S.O. 07-7717, Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4429. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-195 , ''Omnibus Sports Consolidation Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4430. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-194 , ''Closing of a Public Alley in Square 347, S.O. 06-5596, Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4431. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–178, ''Advisory Neighborhood Commission Clarification Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4432. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–191 , ''Retail Service Station Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4433. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–193, ''District of Columbia Regional Airports Authority Clarification Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4434. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–192, ''Neighborhood Investment Amendment Act of 2007'' received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4435. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a proposed personnel management demonstration project; to the Committee on Homeland Security and Governmental Affairs.

EC–4436. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Annual Report relative to its competitive sourcing accomplishments for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4437. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a personnel management demonstration project at the National Nuclear Security Administration; to the Committee on Homeland Security and Governmental Affairs.

EC–4438. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period from April 1, 2007, to September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4439. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled ''Fiscal Year 2007 Financial Report of the U.S. Government''; to the Committee on Homeland Security and Governmental Affairs.

EC–4440. A communication from the Archivist of the United States, transmitting, pursuant to law, the Administration's inventory of commercial and inherently governmental activities for fiscal year 2006 and fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4441. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Electioneering Communications'' (Notice 2007–26) received on December 17, 2007; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2008'' (Rept. No. 110–250).

By Mr. SCHUMER, from the Joint Economic Committee:

Special Report entitled ''The 2007 Joint Economic Report'' (Rept. No. 110–251).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3571. A bill to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 901. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1551. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*James Shinn, of New Jersey, to be an Assistant Secretary of Defense.

*Mary Beth Long, of Virginia, to be an Assistant Secretary of Defense.

*John H. Gibson, of Texas, to be an Assistant Secretary of the Air Force.

*Craig W. Duehring, of Minnesota, to be an Assistant Secretary of the Air Force.

Air Force nomination of Lt. Gen. Roger A. Brady, 6581, to be General.

Air Force nomination of Maj. Gen. Richard Y. Newton III, 8008, to be Lieutenant General.

Air Force nomination of Col. Walter D. Givhan, 4773, to be Brigadier General.

Air Force nomination of Maj. Gen. William L. Shelton, 0678, to be Lieutenant General.

Air Force nomination of Col. Allyson R. Solomon, 1378, to be Brigadier General.

Air Force nominations beginning with Col. Christopher F. Burne and ending with Col. Dwight D. Creasy, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Colonel Robert B. Abrams and ending with Colonel Larry D. Wyche, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007. (minus 1 nominee: Colonel David A. Teeples)

Army nomination of Lt. Gen. R. Steven Whitcomb, 7058, to be Lieutenant General.

Army nomination of Brig. Gen. John A. Macdonald, 0573, to be Major General.

Army nomination of Col. Dana K. Chipman, 5098, to be Brigadier General.

Army nomination of Brig. Gen. Dennis L. Celletti, 9486, to be Major General.

Army nomination of Lt. Gen. David P. Valcourt, 6455, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Joseph V. Treanor III, 1454, to be Colonel.

Air Force nomination of Pamala L. Browngrayson, 7980, to be Major.

Air Force nomination of Alicia J. Edwards, 1872, to be Major.

Air Force nominations beginning with Theresa D. Browndoonquah and ending with Cheryl A. Johnson, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Air Force nominations beginning with Jeffrey J. Hoffmann and ending with Gerald B.

Whisler III, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Air Force nominations beginning with Kelley A. Brown and ending with Mark A. Nielsen, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Air Force nominations beginning with John R. Shaw and ending with Natalie L. Restivo, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with William E. Ackerman and ending with Mark A. Vaitkus, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nominations beginning with Rachel A. Armstrong and ending with Veronica A. Thurmond, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nominations beginning with Vivian T. Hutson and ending with Laurie E. Sweet, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nominations beginning with Gary D. Coleman and ending with Paul E. Whippo, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nomination of Lillian L. Landrigan, 7903, to be Lieutenant Colonel.

Army nominations beginning with Sarah B. Goldman and ending with Micheal B. Moore, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nominations beginning with Ricky A. Thomas and ending with Joseph Puskar, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Tarnjit S. Saini, 7873, to be Lieutenant Colonel.

Army nomination of Bockarie Sesay, 1511, to be Major.

Army nomination of Deborah Minnickshearin, 3875, to be Major.

Army nomination of Stephen L. Franco, 5820, to be Major.

Army nomination of George Quiroa, 9747, to be Lieutenant Colonel.

Army nominations beginning with David N. Gereski and ending with Clint E. Walker, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Kimberly K. Johnson, 4357, to be Major.

Army nominations beginning with Alan Jones and ending with Chantay P. White, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nominations beginning with Marian Amrein and ending with D060583, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Daniel J. Judge, 1126, to be Lieutenant Colonel.

Army nominations beginning with Richard Harrison and ending with Gregory W. Walter, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Army nominations beginning with Joe R. Wardlaw and ending with Nickolas Karajohn, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Army nominations beginning with Vanessa M. Meyer and ending with James E. Adams, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Army nomination of Quindola M. Crowley, 9098, to be Lieutenant Colonel.

Army nominations beginning with Paul A. Mabry and ending with Robert Perito, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Joseph M. Adams and ending with D060256, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Anthony J. Abati and ending with D060260, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with David P. Acevedo and ending with X1408, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Navy nomination of Horace E. Gilchrist, 8910, to be Lieutenant Commander.

Navy nominations beginning with Richard W. Sisk and ending with John T. Schofield, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Navy nominations beginning with Stephen W. Aldridge and ending with Kristofer J. Westphal, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*Thomas C. Carper, of Illinois, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Nancy A. Naples, of New York, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Denver Stutler, Jr., of Florida, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Francis Mulvey, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2012.

*Carl T. Johnson, of Virginia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

*Coast Guard nomination of Rear Adm. (lh) Michael R. Seward, 2642, to be Rear Admiral.

*Coast Guard nominations beginning with Capt. Joseph R. Castillo and ending with Capt. Charles W. Ray, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

*Coast Guard nominations beginning with Rear Adm. (lh) William D. Baumgartner and ending with Rear Adm. (lh) Cynthia A. Coogan, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Coast Guard nomination of Robert A. Stohlman, 0118, to be Captain.

*Coast Guard nomination of Raymond S. Kingsley, 9696, to be Lieutenant.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2013.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2012.

*Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2013.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mr. BIDEN (for himself, Mr. SPECTER, Mr. GRAHAM, and Mr. CARDIN)):

S. 2495. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 2496. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to enhance teaching standards and provide for license portability; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR:

S. 2497. A bill to ensure that families of members of the National Guard and Reserve have full access to mental health care during the mobilization, deployment, and demobilization of such members, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2498. A bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2499. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes; considered and passed.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. CORKER):

S. 2500. A bill to provide fair compensation to artists for use of their sound recordings; to the Committee on the Judiciary.

By Mr. JOHNSON (for himself, Mrs. BOXER, Mr. REED, Ms. MIKULSKI, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. LEAHY, Mr. INOUYE, and Mrs. MURRAY):

S. 2501. A bill to amend the Social Security Act to protect Social Security cost-of-living adjustments (COLA); to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2502. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the

Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 2503. A bill to exclude from admission to the United States aliens who have directly and significantly contributed to the ability of Cuba to develop its petroleum resources, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. LEAHY, Mr. HAGEL, Mr. CORKER, Mr. AKAKA, Mrs. CLINTON, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. OBAMA, and Mr. TESTER):

S. 2504. A bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL:

S. 2505. A bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. DODD):

S. 2506. A bill to amend the Energy Policy and Conservation Act to modify a provision relating to the Northeast Home Heating Oil Reserve Account; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself and Mrs. BOXER):

S. 2507. A bill to address the digital television transition in border states; to the Committee on Commerce, Science, and Transportation.

By Mr. SALAZAR:

S. 2508. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, and Mr. HAGEL):

S. 2509. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available or variance technology has been identified; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself and Mr. ISAKSON):

S. 2510. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mrs. CLINTON, Mr. SHELBY, Ms. MIKULSKI, and Ms. LANDRIEU):

S. 2511. A bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 2512. A bill to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 2513. A bill to modify the boundary of the Minute Man National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mrs. CLINTON):

S. 2514. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mrs. CLINTON):

S. 2515. A bill to amend the Public Health Service Act to establish a comprehensive national system for skilled construction workers to assist first responders in disasters; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself and Mr. KENNEDY):

S. 2516. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. KERRY, and Mr. COLEMAN):

S. 2517. A bill to amend the Internal Revenue Code of 1986 to provide that the proceeds of qualified mortgage bonds may be used to provide refinancing for subprime loans, to provide a temporary increase in the volume cap for qualified mortgage bonds, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2518. A bill to amend the Internal Revenue Code of 1986 to simplify the individual income tax by providing an election for eligible individuals to only be subject to a simple, low-rate tax system on gross income with an individual tax credit, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself, Mr. REID, Mr. COCHRAN, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 409. A resolution commending the service of the Honorable Trent Lott, a Senator from the State of Mississippi; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Mr. SANDERS):

S. Res. 410. A resolution designating February 17, 2008, as ''Race Day in America'' and highlighting the 50th running of the Daytona 500; considered and agreed to.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. Res. 411. A resolution honoring the life and recognizing the accomplishments of Texas civil rights pioneer Dr. Hector P. Garcia; considered and agreed to.

By Mr. BURR (for himself and Mrs. DOLE):

S. Res. 412. A resolution commending the Appalachian State University Mountaineers of Boone, North Carolina, for winning the 2007 National Collegiate Athletic Association Division 1 Football Championship Subdivision (formerly Division 1-AA) Championship; considered and agreed to.

By Mr. BURR (for himself and Mrs. DOLE):

S. Res. 413. A resolution commending the Wake Forest University Demon Deacons of Winston-Salem, North Carolina, for winning the 2007 National Collegiate Athletic Association Men's Soccer National Championship; considered and agreed to.

By Mr. BIDEN (for himself and Ms. COLLINS):

S. Res. 414. A resolution designating January 2008 as ''National Stalking Awareness Month''; considered and agreed to.

By Mr. BROWN (for himself, Mr. VOINOVICH, Mr. OBAMA, Mr. COCHRAN, Mrs. BOXER, Ms. STABENOW, Mr. LEVIN, Mr. MENENDEZ, Mr. STEVENS, Mr. ENZI, Mr. ROBERTS, Mr. SCHUMER, and Mr. LAUTENBERG):

S. Res. 415. A resolution honoring the life and recognizing the accomplishments of William Karnet ''Bill'' Willis, pioneer and Hall of Fame football player for both Ohio State University and the Cleveland Browns; considered and agreed to.

By Mr. NELSON of Nebraska (for himself, Mr. BINGAMAN, Mr. BROWNBACK, Ms. COLLINS, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. GRAHAM, Mrs. LINCOLN, Mr. SALAZAR, Mr. TESTER, Mr. ROBERTS, and Mr. ALLARD):

S. Res. 416. A resolution recognizing the 60th anniversary of the United States Air Force as an independent military service; considered and agreed to.

By Mr. AKAKA:

S. Con. Res. 59. A concurrent resolution expressing the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother in their lives; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. KYL):

S. Con. Res. 60. A concurrent resolution expressing the sense of Congress relating to negotiating a free trade agreement between the United States and Taiwan; to the Committee on Finance.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 61. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. LEAHY (for himself, Mr. SPECTER, and Mr. KYL):

S. Con. Res. 62. A resolution to correct the enrollment of H.R. 660; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 211

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 218

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 218, a bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit.

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 316

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 316, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 382

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 513

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 561

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 661

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 790

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 937

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1011

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1011, a bill to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health.

S. 1270

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1270, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1577

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1842

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1842, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful

practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1858

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2069

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2102

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. REED), the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2159

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2188

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2188, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program.

S. 2289

At the request of Mr. ALEXANDER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2428

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2428, a bill to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2468

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2468, a bill to authorize the Secretary of Agriculture (acting through the Chief of the Forest Service) to enter into a cooperative agreement with the State of Wyoming to allow the State of Wyoming to conduct certain forest and watershed restoration services, and for other purposes.

S.J. RES. 27

At the request of Mrs. DOLE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

S. CON. RES. 53

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mr. BIDEN (for himself, Mr. SPECTER, Mr. GRAHAM and Mr. CARDIN)):

S. 2495. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise on behalf myself, Senators ARLEN SPECTER, LINDSEY GRAHAM, and BEN CARDIN to introduce the Bail Bond Fairness Act of 2007. This bill will ensure that all defendants, not just rich defendants, have access to bail and pre-trial release.

The Bail Reform Act was meant to ensure the defendant's appearance in court. Over the past 2 decades, however, many judges have been forfeiting bonds for behavior outside the predictability or control of a bondsman. If bondsmen are forced to warrant behavior they can't predict or control, they will raise their rates, rendering bonds unavailable to many indigent defendants. These defendants will the go to jail pending trial, swelling our prison population and draining our budget.

This bill mandates that a bail bond may be forfeited only if a defendant fails to appear in court as ordered. Professional bail agents would be able to return to the Federal court system to provide bail for defendants because bail would not be forfeited for violations of conditions that are completely out of their control such as failure to maintain employment.

Let me be clear, this bill does not change a judge's authority to set or restrict bail. We're not talking about putting more criminals back into the community. A judge still has to determine a defendant's flight risk and threat to the community and make a

judgment regarding pretrial release in terms of bail amount and conditions. Violent criminals will—and should—be held in custody.

Please join us in ensuring that all defendants, regardless of wealth, have access to pretrial release in the Federal system.

By Mr. BINGAMAN:

S. 2496. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to enhance teaching standards and provide for license portability; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Enhancing Teaching Standards and License Portability Act of 2007. This bill would encourage the development and implementation of rigorous 21st century teaching standards throughout the U.S.

Since the release of the 1983 report, A Nation at Risk, educators and policymakers have sought to strengthen our Nation's weakening grip on global competitiveness. Despite these efforts, low achievement outcomes for too many students, particularly low income students, remain a threat to our current and future standing in the global economy, and to our children's future security. I am concerned about the continuing struggles of many of our schools.

In order to graduate from high school ready to succeed in postsecondary education and the workforce, students need a world-class 21st century education. Their success depends on access to high quality teachers who have both state-of-the-art content knowledge and excellent teaching skills. Teachers deserve access to the most up-to-date teaching standards if they are to attain these professional criteria. Moreover, assessments of quality teaching must be based on the characteristics that are known to influence student achievement outcomes.

The Enhancing Teaching Standards and License Portability Act provides the commitment and resources needed to help teachers attain these 21st century teaching skills.

In the early 1990s, the Interstate New Teacher Assessment and Support Consortium, INTASC, developed core teaching standards for beginning teachers, standards that have since been used—voluntarily—by individual States to develop teaching and certification requirements. Professional organizations such as the National Council of Teachers of Mathematics also developed subject-area teaching standards. This bill would build upon these efforts to improve teacher quality by supporting the refinement, development, and testing of K–12 teaching standards aligned with demands of the 21st century. These demands reflect content area advances in subject areas such as science and technology; advances in understanding of how students learn; the principle of universal design for learning that advocates flexible teaching to accommodate different learning styles; educators' recognition of the need to foster critical thinking, creativity, and problem-solving skills in addition to subject area knowledge; and demographic changes in student diversity such as the recent dramatic increase in English-language learners and the increased inclusion of students with disabilities in the classroom.

Specifically, this bill would provide a funding mechanism to develop or refine 21st century teaching standards, and to link those standards to performance-based teacher assessments. It would also provide subgrants to states to adopt, pilot, and implement these teaching standards and associated teacher assessments, and align their teacher licensing systems accordingly. In addition, the bill would promote and facilitate reciprocity and portability of teaching licenses across states. I am very pleased that this bill is supported by several education groups devoted to enhancing the quality and coherence of teaching standards, including the Council of Chief State School Officers, the American Association of Colleges for Teacher Education, the National Association of Secondary School Principals, the National Council of Teachers of Mathematics, the International Reading Association, the National Science Teachers Association, and the National Commission on Teaching and America's Future.

I believe it is important to acknowledge that we have made some progress in improving teacher quality. As summarized in the Secretary of Education's Fifth Annual Report on Teacher Quality, the percentage of teachers who lack a full teaching certificate has declined, from 3.3 to 2.5 percent of all classroom teachers. Progress has also been reported in aligning States' K–12 student content standards with teacher certification standards; and the number of new teachers passing required State assessment exams remains high at 95 percent. The minimum examination scores required to pass these exams, however, are generally lower than the national median scores for these assessments. Such low criteria are in conflict with the NCLB definition of a highly qualified teacher as someone with demonstrated competence in content-area subject matter. Current teacher standards fail to demonstrate, much less ensure, this competency.

Researchers have demonstrated the importance of teacher competency for student outcomes, arguing that classroom practices and other aspects of teaching affect student achievement as much as, if not more than, student characteristics. A recent Education Week report revealed that teachers who score higher vs. lower on state licensing exams tend to have students who themselves achieve higher scores, particularly in mathematics, even when other factors linked to high achievement are taken into account. Other studies demonstrate that the more content-specific college coursework a math or science teacher pursues prior to teaching, the higher that teacher's students will score in math or science. Further, a study appearing in Science showed that higher student outcomes are also associated with more positive classroom experiences, and that these classroom experiences can be measured by standardized observations of the instructional and social support teachers provide. Together, these and other studies illustrate that teachers' knowledge and their observable skills in the classroom are significant influences on student achievement.

Although solid grounding in content knowledge is necessary for 21st century learners, it alone is not sufficient. Students today need to develop creativity, critical thinking skills, and problem solving abilities to compete in our global economy. This means that teachers must teach higher-order thinking skills in addition to content information, and create opportunities to learn. Research has shown that students of teachers who can convey higher-order thinking skills and subject knowledge actually outperform students whose teachers teach only subject knowledge.

As you know, Mr. President, students in the 21st century represent diversity. For example, the U.S. Department of Education reports that the rate of English-language learners has increased by 169 percent in the last 20 years, in contrast to an increase of only 12 percent in the overall student population. Nationwide, 10 percent of all students are English-language learners. In my state of New Mexico, the rate is 22 percent, second only to California, where over 25 percent of students are English-language learners. According to the National Academies Report, How People Learn, teachers need to develop an expertise grounded on the theories of learning, including theories that concern how cultural beliefs and personal characteristics of learners influence their learning process. This teaching knowledge promotes learning for all children. In fact, students whose teachers receive professional development in teaching diverse students outperform students of teachers who lack this training.

These are just a few examples of the research linking student outcomes to teacher characteristics. Linking these characteristics to rigorous teaching performance standards is an opportunity to provide world class education to our students in the 21st century. It is time to improve our teaching standards.

Towards this goal, the Enhancing Teaching Standards and License Portability Act has four main objectives.

First, to improve teacher quality by supporting the development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century teaching and learning skills, and to

promote alignment of these standards with performance-based teacher assessments;

Second, to create incentives for States to adopt, pilot, and implement such rigorous kindergarten through grade 12 teaching standards and performance-based teacher assessments through a competitive grants process;

Third, to promote efforts for States to align these teaching standards and performance-based teacher assessments to State licensing requirements; and

Finally, to create incentives for States to develop policies that would facilitate license reciprocity and portability.

Although this bill would not mandate that model teaching standards be adopted by the states, the trends demonstrate that widespread adoption is likely. For instance, after INTASC developed model teaching standards in 1992, 38 States adopted the standards in developing their own statewide standards. Over 20 States are reviewing the NCTM Curriculum Focal Points to develop mathematics curriculum standards. Over 22 States currently rely on the same standardized teaching credentialing test, and another 10 adopt a second widely available test. The availability of model 21st century teaching standards could have a profound influence on K–12 education nationwide, and this bill would provide incentives for States to adopt and test these standards.

An added benefit of available model teaching standards concerns reciprocal teacher certification across States, which could address teacher shortages and curriculum cohesion across states. Nationally, about 20 percent of teachers seek their initial license in a state other than where they completed their teacher training. This bill would improve the capacity of States to collaboratively address teacher shortages through increased teacher certification reciprocity, by promoting alignment of the teaching standards with State licensing systems.

Finally, the availability of widely used model standards would support a platform for horizontal coherence of teaching and curriculum standards. A State's voluntary use of updated rigorous standards would promote core similarities that offer additional benefits for mobile students who suffer setbacks when faced with inconsistent curriculum.

Student mobility, defined as the percentage of students who transfer in or out of a school during a given school year, occurs in both inner-city and suburban school districts. Rates in inner city schools range from 45 to as high as 80 percent. In suburban schools, mobility rates may be as high as 10 to 40 percent. Although overall mobility indices in the U.S. are not rising, the percentage of moves that occur across state lines has increased from approximately 16 to 19 percent since 2000. When children change schools, they often must adapt to a different curriculum; and lack of curriculum cohesion is believed to account for several negative consequences. Children who experience several school changes are more likely to receive below-grade level reading and math achievement scores than their peers who have never changed schools; they are also more prone to grade retention, and have an increased high school dropout rate.

I believe this legislation can go a long way in improving our Nation's educational achievement rates by improving teacher quality and licensing portability. I also believe that this legislation is critical to strengthening our global competitiveness because quality teaching is a route to helping students meet high standards. I hope that this legislation will be included in the reauthorization of the Elementary and Secondary Education Act of 1965, as amended, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

S. 2496

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 ''Enhancing Teaching Standards and License Portability Act of 2007''.

SEC. 2. TEACHING STANDARDS AND LICENSE PORTABILITY.

Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is amended by adding at the end the following:

"Subpart 6—Teaching Standards and License Portability

"SEC. 2371. PURPOSES.

''The purposes of this subpart are the following:

''(1) To support the development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century learning skills.

''(2) To create incentives for States to adopt, pilot, and implement such rigorous kindergarten through grade 12 teaching standards.

''(3) To create incentives for States to align the States' teacher licensing systems to such rigorous kindergarten through grade 12 teaching standards.

''(4) To create incentives for States to develop policies to facilitate teacher license portability across States in order to improve the capacity of States to collaboratively address teacher shortages.

"SEC. 2372. DEFINITIONS.

''In this subpart:

''(1) CORE TEACHING STANDARDS.—The term 'core teaching standards' means standards that all beginning teachers should know and be able to teach in order to practice responsibly, regardless of the subject matter or grade level being taught.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an organization representing administrators of State educational agencies in partnership with 1 or more independent professional organizations with expertise in the following areas:

''(A) Teacher preparation and licensure.

''(B) Assessment of teacher knowledge, skills, and competencies.

''(3) 21ST CENTURY LEARNING SKILLS.—The term '21st century learning skills' means the skills, knowledge, and competencies that students should master to succeed in post-secondary education and the workforce of the 21st century, including creativity and innovation skills, critical thinking and problem-solving skills, communication and collaboration skills, information and technology literacy, civic and health literacy, adaptability, social and cross-cultural skills, and leadership skills.

"SEC. 2373. GRANT PROGRAM AUTHORIZED.

''(a) AUTHORIZATION.—The Secretary is authorized to award a competitive grant to an eligible entity to enable such entity to carry out the following:

''(1) The development or updating of core teaching standards and content-specific kindergarten through grade 12 teaching standards that are rigorous and incorporate 21st century learning skills and recent research and expert knowledge on teaching practices.

''(2) The development of teacher assessments linked to the kindergarten through grade 12 teaching standards that can be used for licensing, are valid and reliable, and are performance-based.

''(3) The awarding of subgrants as described in subsection (b)(2) to State educational agencies.

''(4) The provision of technical assistance to States in the adoption, pilot testing, and implementation of kindergarten through grade 12 teaching standards and teacher assessments as described in paragraph (2).

''(5) The provision of technical assistance to States to facilitate teacher license portability across States through changes in relevant State policies or the creation of new policies for such purpose.

''(b) USES OF FUNDS.—

''(1) DIRECT ACTIVITIES.—

''(A) FIRST AND SECOND YEARS.—An eligible entity that receives a grant under subsection (a) shall use 100 percent of the funds made available through the grant for the first and second fiscal years—

''(i) to develop or update the core teaching standards and content-specific kindergarten through grade 12 teaching standards; and

''(ii) to develop and pilot test teacher performance assessments that can be used to supplement or supplant current State licensing exams.

''(B) THIRD YEAR AND BEYOND.—An eligible entity that receives a grant under subsection (a) shall use not more than 40 percent of the funds made available through the grant for the third fiscal year, not more than 30 percent of the funds made available through the grant for the fourth fiscal year, and not more than 20 percent of the funds made available through the grant for the fifth fiscal year—

''(i) to continue pilot testing and validating the teacher performance assessments;

''(ii) to disseminate the kindergarten through grade 12 teaching standards, assessments, and any other materials that States may need to properly evaluate and adopt such standards, assessments, and materials;

''(iii) to provide technical assistance to States in—

''(I) adopting the kindergarten through grade 12 teaching standards;

''(II) pilot testing the teacher assessments; and

''(III) reliably and accurately administering and interpreting the teacher assessments; and

''(iv) to fund research activities that further the development of kindergarten through grade 12 teaching standards and assessments.

''(2) SUBGRANTS.—An eligible entity that receives a grant under subsection (a) shall use not less than 60 percent of the funds made available through the grant for the third fiscal year, not less than 70 percent of the funds made available through the grant for the fourth fiscal year, and not less than 80 percent of the funds made available through the grant for the fifth fiscal year to award subgrants to State educational agencies to pay the Federal share of the costs of carrying out the following activities in the States:

''(A) To adopt the core teaching standards and content-specific kindergarten through grade 12 teaching standards developed or updated by the eligible entity.

''(B) To align the States' teacher licensing systems to such standards, which may include the pilot testing and use of teacher assessments developed by the eligible entity under paragraph (1)(A)(ii).

''(C) To change relevant policies or introduce new policies to facilitate teacher license portability across the States.

''SEC. 2374. APPLICATIONS.

''(a) GRANT APPLICATION.—

''(1) IN GENERAL.—An eligible entity that desires a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—In an application submitted under paragraph (1), an eligible entity shall include, at a minimum, a description of the capability of the entity to carry out section 2373(b).

''(b) SUBGRANT APPLICATION.—

''(1) IN GENERAL.—A State educational agency that desires a subgrant under this subpart shall submit an application to the eligible entity at such time, in such manner, and accompanied by such information as the eligible entity may require.

''(2) CONTENTS.—In an application submitted under paragraph (1), a State educational agency shall include, at a minimum, a description of how the agency plans to carry out the activities described in subparagraphs (A), (B), and (C) of section 2373(b)(2).

''SEC. 2375. FEDERAL SHARE.

''(a) FEDERAL SHARE.—For State educational agencies receiving a subgrant under section 2371(b)(2), the Federal share of the cost of carrying out the activities described in subparagraphs (A), (B), and (C) of section 2371(b)(2) shall be 50 percent.

''(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind (fairly evaluated).

''SEC. 2376. REPORTS TO CONGRESS.

''Not later than 2 years after the date funds are first made available to carry out this subpart, and again 2 years thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report regarding activities assisted under this subpart.

''SEC. 2377. SUPPLEMENT, NOT SUPPLANT.

''Funds made available to carry out this subpart shall be used to supplement, and not supplant, other Federal, State, and local funds available to carry out the [purposes described in section 2371].

''SEC. 2378. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart—

''(1) $4,000,000 for each of fiscal years 2008 and 2009; and

''(2) $10,000,000 for each of fiscal years 2010, 2011, and 2012.''.

OCTOBER 12, 2007.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The undersigned organizations would like to thank you for introducing the Enhancing Teaching Standards and License Portability Act of 2007 and express our support for this critical bill. Our education system can only be successful if every child receives instruction from high-quality teachers with the most up-to-date skills and knowledge. The education community has been working diligently to improve teaching in this country, and this act will continue to move these efforts forward. We believe firmly in the goals of this bill:

Supporting development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century learning skills.

Creating incentives for states to: adopt, pilot, and, implement rigorous kindergarten through grade 12 teaching standards; align teacher licensing systems to the rigorous kindergarten through grade 12 teaching standards; and, develop policies to facilitate teacher license portability across states in order to improve the capacity of states to collaboratively address teacher shortages.

We support rigorous and relevant teaching standards that provide high expectations for what our teachers should know and be able to do. These standards and the aligned licensing systems will further assist teacher preparation programs in how to most effectively prepare teachers for today's classrooms and ensure that our students are taught only by high-quality teachers. Also, as we work to address teacher shortages and as our society grows increasingly mobile, there is great need for teacher license portability across states. States have been working on teacher license portability measures, and this bill will further build on these initiatives. Overall, this act will help elevate the teaching profession in this country so every child has access to a world-class education.

Thank you for your leadership on this important issue, and we look forward to continuing to work with you on improving teaching in America.

Sincerely,

American Association of Colleges for Teacher Education.
Council of Chief State School Officers.
International Reading Association.
National Association of Secondary School Principals.
National Commission on Teaching and America's Future.
National Council of Teachers of Mathematics.
National Science Teachers Association.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2498. A bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to authorize the minting of a commemorative coin in recognition of the 400th anniversary of the Spanish arrival in Santa Fe, NM. This bill has the strong support of the entire New Mexico delegation and is co-sponsored by Senator DOMENICI and a companion bill will be introduced in the House by Representative TOM UDALL.

In 2010, the City of Santa Fe will commemorate the arrival of Spanish settlers and the designation of the City of Santa Fe as the capital city of the Spanish territory now known as New Mexico. On their arrival the Spaniards found a thriving Native American culture. These native American and Spanish cultures served to enrich each other and led to a creation of a vibrant social, cultural, and financial center that made the settlement of the western U.S. possible. Although it was not always a smooth road it is the unique combination of the Spanish, native American, and Anglo cultures in Santa Fe that make it an American treasure. Santa Fe has long been heralded for its thriving arts community, as a world class travel destination, and for its natural beauty. These treasures and its proud history as a cultural meeting place make Santa Fe worthy of the national recognition of a commemorative coin. I urge all Senators to support this bill.

Mr. President, 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. 2498

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 ''Santa Fe 400th Anniversary Commemorative Coin Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Santa Fe, New Mexico, the site of native occupation centuries before European incursions, was officially elevated from a plaza established in 1608 to a villa and capital city in 1610. Santa Fe has been the meeting place and home of many cultures.

(2) The Palace of the Governors, built in the early 17th century served as the governor's quarters and the seat of government under 3 flags. It is the oldest continuously used public building in the United States.

(3) La Fiesta de Santa Fe, a cultural, religious, and social celebration, commemorating the resettlement of Santa Fe by General Don Diego de Vargas in 1692 continues today as an attraction for tourists and locals alike.

(4) At the nexus of 3 historically important trails, Santa Fe brought people and goods together over the Santa Fe Trail to and from Missouri, California, and Mexico City.

(5) Commerce on the Santa Fe Trail brought a much needed boost to the economy of the American West during the recession of the early 19th century. Santa Fe was the rendezvous place for traders, mountain men and forty-niners on route to California, and is today home to a multicultural citizenry and world class art market.

(6) The Santa Fe area is a center of market activity for arts and culture year round, culminating in the world renowned Indian Market, Spanish Colonial Art Market, and International Folk Art Market.

(7) New Mexico is the home to the oldest and continuously inhabited indigenous communities in North America. Native communities now residing in New Mexico include—

(A) Acoma Pueblo;

(B) Alamo Navajo Chapter;

(C) Canoncito Navajo Chapter;

(D) Cochiti Pueblo;
(E) Isleta Pueblo;
(F) Jemez Pueblo;
(G) Jicarilla Apache Tribe;
(H) Laguna Pueblo;
(I) Mescalero Apache Tribe;
(J) Nambe Pueblo;
(K) Picuris Pueblo;
(L) Pojoaque Pueblo;
(M) Ramah Navaho Chapter;
(N) San Felipe Pueblo;
(O) San Ildefonso Pueblo;
(P) San Juan Pueblo;
(Q) Sandia Pueblo;
(R) Santa Ana Pueblo;
(S) Santa Clara Pueblo;
(T) Santo Domingo Pueblo;
(U) Taos Pueblo;
(V) Tesuque Pueblo;
(W) Zia Pueblo;
(X) Zuni Pueblo; and
(Y) many others that disappeared or were moved after European contact.

(8) The Pueblo Revolt of 1680 is known to be one of the first ''American Revolutions'' when the Pueblo people ousted Spanish colonists from New Mexico.

(9) The Santa Fe area has long attracted tourists, artists, and writers. The classic novel Ben Hur was written, in part, by then Governor Lew Wallace, in the Palace of the Governors.

(10) A commemorative coin will help to foster an understanding and appreciation of New Mexico, its history and culture and the importance of Santa Fe and New Mexico to the history of the United States and the world.

SEC. 3. COIN SPECIFICATIONS.

(a) $5 GOLD COINS.—The Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall issue not more than 100,000 $5 coins, which shall—

(1) weigh 8.359 grams;
(2) have a diameter of 0.850 inches; and
(3) contain 90 percent gold and 10 percent alloy.

(b) $1 SILVER COINS.—The Secretary shall issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams;
(2) have a diameter of 1.500 inches; and
(3) contain 90 percent silver and 10 percent copper.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(e) SOURCES OF BULLION.—

(1) GOLD.—The Secretary shall obtain gold for minting coins under this Act from domestic sources, and pursuant to the authority of the Secretary under section 5116 of title 31, United States Code.

(2) SILVER.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the settlement of Santa Fe, New Mexico, the oldest capital city in the United States.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;
(B) an inscription of the year ''2010''; and
(C) inscriptions of the words ''Liberty'', ''In God We Trust'' (on the face of the coin), ''United States of America'', and ''E Pluribus Unum''.

(b) DESIGN SELECTION.—Subject to subsection (a), the design for the coins minted under this Act shall be selected by the Secretary, and shall be reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2010, and ending on December 31, 2010.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins minted under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;
(2) the surcharge provided in subsection (c) with respect to such coins; and
(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) BULK SALES.—The Secretary shall make bulk sales of the coins minted under this Act at a reasonable discount.

(d) SURCHARGE.—All sales of coins minted under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin; and
(2) $10 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) RECIPIENTS.—

(1) IN GENERAL.—All surcharges received by the Secretary from the sale of coins minted under this Act shall be promptly paid by the Secretary to the recipients listed under paragraphs (2) and (3).

(2) SANTA FE 400TH ANNIVERSARY COMMITTEE.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Santa Fe 400th Anniversary Committee, Inc., to support programs to promote the understanding of the legacies of Santa Fe.

(3) OTHER RECIPIENTS.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Secretary of the Department of the Interior, for the purposes of—

(A) sustaining the ongoing mission of preserving Santa Fe;
(B) enhancing the national and international educational programs;
(C) improving infrastructure and archaeological research activities; and
(D) conducting other programs to support the commemoration of the 400th anniversary of Santa Fe.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the entities specified in subsection (a), as may be related to the expenditure of amounts distributed under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;
(2) security satisfactory to the Secretary to indemnify the United States for full payment; or
(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. CORKER):

S. 2500. A bill to provide fair compensation to artists for use of their sound recordings; to the Committee on the Judiciary.

Mr. LEAHY. Mr. Presdient, today, Senator HATCH and I are, once again, introducing important intellectual property legislation together. We are introducing the Performance Rights Act of 2007 for a very simple and clear reason: artists should be compensated fairly for the use of their work.

I am an avid music fan. Music entertains, enlightens, and inspires us. Much of the music enjoyed by most Americans, including myself, was first heard on traditional, over-the-air radio. There is no question that radio play promotes artists and their sound recordings; there is also no doubt that radio stations profit directly from playing the artists' recordings.

When radio stations broadcast music, listeners are enjoying the intellectual property of two creative artists the songwriter and the performer. The success, and the artistic quality, of any recorded song depends on both. Radio stations pay songwriters for a license to broadcast the music they have composed. That is proper, and that is fair. The songwriters' work is promoted by the air play, but no one seriously questions that the songwriter should be paid for the use of his or her work.

But the performing artist is not paid by the radio station. The time has come to end this inequity. Its historical justification has been overtaken by technological change; the economics of the radio industry of years past has been superseded by entirely new business models. Webcasters compensate performing artists, satellite radio compensates performing artists, and cable companies compensate performing artists; only terrestrial broadcasters still do not pay for the use of sound recordings. Artists should have the same rights regardless of whether it is a terrestrial broadcaster or a webcaster using and profiting from their work. Radio play may have promotional value to the artist, but there

is a property right in the sound recording, and those that create the content should be compensated for its use.

In ensuring artists are compensated, two other principles important to me are reflected in this legislation. First, noncommercial and small commercial radio stations should be nurtured, and not threatened by a change in the law. Second, songwriters, who now are, as they should be, paid for use of their work should not have their rights diminished in any way.

The legislation we introduce today on a bipartisan basis, along with companion bipartisan legislation being introduced today in the House of Representatives, provides that artists will be compensated by broadcasters for the use of their work. Noncommercial stations—from Vermont Public Radio which broadcasts ''Saturday Afternoon at the Opera,'' to the campus radio station at St. Michael's college that plays ''Those Monday Blues'' and ''The Odds and Evens Jazz Show''—have a different mission than commercial stations, and therefore need a different status, one that will subject the stations only to a nominal flat fee for use of sound recordings. Commercial radio stations that have a revenue under $1.25 million, which comprises roughly three-fourths of all music radio stations, will also have a flat fee option.

Traditional, over-the-air radio remains vital to the vibrancy of our music culture, and I want to continue to see it prosper as it transitions to digital. But I also want to ensure that the performing artist the one whose sound recordings drive the success of broadcast radio is fairly compensated.

Mr. President, 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. 2500

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 ''Performance Rights Act''.

SEC. 2. EQUITABLE TREATMENT FOR TERRESTRIAL BROADCASTS.

(a) PERFORMANCE RIGHT APPLICABLE TO RADIO TRANSMISSIONS GENERALLY.—Section 106(6) of title 17, United States Code, is amended to read as follows:

''(6) in the case of sound recordings, to perform the copyrighted work publicly by means of an audio transmission.''.

(b) INCLUSION OF TERRESTRIAL BROADCASTS IN EXISTING PERFORMANCE RIGHT.—Section 114(d)(1) of title 17, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''a digital'' and inserting ''an''; and

(2) by striking subparagraph (A).

(c) INCLUSION OF TERRESTRIAL BROADCASTS IN EXISTING STATUTORY LICENSE SYSTEM.—Section 114(j)(6) of title 17, United States Code, is amended by striking ''digital''.

(d) ELIMINATING REGULATORY BURDENS FOR TERRESTRIAL BROADCAST STATIONS.—Section 114(d)(2) is amended in the matter preceding subparagraph (A) by striking ''subsection (f) if'' and inserting ''subsection (f) if, other than for a nonsubscription and noninteractive broadcast transmission,''.

SEC. 3. SPECIAL TREATMENT FOR SMALL, NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS STATIONS AND CERTAIN USES.

(a) SMALL, NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS RADIO STATIONS.—

(1) IN GENERAL.—Section 114(f)(2) of title 17, United States Code, is amended by adding at the end the following:

''(D) Notwithstanding the provisions of subparagraphs (A) through (C), each individual terrestrial broadcast station that has gross revenues in any calendar year of less than $1,250,000 may elect to pay for its over-the-air nonsubscription broadcast transmissions a royalty fee of $5,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.

''(E) Notwithstanding the provisions of subparagraphs (A) through (C), each individual terrestrial broadcast station that is a public broadcasting entity as defined in section 118(f) may elect to pay for its over-the-air nonsubscription broadcast transmissions a royalty fee of $1,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.''.

(2) PAYMENT DATE.—A payment under subparagraph (D) or (E) of section 114(f)(2) of title 17, United States Code, as added by paragraph (1), shall not be due until the due date of the first royalty payments for nonsubscription broadcast transmissions that are determined, after the date of the enactment of this Act, under such section 114(f)(2) by reason of the amendment made by section 2(b)(2) of this Act.

(b) TRANSMISSION OF RELIGIOUS SERVICES; INCIDENTAL USES OF MUSIC.—Section 114(d)(1) of title 17, United States Code, as amended by section 2(b), is further amended by inserting the following before subparagraph (B):

''(A) an eligible nonsubscription transmission of—

''(i) services at a place of worship or other religious assembly; and

''(ii) an incidental use of a musical sound recording;''.

SEC. 4. AVAILABILITY OF PER PROGRAM LICENSE.

Section 114(f)(2)(B) of title 17, United States Code, is amended by inserting after the second sentence the following new sentence: ''Such rates and terms shall include a per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings.''.

SEC. 5. NO HARMFUL EFFECTS ON SONGWRITERS.

(a) PRESERVATION OF ROYALTIES ON UNDERLYING WORKS.—Section 114(i) of title 17, United States Code, is amended in the second sentence by striking ''It is the intent of Congress that royalties'' and inserting ''Royalties''.

(b) PUBLIC PERFORMANCE RIGHTS AND ROYALTIES.—Nothing in this Act shall adversely affect in any respect the public performance rights of or royalties payable to songwriters or copyright owners of musical works.

Mr. HATCH. Mr. President, I rise today to express my support for the Performance Rights Act of 2007, S. 2500, introduced today by Judiciary Committee chairman PATRICK LEAHY and myself. There is no doubt the subject of performance rights is important and deserves the Senate's attention.

I recognize that there is no easy solution to the performance rights issue because it is a complex area of the law. However, I believe the time has come for Congress to begin the process of balancing the interests of all involved and forging a fair and reasonable compromise.

I have had the opportunity to get to know some of the finest and talented individuals this country has to offer. Some are under the wrong impression that artists in the music industry are making a fortune, but they are not aware that all too often it is a struggle to survive for the overwhelming majority of them in the cut-throat music industry.

By amending sections 106 and 114 of the Copyright Act, the Performance Rights Act of 2007 would apply the performance right in a sound recording to all audio transmissions thereby removing the exemption on paying performance royalties currently in place for over-the-air broadcasters.

The legislation also provides for a blanket license of $5,000 for small commercial broadcasters whose gross revenues do not exceed $1.25 million a year. In addition, noncommercial broadcasters as defined by section 118 of the Copyright Act, such as public, educational and religious stations would have a blanket license of $1,000 per year. No payment would be due until the Copyright Royalty Board determines the rates for large commercial broadcasters. The proposed language provides that sound recordings used only incidentally by a broadcaster and sound recordings used in the transmission of a religious service are exempt.

S. 2500 further includes a per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings. Finally, the legislation strengthens the provision in section 114 that preserves the rights of songwriters and clarifies that nothing in the Performance Rights Act of 2007 shall adversely affect the public performance rights of songwriters or copyright owners of musical works.

I believe in the legislative process and hope that concerns raised by interested parties can be resolved in a fair and equitable manner. I do not have an ax to grind, nor do I want to hurt any industry. To my friends in the broadcasting community, let me say that I am acutely aware of your circumstances and concerns, and I cannot stress enough that my primary goal is to make sure that Congress handles this in the most even-handed way. Let me also stress that I look upon creating a performance right in a sound recording to all audio transmissions as the first step in addressing some of the major issues affecting the music industry. And I look forward to working closely with Chairman LEAHY and my

colleagues in carefully considering what additional measures are needed.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2502. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the States of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to submit legislation that provides for the establishment of a memorial within Kalaupapa National Historical Park, in the State of Hawaii, to honor and perpetuate the memory of those Hansen's disease patients who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969.

This tragedy began in 1865 when the Kingdom of Hawai'i instituted a century-long policy of forced segregation of those afflicted with Hansen's disease, also known as leprosy. Land was set aside in order to seclude those who were thought to be capable of spreading the disease. Kalaupapa was chosen due to its' isolated and inaccessible location. To the south, Kalaupapa faces sheer cliffs with over 2,000 feet in height. To the east, north, and west, Kalaupapa is surrounded by an often-temperamental ocean.

During this period of time, over 8,000 people were sent there, of which, only about 1,300 graves have been identified. Most of those who were sent to Kalaupapa before 1900 have no marked graves. Others were buried in places marked with a cross or a bare tombstone, but those markers have seen great deterioration over time. As a result, there are many family members and descendants of these residents who cannot find the graves of their loved ones and are unable to properly honor and pay tribute to them.

This monument is to provide closure and a sense of belonging to these many family members, who have no knowledge of their ancestors' whereabouts. Through this monument, the more than 8,000 Hansen's disease patients will forever be memorialized as having been a part of the history of Kalaupapa. It also allows the world to recognize and learn from the tragedy that took place on Kalaupapa, where mothers were taken from their children, husbands from their wives, and children from their parents.

There are a few remaining patients of Kalaupapa alive today, and time is running short. For them to live to see this monument, and the memory of their friends and those that preceded them honored in this manner, would mean so much. It will help to guarantee that the legacy of Kalaupapa will live on, and continue to be passed from one generation to the next.

By Ms. CANTWELL:

S. 2505. A bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, in the wake of the terrorist attacks of September 11, 2001, the air travel industry has suffered tremendous economic hardship. In particular, airline workers have been forced to take cuts in pay and benefits which have dramatically reduced their financial security now and in their retirement years.

Airline pilots and other union airline employees have lost in excess of $30 billion in pay and over $7 billion in defined benefit pension benefits. In addition, many airline workers have lost their jobs. For example, on September 11, 2001, there were 10,500 active Delta pilots. Today, there are 6,700.

Since the attacks, many of our Nation's airlines were forced to file for bankruptcy—and terminate or freeze their defined benefit pension plans. The largest of these airline bankruptcies involved United Airlines, U.S. Airways, Delta Air Lines and Northwest Airlines. In all of these bankruptcies, a huge share of the cost savings was borne by the airline employees, who suffered massive cuts in pay and benefits.

In 2001, Congressional relief focused on the airline carriers, offering loan packages and other economic relief. In 2004 and 2006, Congress provided additional assistance to those airline carriers that were able to avoid termination of their defined benefit plans. However, past Congressional actions will never restore the lost retirement benefits for those airline workers whose defined benefit plans were terminated or frozen.

This is an important point to emphasize. The actions already taken by the Congress to provide economic relief to the airlines and to reduce their future pension contributions for the continuing plans do not restore benefits to those airline workers who lost pension benefits in plans that were terminated or frozen.

Therefore, I rise to introduce the Lost Retirement Savings Act of 2007 to provide for a retirement savings option to those airline workers whose defined benefit plans were terminated or frozen in bankruptcy proceedings.

Under the bill, these airline workers would benefit to the extent that they would individually choose to rollover specified bankruptcy payments into a traditional or Roth individual retirement account. The intent is to provide this retirement savings opportunity only to those airline employees for whom the bankruptcies imposed an economic burden through the substantial loss of wages and retirement benefits.

In closing, I urge my Senate colleagues to take a close look at this bill and join me in passing this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

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

S. 2505

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

SECTION 1. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY TO ELIGIBLE RETIREMENT PLANS.

(a) GENERAL RULE.—If—

(1) a qualified airline employee receives any eligible rollover amount, and

(2) the qualified airline employee transfers any portion of such amount to an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act),

then, except as provided in subsection (b), such amount (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

(b) TRANSFERS TO ROTH IRAS.—

(1) IN GENERAL.—If a transfer described in subsection (a) is made to a Roth IRA (as defined in section 408A of the Internal Revenue Code of 1986), then—

(A) 50 percent of the portion of any eligible rollover amount so transferred shall be includible in gross income in the first taxable year following the taxable year in which the eligible rollover amount was paid, and

(B) 50 percent of such portion shall be includible in gross income in the second taxable year following the taxable year in which the eligible rollover amount was paid.

(2) ELECTION TO INCLUDE IN INCOME IN YEAR OF PAYMENT.—Notwithstanding paragraph (1), a qualified airline employee may elect to include any portion so transferred in gross income in the taxable year in which the eligible rollover amount was paid.

(3) INCOME LIMITATIONS NOT TO APPLY.—The limitations described in section 408A(c)(3) of the Internal Revenue Code of 1986 shall not apply to a transfer to which paragraph (1) or (2) applies.

(c) TREATMENT OF ELIGIBLE ROLLOVER AMOUNTS AND TRANSFERS.—

(1) TREATMENT OF ELIGIBLE ROLLOVER AMOUNTS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an eligible rollover amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is not includible in gross income by reason of subsection (a) or is includible in income in a subsequent taxable year by reason of subsection (b).

(2) TREATMENT OF ROLLOVERS.—A transfer under subsection (a) shall be treated as a rollover contribution described in section 408(d)(3) of the Internal Revenue Code of 1986, except that in the case of a transfer to which subsection (b) applies, the transfer shall be treated as a qualified rollover contribution described in section 408A(e) of such Code.

(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) ELIGIBLE ROLLOVER AMOUNT.—

(A) IN GENERAL.—The term ''eligible rollover amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in—

(I) a bankruptcy claim against the carrier,

(II) any note of the carrier (or any amount paid in lieu of a note being issued), or

(III) any other fixed obligation of the carrier to pay a lump sum amount.

(B) EXCEPTION.—An eligible rollover amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) REPORTING REQUIREMENTS.—If a commercial passenger airline carrier pays 1 or more eligible rollover amounts, the carrier shall, within 90 days of such payment (or, if later, within 90 days of the date of the enactment of this Act), report—

(A) to the Secretary, the names of the qualified airline employees to whom such amounts were paid, and

(B) to the Secretary and to such employees, the years and the amounts of the payments.

Such reports shall be in such form, and contain such additional information, as the Secretary of the Treasury may prescribe.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to eligible rollover amounts paid before, on, or after such date.

SUMMARY OF THE LOST RETIREMENT SAVINGS ACT OF 2007

ROLLOVER OF DISTRIBUTIONS RECEIVED BY AIRLINE EMPLOYEES IN RESPECT OF BANKRUPTCY CLAIMS, NOTES OR FIXED OBLIGATIONS

If a qualified airline employee transfers any portion of an eligible rollover amount to an individual retirement account (IRA), then the eligible rollover amount to the extent so transferred shall not be includible in gross income for the taxable year in which paid to the qualified airline employee. Further, any such transfer to an IRA which is excluded from gross income shall be treated as a rollover contribution.

DEFINITIONS

Qualified airline employee—An employee or former employee of a commercial passenger airline carrier who participated in a qualified defined benefit plan that has been terminated or frozen.

Eligible rollover amount—Money or other property paid by a commercial passenger airline carrier to a qualified airline employee, in respect of the employee's interest in a bankruptcy claim, note or fixed obligation of the carrier. Such payment must be made under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001 and before January 1, 2007.

EMPLOYMENT TAXES

Eligible rollover amounts shall be subject to all applicable employment taxes.

ROTH ELECTION

A qualified airline employee may elect to transfer any portion of an eligible rollover amount to a Roth IRA. Such transfer may be made without regard to the qualified airline employee's AGI. Any such transfer to a Roth IRA shall be treated as a qualified rollover contribution. To the extent transferred to a Roth IRA, the eligible rollover amount shall, at the election of the qualified airline employee, be includible in gross income entirely in the year of payment or 50 percent in the year succeeding the year of payment and 50% in the second year succeeding the year of payment.

TRANSFER PERIODS

The transfer of an eligible rollover amount must be made within 180 days after the later of date of payment or date of enactment.

REPORTING REQUIREMENTS

Commercial passenger airline carriers shall report to the Secretary of the Treasury the eligible rollover amounts paid to each qualified airline employee for each year, and shall provide an individual report to each qualified airline employee. Such reports shall be due within 90 days after the later of date of payment or date of enactment.

EFFECTIVE DATE

Transfers made after date of enactment.

By Ms. LANDRIEU (for herself and Mr. ISAKSON):

S. 2510. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I am pleased to introduce today with my colleague, Senator JOHNNY ISAKSON, the Cytology Proficiency Improvement Act of 2007. This bipartisan legislation enhances women's health by establishing an annual continuing medical education, CME, proficiency requirement for pathologists and laboratory professionals who read Pap tests to screen for cervical cancer. The legislation would enhance our fight against this disease by giving women confidence in their Pap test results. Women in my State of Louisiana and across the country deserve no less.

Specifically, our legislation would require individuals who examine Pap test slides to participate annually in an outcome-based CME program to evaluate their interpretative skills. This educational testing program would keep pace with cutting edge advances in science and technology. Health professionals would be challenged with complex, difficult cases and would learn through constructive feedback. The bill would also require that laboratory directors utilize the CME testing results to help assess the performance of their laboratory personnel and take corrective action as appropriate. Finally, the bill would require that the CME results be reviewed by accrediting organizations as part of federally mandated inspections of laboratories to evaluate Pap test quality.

In 1988, Congress requested that a cytology, Pap test, proficiency program be established as part of The Clinical Laboratory Improvement Amendments, CLIA. However, the program lay dormant until 2005 when the Centers for Medicare and Medicaid, CMS, finally implemented a program. Unfortunately, the program was implemented using 1992 regulations—now 15 years old—and no longer relevant to real world practice. The bill we are introducing today would modernize and replace the current program so we can help raise the bar of quality in diagnosing cervical cancer. It would compliment the already extensive Federal quality control standards for Pap tests under CLIA.

Without a doubt, regular Pap tests save women's lives. We need to make sure that the Federal Government's efforts to combat cervical cancer are the most effective they can be. This bill helps to do just that. I hope my colleagues will join me in supporting this women's health issue.

Mr. President, 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. 2510

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 ''Cytology Proficiency Improvement Act of 2007''.

SEC. 2. REVISED STANDARDS FOR QUALITY ASSURANCE IN SCREENING AND EVALUATION OF GYNECOLOGIC CYTOLOGY PREPARATIONS.

(a) IN GENERAL.—Section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)) is amended to read as follows:

''(iv) requirements that each clinical laboratory—

''(I) ensure that all individuals involved in screening and interpreting cytological preparations at the laboratory participate annually in a continuing medical education program in gynecologic cytology that—

''(aa) is approved by the Accrediting Council for Continuing Medical Education or the American Academy of Continuing Medical Education; and

''(bb) provides each individual participating in the program with gynecologic cytological preparations (in the form of referenced glass slides or equivalent technologies) designed to improve the locator, recognition, and interpretive skills of the individual;

''(II) maintain a record of the cytology continuing medical education program results for each individual involved in screening and interpreting cytological preparations at the laboratory;

''(III) provide that the laboratory director shall take into account such results and other performance metrics in reviewing the performance of individuals involved in screening and interpreting cytological preparations at the laboratory and, when necessary, identify needs for remedial training or a corrective action plan to improve skills; and

''(IV) submit the continuing education program results for each individual and, if appropriate, plans for corrective action or remedial training in a timely manner to the laboratory's accrediting organization for purposes of review and on-going monitoring by the accrediting organization, including reviews of the continuing medical education program results during on-site inspections of the laboratory.''.

(b) EFFECTIVE DATE AND IMPLEMENTATION; TERMINATION OF CURRENT PROGRAM OF INDIVIDUAL PROFICIENCY TESTING.—

(1) EFFECTIVE DATE AND IMPLEMENTATION.—Except as provided in paragraph (2), the amendment made by subsection (a) applies to gynecologic cytology services provided on or after the first day of the calendar year beginning 1 year after the date of the enactment of this Act, and the Secretary of Health and Human Services (hereafter in this subsection referred to as the ''Secretary'') shall issue final regulations implementing such amendment not later than 270 days after such date of enactment.

(2) TERMINATION OF CURRENT INDIVIDUAL TESTING PROGRAM.—The Secretary shall terminate the individual proficiency testing program established pursuant to section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)), as in effect on the day before the date of enactment of subsection (a), at the end of the calendar year which includes the date of enactment of the amendment made by subsection (a).

By Mr. LEAHY (for himself, Mrs. CLINTON, Mr. SHELBY, Ms. MILKULSKI, and Ms. LANDRIEU):

S. 2511. A bill to amend the grant program for law enforcement armor vests top provide for a waiver of or reduction in the matching funds requirements in the case of fiscal hardship; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a bill that will help will build upon our efforts to improve the Bulletproof Vest Partnership Grant Act, which has had so much success in protecting the lives of law enforcement officers across the country. The bill introduced today provides a need-based waiver of matching requirements that will aid State and local law enforcement agencies in financial hardship purchase body armor for their officers. I thank Senators CLINTON, MIKULSKI, SHELBY, and LANDRIEU for joining me to introduce this bill to give our law enforcement officers the protection they need.

I was proud to work with Senator Ben Nighthorse Campbell to author the Bulletproof Vest Partnership Grant Act of 1998, which responded to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border when two state troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost. Since its inception in 1999, I have worked to reauthorize this program three times, most recently in the 2005 Violence Against Women and Department of Justice Reauthorization bill.

Since 1999, the BVP program has provided $173 million to purchase an estimated 500,000 vests in more than 11,500 jurisdictions nationwide. Vermont has received more than $600,000 in bulletproof vest funding under this program, which has been used to purchase 2700 vests statewide.

I want to thank Senators MIKULSKI and SHELBY for continuing to recognize this program as a priority. As Chair and Ranking Member of the Appropriations Subcommittee that finalizes Justice Department spending priorities, they saw fit to include more than $25 million for the Bulletproof Vest Program in the fiscal year 2008 Consolidated Omnibus Appropriations bill.

Bulletproof vests remain one of the foremost defenses for our uniformed officers, but law enforcement agencies nationwide are struggling over how to find the funds necessary to replace either aged vests, which have a life expectancy of roughly 5 years, or purchase new vests for newly hired officers. We want to ensure that our law enforcement officers are outfitted with vests that will actually stop bullets and save lives. Vests cost between $500 and $1,000 each, depending on the style. Officers are being forced to dip into their own pockets to pay for new vests due to local and State agency budget shortfalls, and will continue to do so unless the Federal Government offers more help.

The bill we introduce today will give discretion to the Director of the Bureau of Justice Assistance within the Justice Department to grant waivers or reductions in the match requirements for bulletproof vests awards to State and local law enforcement agencies that can demonstrate fiscal hardship. Our local law enforcement agencies are constantly responding to new challenges, from fighting a recent rise in violent crime to responding to threats of terrorism, and many localities lack the resources to effectively combat these challenges. Waiving the match requirement for life-saving body armor should be available for police agencies like those in New Orleans, on the Gulf Coast, or in other areas that experience disasters or other circumstances that create fiscal hardships.

A tragic event in Tennessee in 2005 highlights the need for this legislation. Wayne ''Cotton'' Morgan, a Tennessee correctional officer was gunned down on August 9, 2005, outside the Kingston Court House by the wife of an inmate being escorted by Officer Morgan. He was killed, and the prisoner and his wife escaped. Officer Morgan was not wearing a bulletproof vest, although he repeatedly requested one from the warden at Brushy Mountain Prison. The Tennessee Department of Corrections Administrative Policies and Procedures memorandum required that fitted vests be provided to individuals assigned to transportation duties. Despite this requirement and Officer Morgan's repeated requests, he was not issued a vest due to lack of funding. This legislation will help ensure that no officer is left without a bulletproof vest for lack of resources in his or her department.

Our law enforcement officers deserve the fundamental protection that bulletproof vests can provide. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of the Bulletproof Vests Partnership Program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

I look forward to working with the Senate to pass this bipartisan bill to better to protect our law enforcement officers.

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

S. 2511

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

SECTION 1. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended by inserting at the end the following:

''(3) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 409—COMMENDING THE SERVICE OF THE HONORABLE TRENT LOTT, A SENATOR FROM THE STATE OF MISSISSIPPI

Mr. MCCONNELL (for himself, Mr. REID, Mr. COCHRAN, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 409

Whereas Chester Trent Lott, a United States Senator from Mississippi, was born to

Chester and Iona Watson Lott on October 9, 1941, in Grenada, Mississippi;

Whereas Trent Lott was raised in Pascagoula, Mississippi, attended public schools, and excelled in baseball, band, theater, and student government;

Whereas after graduating from Pascagoula High School, where he met his future wife during band practice, Trent Lott enrolled in the University of Mississippi in 1959;

Whereas Trent Lott pledged Sigma Nu, rising to become its president; formed a singing quartet known as The Chancellors; and was elected ''head cheerleader'' of the Ole Miss football team;

Whereas upon graduating college, Trent Lott enrolled in the University of Mississippi Law School in 1963, excelling in moot court and as president of the Phi Alpha Delta legal fraternity;

Whereas upon graduating from law school in 1967, Trent Lott practiced law in Pascagoula, then served as administrative assistant to United States Representative William Colmer until 1972;

Whereas upon Congressman Colmer's retirement, Trent Lott was elected to replace him in November 1972 as a Republican representing Mississippi's Fifth District;

Whereas Trent Lott was reelected by the voters of the Fifth District to seven succeeding terms, rising to the position of minority whip and serving in that role with distinction from 1981 to 1989;

Whereas Trent Lott was elected to the U.S. Senate in 1988 and reelected three times, serving as chairman of the Senate Committee on Rules and Administration from 2003 to 2006;

Whereas Trent Lott was chosen by his Senate Republican colleagues to serve as Majority Whip for the 104th Congress, then chosen to lead his party in the Senate as both Majority Leader and Minority Leader from 1996 to 2003;

Whereas Trent Lott was chosen by his peers to serve as Minority Whip for the 110th Congress;

Whereas Trent Lott's warmth, decency, and devotion to the people of Mississippi and the country have contributed to his legendary skill at working cooperatively with people from all political parties and ideologies;

Whereas, in addition to his many legislative achievements in a congressional career spanning more than three decades, Trent Lott has earned the admiration, respect, and affection of his colleagues and of the American People;

Whereas he has drawn strength and support in a life of high achievement and high responsibility from his faith, his beloved wife Tricia, their children, Tyler and Chet; and their grandchildren: Now, therefore, be it

Resolved, That the Senate—

Notes with deep appreciation the retirement of Chester Trent Lott;

Extends its best wishes to Trent Lott and his family;

Honors the integrity and outstanding work Trent Lott has done in service to his country; and

Directs the Secretary of the Senate to transmit a copy of this resolution to the family of Senator Trent Lott.

SENATE RESOLUTION 410—DESIGNATING FEBRUARY 17, 2008, AS ''RACE DAY IN AMERICA'' AND HIGHLIGHTING THE 50TH RUNNING OF THE DAYTONA 500

Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Mr. SANDERS) submitted the following resolution; which was:

S. RES. 410

Whereas the Daytona 500 is the most prestigious stock car race in the United States;

Whereas the Daytona 500 annually kicks off the National Association for Stock Car Auto Racing (NASCAR) Sprint Cup Series, NASCAR's top racing series;

Whereas millions of racing fans have spent the 3rd Sunday of each February since 1959 watching, listening to, or attending the Daytona 500;

Whereas the purse for the Daytona 500 is typically the largest in motor sports;

Whereas winning the prestigious Harley J. Earl Trophy is stock car racing's greatest prize and privilege;

Whereas nearly 1,000,000 men and women in the Armed Forces in nearly 180 countries worldwide listen to the race on the radio via the American Forces Network;

Whereas Daytona International Speedway is the home of ''The Great American Race''—the Daytona 500;

Whereas fans from all 50 States and many foreign nations converge on the ''World Center of Racing'' each year to see the motor sports spectacle;

Whereas Daytona International Speedway becomes one of the largest cities in the State of Florida by population on race day, with more than 200,000 fans in attendance;

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas, on February 17th, 2008, the Daytona 500 celebrates its historic 50th running: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th running of the Daytona 500, ''The Great American Race'', on February 17, 2008; and

(2) designates February 17, 2008, as ''Race Day in America'' in honor of the Daytona 500.

SENATE RESOLUTION 411—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF TEXAS CIVIL RIGHTS PIONEER DR. HECTOR P. GARCIA

Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted the following resolution; which was:

S. RES. 411

Whereas, Hector P. Garcia was born on January 17, 1914, in Llera, a small town in south central Tamaulipas, Mexico;

Whereas, Hector P. Garcia was brought to Mercedes, Texas, as a small child when his parents fled the Mexican Revolution in 1917;

Whereas, Dr. Hector P. Garcia graduated from the University of Texas Medical School in 1940, and later joined the United States Army;

Whereas, Dr. Hector P. Garcia served as an infantryman, a combat engineer, and a medical doctor during World War II, and earned the Bronze Star medal with six battle stars for his distinguished service;

Whereas, Dr. Hector P. Garcia founded the American GI Forum in 1948 to fight for equal treatment of Mexican-American veterans, including proper medical treatment and educational benefits;

Whereas, in 1949, Dr. Hector P. Garcia secured a burial with full military honors at Arlington National Cemetery for Pvt. Felix Longoria after a Texas funeral home refused to hold a wake for Pvt. Longoria, a U.S. soldier killed during World War II, for the sole reason that he was Hispanic;

Whereas, President Lyndon Johnson made Dr. Hector P. Garcia the first Mexican-American to serve as an ambassador to the United Nations;

Whereas Dr. Hector P. Garcia was the first Hispanic to serve on the U.S. Commission on Civil Rights;

Whereas, in 1984, President Ronald Reagan bestowed upon Dr. Hector P. Garcia the Presidential Medal of Freedom;

Whereas Dr. Hector P. Garcia devoted his life to fighting for civil rights and educational access for Mexican-Americans;

Whereas this nation has benefited from Dr. Hector P. Garcia's legacy of generosity and commitment to equality: Now, therefore, be it

Resolved, That the Senate honors the life of Dr. Hector P. Garcia, a selfless physician, decorated World War II veteran, dedicated family man, and civil rights hero, and joins in the celebration of his birthday, January 17.

SENATE RESOLUTION 412—COMMENDING THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS OF BOONE, NORTH CAROLINA, FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION 1 FOOTBALL CHAMPIONSHIP SUBDIVISION (FORMERLY DIVISION 1–AA) CHAMPIONSHIP

Mr. BURR (for himself and Mrs. DOLE) submitted the following resolution; which was:

S. RES. 412

Whereas, in 2005, Appalachian State University became the first team from North Carolina to win a National Collegiate Athletic Association (NCAA) football championship with its victory over the University of Northern Iowa;

Whereas, in 2006, Appalachian State University defeated the University of Massachusetts football team to win its 2nd straight championship;

Whereas, in December 2007, the Appalachian State University Mountaineers won their 3rd straight NCAA Division 1 national title by winning the Division 1 Football Championship Subdivision (formerly known as the Division 1-AA Championship), the first Football Championship Subdivision team in history to accomplish this feat, beating the University of Delaware (Delaware) Blue Hens by a score of 49-21;

Whereas, in the 2007 championship game, senior tailback Kevin Richardson opened the scoring with a 19-yard touchdown reception on a screen pass from Armanti Edwards;

Whereas Delaware responded by driving the ball to the Appalachian State 1-foot line, where the Mountaineers stonewalled the Blue Hens with an impressive defensive stand;

Whereas, on the ensuing possession, sophomore Devon Moore extended the lead to 14-0 in a touchdown run that capped a 5-play, 99-yard drive to set an Appalachian State school record for longest scoring drive;

Whereas Appalachian State extended the lead to 21-0 with 10:22 remaining in the 2nd quarter as freshman tight end Daniel Kilgore recovered a fumble in the endzone for the touchdown as the Mountaineers scored on their 1st 3 drives of the game;

Whereas Delaware broke into the scoring column with only 1:10 remaining in the 1st half, in a play that was originally ruled incomplete, but upon official review was ruled a touchdown to cut the Appalachian State lead to 21-7;

Whereas Appalachian State answered the score 26 seconds later as Armanti Edwards

threw a 60-yard touchdown pass to senior Dexter Jackson, in his 4th touchdown pass this season to Dexter Jackson for more than 59 yards;

Whereas Appalachian State opened scoring in the 3rd quarter to extend their lead to 35-7;

Whereas Delaware countered to cut the Appalachian State lead to 35-14;

Whereas Kevin Richardson then ran the lead to 42-14 with a 6-yard touchdown for his 2nd score of the game, in which he posted a total of 111 yards rushing and 27 yards receiving with touchdowns both on the ground and by air;

Whereas Kevin Richardson is Appalachian State's all-time leading rusher, closing his college career with 4,797 yards on the ground;

Whereas sophomore quarterback Armanti Edwards had 198 yards passing, 89 yards rushing and 3 passing touchdowns, and finishes the season with 1,948 yards passing and 1,587 yards rushing, falling just short of becoming the 1st player in NCAA history to pass for 2,000 yards and rush for 1,000 yards twice in his career;

Whereas Corey Lynch finishes his career with 52 pass breakups, capturing the NCAA Division I record for career passes defended;

Whereas the team's championship victory finished off a remarkable season for the Mountaineers, who, on September 1, 2007, in their 1st game of the 2007 season, beat the University of Michigan Wolverines, ranked 5th nationally at the time, by a score of 34-32 in front of 109,000 spectators at ''The Big House'' in Ann Arbor, Michigan, marking the 1st time a Division 1-AA team has ever beaten a nationally ranked Division 1-A team;

Whereas the Mountaineers finished off this impressive 2007 season with a 13-2 record;

Whereas the Appalachian State Mountaineers 2007 All-Americans include Kerry Brown, Corey Lynch, Kevin Richardson, Armanti Edwards, Gary Tharrington, and Jerome Touchstone; and

Whereas the Mountaineers enjoy widespread support from their spirited and dedicated fans as well as the entire Appalachian State University community: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Appalachian State University Mountaineers football team for its historic season and National Collegiate Athletic Association Division 1 Football Championship Subdivision title;

(2) recognizes the hard work and preparation of the players, head coach Jerry Moore, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Kenneth E. Peacock, Chancellor of Appalachian State University;

(B) Charles Cobb, Athletic Director of the University; and

(C) Jerry Moore, Head Coach.

SENATE RESOLUTION 413—COMMENDING THE WAKE FOREST UNIVERSITY DEMON DEACONS OF WINSTON-SALEM, NORTH CAROLINA, FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S SOCCER NATIONAL CHAMPIONSHIP

Mr. BURR (for himself and Mrs. DOLE) submitted the following resolution; which was:

S. RES. 413

Whereas the Wake Forest Demon Deacons beat the Ohio State Buckeyes 2-1 to win the finals of the 2007 College Cup;

Whereas, in the 11th minute, Demon Deacon goalkeeper Brian Edwards blocked a close-range shot and defender Lyle Adams cleared the net to prevent the Buckeyes from attempting to score on the rebound;

Whereas Brian Edwards was named the Most Outstanding Defensive Player at the College Cup after making 12 saves in the NCAA Championships and allowing only two goals in five postseason games;

Whereas, in the very next possession, Ohio State's Roger Espinoza scored in the 13th minute;

Whereas Marcus Tracy had the tying goal in the 66th minute, his third of the 2007 College Cup, finishing a run from sophomore Cody Arnoux;

Whereas Zack Schilawski scored the game-winning goal in the 74th minute by taking a cross from Marcus Tracy and firing the center shot from 10 yards out;

Whereas for seniors Julian Valentin, Pat Phelan, Brian Edwards, and Alimer Gonzales, the game marked the end of their college careers;

Whereas Marcus Tracy was named the Most Outstanding Offensive Player at the College Cup after scoring both goals in the 2-0 semifinal win over Virginia Tech, scoring the game-tying goal in the finals against Ohio State, and assisting on the game-winning goal by Zack Schilawski;

Whereas Sam Cronin, Zach Schilawski, and Cody Arnoux were all named to the College Cup All-Tournament Team;

Whereas Wake Forest was represented on the National Soccer Coaches Association of America (NSCAA)/Adidas All-America team by defender Pat Phelan (first team), midfielder Sam Cronin (second team) and forward Cody Arnoux (third team), and was the only school to have a representative on the first, second, and third All-America teams;

Whereas defender Julian Valentin was named to the All-Senior All-America team sponsored by Lowe's;

Whereas Wake Forest's run to the national championship included a second round win over Furman (1-0), a third round win over West Virginia (3-1), a quarterfinal round win over Notre Dame (1-0), and a semifinal round win over Virginia Tech (2-0);

Whereas Wake Forest finished with a 22-2-2 record on the season;

Whereas Wake Forest was the number two seed in the tournament and making its second consecutive College Cup appearance;

Whereas the Demon Deacons have been to 12 NCAA Tournaments including seven straight;

Whereas Wake Forest was ranked first or second in the major soccer polls for the vast majority of the 2007 regular season;

Whereas the NCAA title is the eighth national championship for Wake Forest athletics; and

Whereas the university also holds three titles in field hockey (2002, 2003, 2004), three titles in men's golf (1974, 1975, 1986) and a title in baseball (1955): Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Wake Forest University Demon Deacons men's soccer team for its historic season and championship title;

(2) recognizes the hard work and preparation of the players, head coach Jay Vidovich, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Nathan O. Hatch, President of Wake Forest University;

(B) Ron Wellman, Director of Athletics at the University; and

(C) Jay Vidovich, Head Coach.

SENATE RESOLUTION 414—DESIGNATING JANUARY 2008 AS ''NATIONAL STALKING AWARENESS MONTH''

Mr. BIDEN (for himself and Ms. COLLINS) submitted the following resolution:

S. RES. 414

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that partner;

Whereas 74.2 percent of stalking victims report that being stalked interfered with their employment, 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent of stalking victims never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cybersurveillance the new frontier in stalking;

Whereas national organizations, local victim service organizations, prosecutors' offices, and police departments stand ready to assist stalking victims and work diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including through aggressive investigation and prosecution: Now, therefore, be it

Resolved, That—

(1) the Senate designates January 2008 as ''National Stalking Awareness Month'';

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness of stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through observation of National Stalking Awareness Month.

SENATE RESOLUTION 415—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF WILLIAM KARNET ''BILL'' WILLIS, PIONEER AND HALL OF FAME FOOTBALL PLAYER FOR BOTH OHIO STATE UNIVERSITY AND THE CLEVELAND BROWNS

Mr. BROWN (for himself, Mr. VOINOVICH, Mr. OBAMA, Mr. COCHRAN, Mrs. BOXER, Ms. STABENOW, Mr. LEVIN, Mr. MENENDEZ, Mr. STEVENS, Mr. ENZI, Mr. ROBERTS, Mr. SCHUMER, and Mr. LAUTENBERG) submitted the following resolution:

S. RES. 415

Whereas William Karnet Willis (''Bill'') was born on October 5, 1921, in Columbus, Ohio;

Whereas, in 1942, Bill Willis began playing college football for the Ohio State University's Buckeyes and was a member of the 1942 National Championship team;

Whereas Bill Willis earned All-American honors at the Ohio State University in 1943 and 1944, becoming the first African American All-American at the Ohio State University;

Whereas Bill Willis was twice chosen to play in the College All-Star Game, in 1944 and in 1945;

Whereas, on August 7, 1946, Bill Willis was the first of a pioneering foursome to sign a contract to play professional football for the Cleveland Browns, forever ending the race barrier in professional football;

Whereas Bill Willis was named 3 times an All-America Football Conference all-league player, named 4 times a National Football League all-league player, and was named to the first 3 Pro Bowls;

Whereas, in 1950, Bill Willis was a member of the National Football League champion Cleveland Browns and was named the team's Most Valuable Player;

Whereas, in 1971, Bill Willis was inducted into the National Football Foundation's College Football Hall of Fame;

Whereas, in 1977, Bill Willis was inducted to the Pro Football Hall of Fame;

Whereas Bill Willis was synonymous with his number 99 jersey in the Ohio State University community, and that number was retired on November 3, 2007;

Whereas Bill Willis dedicated his life to helping others and served his community honorably on the Ohio Youth Commission;

Whereas Bill Willis was a beloved community leader, husband, and father; and

Whereas Ohio has lost a beloved son and a trailblazing pioneer with the passing of Bill Willis on November 27, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of William Karnet ''Bill'' Willis, a dedicated family man, civil servant, and football legend; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the family of Bill Willis.

SENATE RESOLUTION 416—RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE AS AN INDEPENDENT MILITARY SERVICE

Mr. NELSON of Nebraska (for himself, Mr. BINGAMAN, Mr. BROWNBACK, Ms. COLLINS, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. GRAHAM, Mrs. LINCOLN, Mr. SALAZAR, Mr. TESTER, Mr. ROBERTS, and Mr. ALLARD) submitted the following resolution; which was:

S. RES. 416

Whereas President Harry S Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 18, 1947;

Whereas the Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation under the command of Captain Charles DeForest Chandler on August 1, 1907, with the responsibility for ''all matters pertaining to military ballooning, air machines, and all kindred subjects'';

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world's first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William ''Billy'' Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry ''Hap'' Arnold, James ''Jimmy'' H. Doolittle, and Edward ''Eddie'' Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundations for the creation of an independent arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces (AAF) as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. ''Hap'' Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak wartime strength of 2.4 million personnel and 79,908 aircraft;

Whereas the standard for courage, flexibility, and intrepidity in combat was established for all Airmen during the first aerial raid in the Pacific Theater on April 18, 1942, when Lieutenant Colonel James ''Jimmy'' H. Doolittle led 16 North American B–25 Mitchell bombers in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to the Japanese attack on Pearl Harbor;

Whereas President Harry S Truman supported organizing air power as an equal arm of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to military strategic planning of air power equaled those of land and sea power;

Whereas on September 18, 1947, W. Stuart Symington became the first Secretary of the newly formed and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air National Guard was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and defending freedom in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its historic and ongoing commitment to technological innovation when Captain Charles ''Chuck'' Yeager piloted the X–1 developmental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who serve as unrivaled wingmen of the active duty USAF in every deployment, mission, and battlefield around the globe;

Whereas the USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance in responding to natural disasters and needs across the world;

Whereas the USAF announced a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF's arsenal of bombers, such as the long-range Convair B–58 Hustler and B–36 Peacemaker, and the Boeing B–47 Stratojet and B–52 Stratofortress, under the command of General Curtis LeMay served as the United States' preeminent deterrent against Soviet Union forces and were later augmented by the development and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and interdicted enemy reinforcements and supplies during the conflict in Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides exceptional real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States since the program's inception and throughout the program's development at the National Aeronautics and Space Administration by dedicating themselves wholly to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air power to assist the South Vietnamese government in countering the communist Viet Cong guerillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensives, and protect United States and Allied forces;

Whereas Airmen were imprisoned and tortured during the Vietnam War and, in the valiant tradition of Airmen held captive in previous conflicts, continued serving the United States with honor and dignity under the most inhumane circumstances;

Whereas, in recent decades, the USAF and coalition partners of the United States have supported successful actions in Panama, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, and many other locations around the globe;

Whereas Pacific Air Forces, along with Asia-Pacific partners of the United States, ensure peace and advance freedom from the west coast of the United States to the east coast of Africa and from the Arctic to the Antarctic, covering more than 100 million square miles and the homes of 2 billion people in 44 countries;

Whereas the United States Air Forces in Europe, along with European partners of the

United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today's operations, and secured stability and ensured freedom's future in the Europe, Africa, and Southwest Asia;

Whereas, for 17 consecutive years beginning with 1990, Airmen have been engaged in full-time combat operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary air and space force of outstanding capability ready to fight and win wars of the United States when and where Airmen are called upon to do so;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating its Total Force of active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a steward of resources, developing and applying technology, managing acquisition programs, and maintaining test, evaluation, and sustainment criteria for all USAF weapon systems throughout such weapon systems' life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attack;

Whereas, on December 7, 2005, the USAF modified its mission statement to include flying and fighting in cyberspace and prioritized the development, maintenance, and sustainment of war fighting capabilities to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror and have flown more than 430,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas talented and dedicated Airmen will meet the future challenges of an ever-changing world with strength and resolve;

Whereas the USAF, together with its joint partners, will continue to be the United States' leading edge in the ongoing fight to ensure the safety and security of the United States; and

Whereas during the past 60 years, the USAF has repeatedly proved its value to the Nation, fulfilling its critical role in national defense, and protecting peace, liberty, and freedom throughout the world: Now, therefore, be it

Resolved by the Senate, That the Senate remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on the 60th anniversary of the creation of the United States Air Force as an independent military service.

SENATE CONCURRENT RESOLUTION 59—EXPRESSING THE SENSE OF THE CONGRESS THAT JOINT CUSTODY LAWS FOR FIT PARENTS SHOULD BE PASSED BY EACH STATE, SO THAT MORE CHILDREN ARE RAISED WITH THE BENEFITS OF HAVING A FATHER AND A MOTHER IN THEIR LIVES

Mr. AKAKA submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 59

Whereas, in approximately 84 percent of the cases where a parent is absent, that parent is the father;

Whereas, if current trends continue, half of all children born today will live apart from one of their parents, usually their father, at some point before they turn 18 years old;

Whereas when families (whether intact or with a parent absent) are living in poverty, a significant factor is often the father's lack of job skills;

Whereas committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills;

Whereas an estimated 19,400,000 children (27 percent) live apart from their biological fathers;

Whereas 40 percent of the children under age 18 not living with their biological fathers had not seen their fathers even once in the past 12 months, according to national survey data;

Whereas single parents are to be commended for the tremendous job that they do with their children;

Whereas the United States needs to encourage responsible parenting by both fathers and mothers, whenever possible;

Whereas the United States needs to encourage both parents, as well as extended families, to be actively involved in children's lives;

Whereas a way to encourage active involvement is to encourage joint custody and shared parenting;

Whereas the American Bar Association found in 1997 that 19 States plus the District of Columbia had some form of presumption for joint custody, either legal, physical, or both, and by 2006, 13 additional States had added some form of presumption, bringing the current total to 32 States plus the District of Columbia;

Whereas data from the Census Bureau shows a correlation between joint custody and shared parenting and a higher rate of payment of child support;

Whereas social science literature shows that a higher proportion of children from intact families with 2 parents in the home are well adjusted, and research also shows that for children of divorced, separated, and never married parents, joint custody is strongly associated with positive outcomes for children on important measures of adjustment and well being; and

Whereas research by the Department of Health and Human Services shows that the States with the highest amount of joint custody subsequently had the lowest divorce rate: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother in their lives.

Mr. AKAKA. Mr. President, I rise today to submit legislation expressing the sense of the Congress that States should enact joint custody laws for fit parents, so that more children are raised with the benefit of having both parents in their lives.

One of the most significant problems facing our Nation today is the number of children being raised without the love and support of both parents. Even if it is not possible for the parents to remain in a committed partnership, it is important that, when possible, each parent, as well as their extended families, have every opportunity to play an active role in their children's life. A number of recent studies have suggested that children greatly benefit from joint custody or shared parenting arrangements. In my own home State of Hawaii, it is a way of life to have our keiki, or children, raised and nurtured by the extended family, and we have seen how our children flourish when the responsibility of child rearing is shared.

This Nation's children are our most vital resource, and every effort should be made to ensure that they receive the guidance and encouragement they need to thrive. I urge States to pass joint custody laws for fit parents so all children can be raised within the extended embrace of both parents and their families.

SENATE CONCURRENT RESOLUTION 60—EXPRESSING THE SENSE OF CONGRESS RELATING TO NEGOTIATING A FREE TRADE AGREEMENT BETWEEN THE UNITED STATES AND TAIWAN

Mr. BAUCUS (for himself and Mr. KYL) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 60

Whereas for more than 50 years a close bilateral relationship has existed between the United States and Taiwan as evidenced by the Taiwan Relations Act;

Whereas on January 1, 2002, Taiwan was admitted to the World Trade Organization, which has resulted in a reduction in duties for foreign goods and an increase in market access for foreign investment;

Whereas a 2002 United States International Trade Commission report found that exports by some sectors of the United States economy would increase significantly if the United States entered into a free trade agreement with Taiwan;

Whereas bilateral trade between Taiwan and the United States was $57,000,000,000 in 2005 and $61,000,000,000 in 2006;

Whereas Taiwan ranks as the 9th largest trading partner of the United States and the 11th largest export market for United States goods;

Whereas Taiwan is the 6th largest market for United States agricultural products, the 3rd largest buyer of United States corn, the 4th largest buyer of United States soybeans, the 5th largest buyer of United States beef, and the 6th largest buyer of United States wheat;

Whereas the United States is an important supplier of electrical machinery and appliances, aircraft, scientific instruments, and chemical products to Taiwan;

Whereas increasing exports to large and commercially significant economies in Asia is a critical part of reducing the United States trade deficit;

Whereas Taiwan, as a democracy and free market economy, shares with the United States principles and values that provide a strong foundation for open, fair, and mutually beneficial trade relations; and

Whereas maintaining and strengthening a robust trade relationship with Taiwan is of economic significance to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the United States should increase trade opportunities with Taiwan and

should launch negotiations for a free trade agreement with Taiwan.

SENATE CONCURRENT RESOLUTION 61—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on any day from Tuesday, December 18, 2007, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; whichever occurs first.

SEC. 3. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify Members of the Senate and the House, respectively, to reassemble at such a place and time as they may designate if, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 62—TO CORRECT THE ENROLLMENT OF H.R. 660

Mr. LEAHY (for himself, Mr. SPECTER, and Mr. KYL) submitted the following concurrent resolution; which was:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 660, an Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, the Clerk of the House of Representatives shall strike section 502 of the Act and insert the following:

"SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

''(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after 'hold office during good behavior', the following: 'magistrate judges appointed under section 631 of this title,'.

''(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

''(1) Magistrate judges appointed under section 631 of title 28, United States Code.

''(2) Magistrate judges retired under section 377 of title 28, United States Code.

''(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3870. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3871. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3872. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3873. Mr. WARNER (for himself, Ms. MIKULSKI, Mr. GRAHAM, Mr. GREGG, Mr. LEAHY, Mr. SUNUNU, Mr. BARRASSO, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3874. Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) proposed an amendment to the bill H.R. 2764, supra.

SA 3875. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. OBAMA, Mr. SANDERS, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. BROWN, and Mrs. CLINTON) proposed an amendment to amendment SA 3874 proposed by Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, supra.

SA 3876. Mr. LEVIN (for himself, Mr. REED, Mr. VOINOVICH, Mr. HAGEL, Ms. SNOWE, Mr. REID, and Mr. SALAZAR) proposed an amendment to amendment SA 3874 proposed by MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, supra.

SA 3877. Mr. REID proposed an amendment to the bill H.R. 2764, supra.

SA 3878. Ms. SNOWE (for herself, Mr. SUNUNU, Mr. DODD, Mr. GREGG, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3879. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3880. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States.

SA 3881. Mr. PRYOR (for Mr. NELSON of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 53, condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

SA 3882. Mr. PRYOR (for Mr. FEINGOLD) proposed an amendment to the bill S. 2135, to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

SA 3883. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States.

TEXT OF AMENDMENTS

SA 3870. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In division C, strike section 134.

SA 3871. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 806, line 16, strike ''$666,087,000'' and insert ''$751,087,000''.

On page 806, line 20, strike ''$103,921,000'' and insert ''$188,921,000''.

On page 822, between lines 18 and 19, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts appropriated in this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced by a pro rata percentage required to reduce the total amount appropriated in this Act by $85,000,000.

SA 3872. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In the mater under the heading ''NUCLEAR ENERGY'' of title III of division C, strike '': *Provided*, That $233,849,000 is authorized to be appropriated for Project 99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina: *Provided further*, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99–D–143''.

In the mater under the heading ''NATIONAL NUCLEAR SECURITY ADMINISTRATION'' of title III of division C, before the period at the end, insert the following: '': *Provided further*, That $233,849,000 is authorized to be appropriated for Project 99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina: *Provided further*, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99–D–143''.

SA 3873. Mr. WARNER (for himself and Ms. MIKULSKI, Mr. GRAHAM, Mr. GREGG, Mr. LEAHY, Mr. SUNUNU, Mr. BARRASSO, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL AND SEASONAL BUSINESSES.

(a) SHORT TITLE.—This section may be cited as the ''Save our Small and Seasonal Businesses Act of 2007''.

(b) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended, by striking ''an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.'' and inserting ''an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective during the 1-year period beginning on October 1, 2007.

SA 3874. Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) proposed an amendment to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

Strike Division L and insert the following:

DIVISION L—SUPPLEMENTAL APPROPRIATIONS, DEFENSE

TITLE I—MILITARY PERSONNEL

MILIARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $782,500,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $95,624,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $56,050,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $138,037,000.

TITLE II—OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $35,152,370,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,664,000,000: *Provided*, That up to $110,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $3,965,638,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $4,778,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,116,950,000, of which up to $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $77,736,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $41,657,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $46,153,000.

OPERATIONS AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,133,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $327,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $51,634,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $3,747,327,000, to remain available for transfer until September 30, 2009, only to support operations in Iraq or Afghanistan: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Security Forces Fund'', $1,350,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation–Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition

Command–Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further,* That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further,* That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further,* That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further,* That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further,* That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $4,269,000,000, to remain available until September 30, 2010: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further,* That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: *Provided further,* That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: *Provided further,* That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

TITLE III—PROCUREMENT

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $943,600,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,429,445,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $154,000,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,027,800,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $48,500,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $91,481,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $703,250,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $51,400,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $30,725,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $274,743,000, to remain available for obligation until September 30, 2010.

TITLE IV—REVOLVING AND MANAGEMENT FUNDS

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount of ''Defense Working Capital Funds'', $1,000,000,000, to remain available for obligation until September 30, 2010.

TITLE V—OTHER DEPARTMENT OF DEFENSE PROGRAMS

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $575,701,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $192,601,000.

TITLE VI—GENERAL PROVISIONS

GENERAL PROVISIONS

SEC. 601. Appropriations provided in this division are available for obligation until September 30, 2008, unless otherwise so provided in this division.

SEC. 602. Notwithstanding any other provision of law or of this division, funds made available in this division are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(TRANSFER OF FUNDS)

SEC. 603. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this division: *Provided,* That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further,* That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 604. Funds appropriated in this division, or made available by the transfer of funds in or pursuant to this division, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 605. None of the funds provided in this division may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 606. (a) AVAILABILITY OF FUNDS FOR CERP.—From funds made available in this division to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2008), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 607. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law,

to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 608. During fiscal year 2008, supervision and administration costs associated with projects carried out with funds appropriated to ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' in this division may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 609. (a) REPORTS ON PROGRESS TOWARD STABILITY IN IRAQ.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2008, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) SCOPE OF REPORTS.—Each report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) SPECIFIC ELEMENTS.—In specific, each report shall require, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2008.

SEC. 610. Each amount appropriated or otherwise made available in this division is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 611. None of the funds appropriated or otherwise made available by this division may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

SEC. 612. No funds appropriated or otherwise made available by this division may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

SEC. 613. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law: *Provided*, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders: *Provided further*, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States.

SEC. 614. In this division, the term ''congressional defense committees'' means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 615. This division may be cited as the ''Emergency Supplemental Appropriations Act for Defense, 2008''.

SA 3875. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. OBAMA, Mr. SANDERS, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. BROWN, and Mrs. CLINTON) proposed an amendment to amendment SA 3874 proposed by Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPT FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3876. Mr. LEVIN (for himself, Mr. REED, Mr. VOINOVICH, Mr. HAGEL, Ms. SNOWE, Mr. REID, and Mr. SALAZAR, proposed an amendment to amendment

SA 3874 proposed by Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.____. It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to the more limited set of missions laid out by the President in his September 13, 2007, address to the Nation, that is, to counterterrorism operations and training, equipping, and supporting Iraqi forces, in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

SA 3877. Mr. REID proposed an amendment to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the amendment add the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''AMT Relief Act of 2007''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—INDIVIDUAL TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 102. Extension of increased alternative minimum tax exemption amount.

Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.

Sec. 104. Refundable child credit.

TITLE II—REVENUE PROVISIONS

Subtitle A—Nonqualified Deferred Compensation From Certain Tax Indifferent Parties

Sec. 201. Nonqualified deferred compensation from certain tax indifferent parties.

Subtitle B—Codification of Economic Substance Doctrine

Sec. 211. Codification of economic substance doctrine.

Sec. 212. Penalties for underpayments.

Subtitle C—Other Provisions

Sec. 221. Delay in application of worldwide allocation of interest.

Sec. 222. Modification of penalty for failure to file partnership returns.

Sec. 223. Penalty for failure to file S corporation returns.

Sec. 224. Increase in minimum penalty on failure to file a return of tax.

Sec. 225. Time for payment of corporate estimated taxes.

TITLE I—INDIVIDUAL TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking ''or 2006'' and inserting ''2006, or 2007'', and

(2) by striking ''2006'' in the heading thereof and inserting ''2007''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($62,550 in the case of taxable years beginning in 2006)'' in subparagraph (A) and inserting ''($66,250 in the case of taxable years beginning in 2007)'', and

(2) by striking ''($42,500 in the case of taxable years beginning in 2006)'' in subparagraph (B) and inserting ''($44,350 in the case of taxable years beginning in 2007)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year.''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2007 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. No credit shall be allowed under this section with respect to any amount abated under this paragraph.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—Any interest or penalty paid before the date of the enactment of this subsection which would (but for such payment) have been abated under paragraph (1) shall be treated for purposes of this section as an amount of adjusted net minimum tax imposed for the taxable year of the underpayment to which such interest or penalty relates.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

SEC. 104. REFUNDABLE CHILD CREDIT.

(a) MODIFICATION OF THRESHOLD AMOUNT.—Clause (i) of section 24(d)(1)(B) is amended by inserting ''($8,500 in the case of taxable years beginning in 2008)'' after ''$10,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

TITLE II—REVENUE PROVISIONS

Subtitle A—Nonqualified Deferred Compensation From Certain Tax Indifferent Parties

SEC. 201. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 (relating to taxable year for which items of gross income included) is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be taken into account for purposes of this chapter when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) ASCERTAINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not ascertainable at the time that such compensation is otherwise to be taken into account under subsection (a)—

''(A) such amount shall be so taken into account when ascertainable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is taken into account under subparagraph (A) shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE FOR SHORT-TERM DEFERRALS OF COMPENSATION.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

Such term shall not include any tax unless such tax includes rules for the deductibility of deferred compensation which are similar to the rules of this title.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION FOR SHORT-TERM DEFERRALS.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (S), by striking the period at the end of subparagraph (T) and inserting '', and'', and by adding at the end the following new subparagraph:

''(U) section 457A(c)(1)(B) (relating to ascertainability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2007.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2008, to the extent such amount is not includible in gross income in a taxable year beginning before 2017, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2017, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2007, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2007, the guidance issued under paragraph (3) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (3) or (4) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

Subtitle B—Codification of Economic Substance Doctrine

SEC. 211. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

''(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

''(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

''(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

''(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

''(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

''(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (A).

''(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

''(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if such transaction results in a Federal income tax benefit.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 212. PENALTIES FOR UNDERPAYMENTS.

(a) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

''(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(p)) or failing to meet the requirements of any similar rule of law.''.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by

adding at the end the following new subsection:

''(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

''(1) IN GENERAL.—To the extent that a portion of the underpayment to which this section applies is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.

''(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term 'nondisclosed noneconomic substance transaction' means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking ''section 6662(h)'' and inserting ''subsection (h) or (i) of section 6662'', and

(B) by striking ''GROSS VALUATION MISSTATEMENT PENALTY'' in the heading and inserting ''CERTAIN INCREASED UNDERPAYMENT PENALTIES''.

(b) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS, TAX SHELTERS, AND CERTAIN LARGE CORPORATIONS.—Subsection (c) of section 6664 is amended—

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

(2) by striking ''paragraph (2)'' in paragraph (4), as so redesignated, and inserting ''paragraph (3)'', and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION FOR NONECONOMIC SUBSTANCE TRANSACTIONS, TAX SHELTERS, AND CERTAIN LARGE CORPORATIONS.—Paragraph (1) shall not apply—

''(A) to any portion of an underpayment which is attributable to one or more tax shelters (as defined in section 6662(d)(2)(C)) or transactions described in section 6662(b)(6), and

''(B) to any taxpayer if such taxpayer is a specified large corporation (as defined in section 6662(d)(2)(D)(ii)).''.

(c) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

''(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.''.

(d) SPECIAL UNDERSTATEMENT REDUCTION RULE FOR CERTAIN LARGE CORPORATIONS.—

(1) IN GENERAL.—Paragraph (2) of section 6662(d) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL REDUCTION RULE FOR CERTAIN LARGE CORPORATIONS.—

''(i) IN GENERAL.—In the case of any specified large corporation—

''(I) subparagraph (B) shall not apply, and

''(II) the amount of the understatement under subparagraph (A) shall be reduced by that portion of the understatement which is attributable to any item with respect to which the taxpayer has a reasonable belief that the tax treatment of such item by the taxpayer is more likely than not the proper tax treatment of such item.

''(ii) SPECIFIED LARGE CORPORATION.—

''(I) IN GENERAL.—For purposes of this subparagraph, the term 'specified large corporation' means any corporation with gross receipts in excess of $100,000,000 for the taxable year involved.

''(II) AGGREGATION RULE.—All persons treated as a single employer under section 52(a) shall be treated as one person for purposes of subclause (I).''.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6662(d)(2) is amended by striking ''Subparagraph (B)'' and inserting ''Subparagraphs (B) and (D)(i)(II)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Subtitle C—Other Provisions

SEC. 221. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 222. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) EXTENSION OF TIME LIMITATION.—Subsection (a) of section 6698 (relating to general rule) is amended by striking ''5 months'' and inserting ''12 months''.

(b) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) is amended by striking ''$50'' and inserting ''$100''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 223. PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

''SEC. 6699A. FAILURE TO FILE S CORPORATION RETURN.

''(a) GENERAL RULE.—In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax), if any S corporation required to file a return under section 6037 for any taxable year—

''(1) fails to file such return at the time prescribed therefor (determined with regard to any extension of time for filing), or

''(2) files a return which fails to show the information required under section 6037,

such S corporation shall be liable for a penalty determined under subsection (b) for each month (or fraction thereof) during which such failure continues (but not to exceed 12 months), unless it is shown that such failure is due to reasonable cause.

''(b) AMOUNT PER MONTH.—For purposes of subsection (a), the amount determined under this subsection for any month is the product of—

''(1) $100, multiplied by

''(2) the number of persons who were shareholders in the S corporation during any part of the taxable year.

''(c) ASSESSMENT OF PENALTY.—The penalty imposed by subsection (a) shall be assessed against the S corporation.

''(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

''Sec. 6699A. Failure to file S corporation return.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 224. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking ''$100'' in the last sentence and inserting ''$150''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after December 31, 2007.

SEC. 225. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 52.5 percentage points.

SA 3878. Ms. SNOWE (for herself, Mr. SUNUNU, Mr. DODD, Mr. GREGG, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, beginning in line 23, strike ''fishery.'' and insert ''fishery: *Provided further*, That, of the funds provided, not less than $15,000,000 in the aggregate is provided to Connecticut, Maine, New Hampshire, and Rhode Island for the alleviation of economic impacts associated with Amendment 13 and subsequent Framework adjustments, including Framework 42.''.

SA 3879. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2007.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the ''National Capital Transportation Amendments Act of 2007''.

(2) FINDINGS.—Congress finds as follows:

(A) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(B) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(C) Additional funding is required to protect these previous Federal investments and

ensure the continued functionality and viability of the original 103-mile Metrorail system.

(b) FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.—The National Capital Transportation Act of 1969 (sec. 9–1111.01 et seq., D.C. Official Code) is amended by adding at the end the following:

''AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

''SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

''(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

''(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

''(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

''(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

''(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

''(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

''(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

''(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

''(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

''(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

''(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

''(1) shall remain available until expended; and

''(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

''(g) ACCESS TO WIRELESS SERVICES IN METRORAIL SYSTEM.—

''(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

''(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail station platforms with the highest volume of passenger traffic.

''(B) Not later than 4 years after such date, throughout the rail system.

''(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

''(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

''(4) REPORTS.—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

''(5) DEFINITION.—In this subsection, the term 'licensed wireless provider' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.''.

(c) WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.—

(1) ESTABLISHMENT OF OFFICE.—

(A) IN GENERAL.—The Washington Metropolitan Area Transit Authority (referred to in this subsection as the ''Transit Authority'') shall establish in the Transit Authority the Office of the Inspector General (referred to in this subsection as the ''Office''), headed by the Inspector General of the Transit Authority (referred to in this subsection as the ''Inspector General'').

(B) DEFINITION.—In subparagraph (A), the ''Washington Metropolitan Area Transit Authority'' means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774).

(2) INSPECTOR GENERAL.—

(A) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(B) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(C) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) DUTIES.—

(A) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(B) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(C) REPORTS.—

(i) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(ii) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on

Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(i) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(ii) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(iii) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(E) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this subsection.

(4) POWERS.—

(A) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(B) STAFF.—

(i) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(I) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(II) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(III) such other personnel as the Inspector General considers appropriate.

(ii) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this subparagraph. Nothing in this clause may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this subsection.

(iii) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect clauses (i) and (ii).

(C) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(5) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this subsection carried out any of the duties and responsibilities assigned to the Inspector General under this subsection, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this subsection.

(d) STUDY AND REPORT BY COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

SA 3880. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom and Chosun (Korea) and the United States; as follows:

On page 4, strike lines 4 through 10 and insert the following:

''(2) the economic relationship, highlighting the vibrancy and diversity of the common interests of the United States and the Republic of Korea, should be broadened and deepened;''.

On page 5, lines 4 and 5, strike ''and support for peacekeeping'' and insert '', support for peacekeeping, and protection of the environment''.

SA 3881. Mr. PRYOR (for Mr. NELSON of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 53, condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release; as follows:

Strike ''on July 25, 2003'' and all that follows in the eighth whereas clause of the preamble and insert ''in a videotape seized by the Government of Colombia and aired on November 30, 2007;''.

SA 3882. Mr. PRYOR (for Mr. FEINGOLD) proposed an amendment to the bill S. 2135, to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes; as follows:

On page 4, line 7, insert after ''state-sponsored'' the following: '', excluding any group assembled solely for non-violent political association''.

SA 3883. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom and Chosun (Korea) and the United States; as follows:

On page 3, strike ''Whereas the Free Trade Agreement'' and all that follows through ''both countries;''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 18, 2007, at 10 a.m. in open session to consider the following nominations: Mary Beth Long to be Assistant Secretary of Defense for International Security Affairs; James Shinn to be Assistant Secretary of Defense for Asian and Pacific Security Affairs; Craig W. Duehring to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs; and John H. Gibson to be Assistant Secretary of the Air Force for Financial Management.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, at 11 a.m., in room 253 of the Russell Senate Office Building, for the purpose of conducting a hearing.

The Committee will be hearing from the following nominees: Francis Mulvey, Reappointment to be a Member of the Surface Transportation Board (PN 1084); Denver Stutler, Jr., to be a Member of the National Railroad Passenger Corporation Board of Directors (Amtrak) (PN 1047); Nancy A. Naples, to be a Member of the National Railroad Passenger Corporation Board of Directors (Amtrak) (PN 1046); Thomas C. Carper, to be a Member of the National Railroad Passenger Corporation Board of Directors (Amtrak) (PN 1045); and Carl T. Johnson, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation (PN 1011).

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, Transportation be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building, for the purpose of conducting a hearing.

In light of the recent spill in San Francisco Bay, this hearing will examine the oil spill threats, risks, and vulnerabilities posed by large nontank vessels. Topics will include the prevalence and environmental impact of nontank vessel spills, the adequacy and enforcement of vessel response plans, the status of Coast Guard rulemakings, the adequacy of nontank liability limits, and the allocation of Coast Guard and other Federal resources toward oil spill prevention, preparedness, and oil spill research and development in a post–9/11 world.

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

COMMITTEE ON ENERGY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, December 18, 2008, at 10:30 a.m., In room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding the nomination of Jon Wellinghoff, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2013. (Reappointment).

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, in room S–216 of the Capitol at a time to be determined in order to hold a business meeting to consider the following items: pending General Services Administration Resolutions; S. 862, a bill to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building,'' S. 1189, a bill to designate the Federal building and U.S. Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse''; and H.R. 735, a bill to designate the Federal building under construction at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''. Pending nominations: Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission; Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, at 3:30 p.m. in order to consider the nomination of Steven H. Murdock to be Director, U.S. Census Bureau, U.S. Department of Commerce.

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''Executive Branch Nominations'' on Tuesday, December 18, 2007 at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Witness List

Ondray T. Harris, to be Director, Community Relations Service, Department of Justice; David W. Hagy, to be Director of the National Institute of Justice, Department of Justice; Scott M. Burns, to be Deputy Director of National Drug Control Policy, Executive Office of the President; Cynthia Dyer, to be Director of the Violence Against Women Office, Department of Justice; and Nathan J. Hochman, to be an Assistant Attorney General, Tax Division, Department of Justice.

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

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Louis Bervid, be granted floor privileges for the remainder of this session.

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

STATEMENTS IN TRIBUTE TO SENATOR LOTT

Mr. PRYOR. Mr. President, I ask unanimous consent that the tributes to Senator LOTT in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion in the RECORD until January 30, 2008.

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

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 61, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 61) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 61) was agreed to, as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on any day from Tuesday, December 18, 2007, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify Members of the Senate and the House, respectively, to reassemble at such a place and time as they may designate if, in their opinion, the public interest shall warrant it.

125TH ANNIVERSARY OF THE 1882 TREATY OF PEACE, AMITY, COMMERCE AND NAVIGATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Foreign Relations committee be discharged from further consideration of S. Res. 279 and that the Senate then proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 279) expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble,

as amended, be agreed to, that the motions to reconsider be laid upon the table, en bloc, that any statements be printed in the RECORD.

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

The amendment (No. 3880) was agreed to as follows:

(Purpose: To strike a reference to the 2007 Free Trade Agreement and to add environmental protection to the list of bilateral goals that should be addressed by the United States and the Republic of Korea)

On page 4, strike lines 4 through 10 and insert the following:

''(2) the economic relationship, highlighting the vibrancy and diversity of the common interests of the United States and the Republic of Korea, should be broadened and deepened;''.

On page 5, lines 4 and 5, strike ''and support for peacekeeping'' and insert '', support for peacekeeping, and protection of the environment''.

The resolution (S. Res. 279), as amended, was agreed to.

The amendment (No. 3883) was agreed to, as follows:

On page 3, strike ''Whereas the Free Trade Agreement'' and all that follows through ''both countries;''.

The preamble, as amended, was agreed to.

The resolution (S. Res. 279), as amended, with its preamble, as amended, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

CONDEMNING THE KIDNAPPING OF THREE UNITED STATES CITIZENS BY THE REVOLUTIONARY ARMED FORCES OF COLOMBIA

Mr. PRYOR. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 53 and the Senate then proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PRYOR. I ask unanimous consent that the concurrent resolution be agreed to; the amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table en bloc; and any statements relating thereto be printed in the RECORD without further intervening action or debate.

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

The concurrent resolution (S. Con. Res. 53) was agreed to.

The amendment (No. 3881) was agreed to, as follows:

Strike ''on July 25, 2003'' and all that follows in the eighth whereas clause of the preamble and insert ''in a videotape seized by the Government of Colombia and aired on November 30, 2007;''.

The premable, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 53

Whereas the Revolutionary Armed Forces of Colombia (FARC) is designated as a foreign terrorist organization by the Department of State;

Whereas the FARC utilizes kidnappings for ransom, extortion, and the drug trade to finance its activities;

Whereas the FARC has consistently committed atrocities against citizens of both Colombia and the United States, kidnapped at least 36 United States citizens since 1980, and killed 10 United States citizens;

Whereas an aircraft carrying United States citizens crashed over territory controlled by the FARC on February 13, 2003;

Whereas Keith Stansell, Thomas Howes, and Marc Gonsalves, 3 United States citizens on the aircraft, were taken hostage by the FARC on February 13, 2003;

Whereas the FARC murdered Tom Janis, another United States citizen on the downed aircraft;

Whereas 3 United States citizens on a subsequent search mission also lost their lives;

Whereas the 3 hostages were last shown alive in a videotape seized by the Government of Colombia and aired on November 30, 2007;

Whereas a police officer from Colombia who escaped from the FARC in April 2007 claims he saw the 3 United States hostages alive in April 2007;

Whereas at least 50 FARC leaders have been indicted in the United States for drug trafficking; and

Whereas Ricardo Palmera, the most senior FARC leader to be tried in the United States, was convicted of conspiring to take the United States citizens hostage in Colombia: Now, therefore, be it

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

(1) condemns the kidnappings of Keith Stansell, Thomas Howes, and Marc Gonsalves by the Revolutionary Armed Forces of Colombia (FARC) and calls for their immediate and unconditional release;

(2) condemns the FARC for holding these hostages for more than 4 years and demands to know their health and status;

(3) condemns the FARC for the murder of Tom Janis;

(4) condemns the FARC for its use of kidnapping for ransom, extortion, and drug trafficking and for supporting and spreading terror within Colombia;

(5) expresses sympathy to the relatives of the hostages who have been unsure of the fates of their family members for more than 4 years;

(6) reconfirms that the United States Government does not make concessions to terrorists; and

(7) reiterates that the United States Government supports efforts to secure the safe return of the hostages to the United States.

UNANIMOUS CONSENT AGREEMENT—RESOLUTIONS EN BLOC

Mr. PRYOR. I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions which were submitted earlier today: S. Res. 410, 411, 412, 413, 414, 415, and 416.

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

Mr. PRYOR. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

RACE DAY IN AMERICA

The resolution (S. Res. 410) designating February 17, 2008, as ''Race Day in America'' and highlighting the 50th running of the Daytona 500 was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 410

Whereas the Daytona 500 is the most prestigious stock car race in the United States;

Whereas the Daytona 500 annually kicks off the National Association for Stock Car Auto Racing (NASCAR) Sprint Cup Series, NASCAR's top racing series;

Whereas millions of racing fans have spent the 3rd Sunday of each February since 1959 watching, listening to, or attending the Daytona 500;

Whereas the purse for the Daytona 500 is typically the largest in motor sports;

Whereas winning the prestigious Harley J. Earl Trophy is stock car racing's greatest prize and privilege;

Whereas nearly 1,000,000 men and women in the Armed Forces in nearly 180 countries worldwide listen to the race on the radio via the American Forces Network;

Whereas Daytona International Speedway is the home of ''The Great American Race''—the Daytona 500;

Whereas fans from all 50 States and many foreign nations converge on the ''World Center of Racing'' each year to see the motor sports spectacle;

Whereas Daytona International Speedway becomes one of the largest cities in the State of Florida by population on race day, with more than 200,000 fans in attendance;

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas, on February 17th, 2008, the Daytona 500 celebrates its historic 50th running: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th running of the Daytona 500, ''The Great American Race'', on February 17, 2008; and

(2) designates February 17, 2008, as ''Race Day in America'' in honor of the Daytona 500.

HONORING THE LIFE AND ACCOMPLISHMENTS OF DR. HECTOR P. GARCIA

The resolution (S. Res. 411) honoring the life and recognizing the accomplishments of Texas civil rights pioneer Dr. Hector P. Garcia was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, was agreed to, as follows:

S. RES. 411

Whereas, Hector P. Garcia was born on January 17, 1914, in Llera, a small town in south central Tamaulipas, Mexico;

Whereas, Hector P. Garcia was brought to Mercedes, Texas, as a small child when his parents fled the Mexican Revolution in 1917;

Whereas, Dr. Hector P. Garcia graduated from the University of Texas Medical School in 1940, and later joined the United States Army;

Whereas, Dr. Hector P. Garcia served as an infantryman, a combat engineer, and a medical doctor during World War II, and earned the Bronze Star medal with six battle stars for his distinguished service;

Whereas, Dr. Hector P. Garcia founded the American GI Forum in 1948 to fight for equal treatment of Mexican-American veterans, including proper medical treatment and educational benefits;

Whereas, in 1949, Dr. Hector P. Garcia secured a burial with full military honors at Arlington National Cemetery for Pvt. Felix Longoria after a Texas funeral home refused to hold a wake for Pvt. Longoria, a U.S. soldier killed during World War II, for the sole reason that he was Hispanic;

Whereas, President Lyndon Johnson made Dr. Hector P. Garcia the first Mexican-American to serve as an ambassador to the United Nations;

Whereas Dr. Hector P. Garcia was the first Hispanic to serve on the U.S. Commission on Civil Rights;

Whereas, in 1984, President Ronald Reagan bestowed upon Dr. Hector P. Garcia the Presidential Medal of Freedom;

Whereas Dr. Hector P. Garcia devoted his life to fighting for civil rights and educational access for Mexican-Americans;

Whereas this nation has benefited from Dr. Hector P. Garcia's legacy of generosity and commitment to equality: Now, therefore, be it

Resolved, That the Senate honors the life of Dr. Hector P. Garcia, a selfless physician, decorated World War II veteran, dedicated family man, and civil rights hero, and joins in the celebration of his birthday, January 17.

COMMENDING THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS OF BOONE, NORTH CAROLINA

The resolution (S. Res. 412) commending the Appalachian State University Mountaineers of Boone, North Carolina, for winning the 2007 National Collegiate Athletic Association Division 1 Football Championship Subdivision (formerly Division 1–AA) Championship was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 412

Whereas, in 2005, Appalachian State University became the first team from North Carolina to win a National Collegiate Athletic Association (NCAA) football championship with its victory over the University of Northern Iowa;

Whereas, in 2006, Appalachian State University defeated the University of Massachusetts football team to win its 2nd straight championship;

Whereas, in December 2007, the Appalachian State University Mountaineers won their 3rd straight NCAA Division 1 national title by winning the Division 1 Football Championship Subdivision (formerly known as the Division 1–AA Championship), the first Football Championship Subdivision team in history to accomplish this feat, beating the University of Delaware (Delaware) Blue Hens by a score of 49–21;

Whereas, in the 2007 championship game, senior tailback Kevin Richardson opened the scoring with a 19-yard touchdown reception on a screen pass from Armanti Edwards;

Whereas Delaware responded by driving the ball to the Appalachian State 1-foot line, where the Mountaineers stonewalled the Blue Hens with an impressive defensive stand;

Whereas, on the ensuing possession, sophomore Devon Moore extended the lead to 14–0 in a touchdown run that capped a 5-play, 99-yard drive to set an Appalachian State school record for longest scoring drive;

Whereas Appalachian State extended the lead to 21–0 with 10:22 remaining in the 2nd quarter as freshman tight end Daniel Kilgore recovered a fumble in the endzone for the touchdown as the Mountaineers scored on their 1st 3 drives of the game;

Whereas Delaware broke into the scoring column with only 1:10 remaining in the 1st half, in a play that was originally ruled incomplete, but upon official review was ruled a touchdown to cut the Appalachian State lead to 21–7;

Whereas Appalachian State answered the score 26 seconds later as Armanti Edwards threw a 60-yard touchdown pass to senior Dexter Jackson, in his 4th touchdown pass this season to Dexter Jackson for more than 59 yards;

Whereas Appalachian State opened scoring in the 3rd quarter to extend their lead to 35–7;

Whereas Delaware countered to cut the Appalachian State lead to 35–14;

Whereas Kevin Richardson then ran the lead to 42–14 with a 6-yard touchdown for his 2nd score of the game, in which he posted a total of 111 yards rushing and 27 yards receiving with touchdowns both on the ground and by air;

Whereas Kevin Richardson is Appalachian State's all-time leading rusher, closing his college career with 4,797 yards on the ground;

Whereas sophomore quarterback Armanti Edwards had 198 yards passing, 89 yards rushing and 3 passing touchdowns, and finishes the season with 1,948 yards passing and 1,587 yards rushing, falling just short of becoming the 1st player in NCAA history to pass for 2,000 yards and rush for 1,000 yards twice in his career;

Whereas Corey Lynch finishes his career with 52 pass breakups, capturing the NCAA Division I record for career passes defended;

Whereas the team's championship victory finished off a remarkable season for the Mountaineers, who, on September 1, 2007, in their 1st game of the 2007 season, beat the University of Michigan Wolverines, ranked 5th nationally at the time, by a score of 34–32 in front of 109,000 spectators at ''The Big House'' in Ann Arbor, Michigan, marking the 1st time a Division 1–AA team has ever beaten a nationally ranked Division 1–A team;

Whereas the Mountaineers finished off this impressive 2007 season with a 13–2 record;

Whereas the Appalachian State Mountaineers 2007 All-Americans include Kerry Brown, Corey Lynch, Kevin Richardson, Armanti Edwards, Gary Tharrington, and Jerome Touchstone; and

Whereas the Mountaineers enjoy widespread support from their spirited and dedicated fans as well as the entire Appalachian State University community: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Appalachian State University Mountaineers football team for its historic season and National Collegiate Athletic Association Division 1 Football Championship Subdivision title;

(2) recognizes the hard work and preparation of the players, head coach Jerry Moore, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Kenneth E. Peacock, Chancellor of Appalachian State University;

(B) Charles Cobb, Athletic Director of the University; and

(C) Jerry Moore, Head Coach.

COMMENDING WAKE FOREST UNIVERSITY DEMON DEACONS

The resolution (S. Res. 413) commending the Wake Forest University Demon Deacons of Winston-Salem, North Carolina, for winning the 2007 National Collegiate Athletic Association Men's Soccer National Championship was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 413

Whereas the Wake Forest Demon Deacons beat the Ohio State Buckeyes 2–1 to win the finals of the 2007 College Cup;

Whereas, in the 11th minute, Demon Deacon goalkeeper Brian Edwards blocked a close-range shot and defender Lyle Adams cleared the net to prevent the Buckeyes from attempting to score on the rebound;

Whereas Brian Edwards was named the Most Outstanding Defensive Player at the College Cup after making 12 saves in the NCAA Championships and allowing only two goals in five postseason games;

Whereas, in the very next possession, Ohio State's Roger Espinoza scored in the 13th minute;

Whereas Marcus Tracy had the tying goal in the 66th minute, his third of the 2007 College Cup, finishing a run from sophomore Cody Arnoux;

Whereas Zack Schilawski scored the game-winning goal in the 74th minute by taking a cross from Marcus Tracy and firing the center shot from 10 yards out;

Whereas for seniors Julian Valentin, Pat Phelan, Brian Edwards, and Alimer Gonzales, the game marked the end of their college careers;

Whereas Marcus Tracy was named the Most Outstanding Offensive Player at the College Cup after scoring both goals in the 2–0 semifinal win over Virginia Tech, scoring the game-tying goal in the finals against Ohio State, and assisting on the game-winning goal by Zack Schilawski;

Whereas Sam Cronin, Zach Schilawski, and Cody Arnoux were all named to the College Cup All-Tournament Team;

Whereas Wake Forest was represented on the National Soccer Coaches Association of America (NSCAA)/Adidas All-America team by defender Pat Phelan (first team), midfielder Sam Cronin (second team) and forward Cody Arnoux (third team), and was the only school to have a representative on the first, second, and third All-America teams;

Whereas defender Julian Valentin was named to the All-Senior All-America team sponsored by Lowe's;

Whereas Wake Forest's run to the national championship included a second round win over Furman (1–0), a third round win over West Virginia (3–1), a quarterfinal round win over Notre Dame (1–0), and a semifinal round win over Virginia Tech (2–0);

Whereas Wake Forest finished with a 22–2–2 record on the season;

Whereas Wake Forest was the number two seed in the tournament and making its second consecutive College Cup appearance;

Whereas the Demon Deacons have been to 12 NCAA Tournaments including seven straight;

Whereas Wake Forest was ranked first or second in the major soccer polls for the vast majority of the 2007 regular season;

Whereas the NCAA title is the eighth national championship for Wake Forest athletics; and

Whereas the university also holds three titles in field hockey (2002, 2003, 2004), three titles in men's golf (1974, 1975, 1986) and a title in baseball (1955): Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Wake Forest University Demon Deacons men's soccer team for its historic season and championship title;

(2) recognizes the hard work and preparation of the players, head coach Jay Vidovich, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Nathan O. Hatch, President of Wake Forest University;

(B) Ron Wellman, Director of Athletics at the University; and

(C) Jay Vidovich, Head Coach.

NATIONAL STALKING AWARENESS MONTH

The resolution (S. Res. 414) designating January 2008 as ''National Stalking Awareness Month'' was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 414

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that partner;

Whereas 74.2 percent of stalking victims report that being stalked interfered with their employment, 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent of stalking victims never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cybersurveillance the new frontier in stalking;

Whereas national organizations, local victim service organizations, prosecutors' offices, and police departments stand ready to assist stalking victims and work diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including through aggressive investigation and prosecution: Now, therefore, be it

Resolved, That—

(1) the Senate designates January 2008 as ''National Stalking Awareness Month'';

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness of stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through observation of National Stalking Awareness Month.

HONORING THE LIFE OF WILLIAM KARNET ''BILL'' WILLIS

The resolution (S. Res. 415) honoring the life and recognizing the accomplishments of William Karnet ''Bill'' Willis, pioneer and Hall of Fame football player for both Ohio State University and the Cleveland Browns was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 415

Whereas William Karnet Willis (''Bill'') was born on October 5, 1921, in Columbus, Ohio;

Whereas, in 1942, Bill Willis began playing college football for the Ohio State University's Buckeyes and was a member of the 1942 National Championship team;

Whereas Bill Willis earned All-American honors at the Ohio State University in 1943 and 1944, becoming the first African American All-American at the Ohio State University;

Whereas Bill Willis was twice chosen to play in the College All-Star Game, in 1944 and in 1945;

Whereas, on August 7, 1946, Bill Willis was the first of a pioneering foursome to sign a contract to play professional football for the Cleveland Browns, forever ending the race barrier in professional football;

Whereas Bill Willis was named 3 times an All-America Football Conference all-league player, named 4 times a National Football League all-league player, and was named to the first 3 Pro Bowls;

Whereas, in 1950, Bill Willis was a member of the National Football League champion Cleveland Browns and was named the team's Most Valuable Player;

Whereas, in 1971, Bill Willis was inducted into the National Football Foundation's College Football Hall of Fame;

Whereas, in 1977, Bill Willis was inducted to the Pro Football Hall of Fame;

Whereas Bill Willis was synonymous with his number 99 jersey in the Ohio State University community, and that number was retired on November 3, 2007;

Whereas Bill Willis dedicated his life to helping others and served his community honorably on the Ohio Youth Commission;

Whereas Bill Willis was a beloved community leader, husband, and father; and

Whereas Ohio has lost a beloved son and a trailblazing pioneer with the passing of Bill Willis on November 27, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of William Karnet ''Bill'' Willis, a dedicated family man, civil servant, and football legend; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the family of Bill Willis.

60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE

The resolution (S. Res. 416) recognizing the 60th anniversary of the United States Air Force as an independent military service was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 416

Whereas President Harry S Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 18, 1947;

Whereas the Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation under the command of Captain Charles DeForest Chandler on August 1, 1907, with the responsibility for ''all matters pertaining to military ballooning, air machines, and all kindred subjects'';

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world's first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William ''Billy'' Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry ''Hap'' Arnold, James ''Jimmy'' H. Doolittle, and Edward ''Eddie'' Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundations for the creation of an independent arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces (AAF) as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. ''Hap'' Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak wartime strength of 2.4 million personnel and 79,908 aircraft;

Whereas the standard for courage, flexibility, and intrepidity in combat was established for all Airmen during the first aerial raid in the Pacific Theater on April 18, 1942, when Lieutenant Colonel James ''Jimmy'' H. Doolittle led 16 North American B–25 Mitchell bombers in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to the Japanese attack on Pearl Harbor;

Whereas President Harry S Truman supported organizing air power as an equal arm

of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to military strategic planning of air power equaled those of land and sea power;

Whereas on September 18, 1947, W. Stuart Symington became the first Secretary of the newly formed and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air National Guard was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and defending freedom in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its historic and ongoing commitment to technological innovation when Captain Charles ''Chuck'' Yeager piloted the X–1 developmental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who serve as unrivaled wingmen of the active duty USAF in every deployment, mission, and battlefield around the globe;

Whereas the USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance in responding to natural disasters and needs across the world;

Whereas the USAF announced a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF's arsenal of bombers, such as the long-range Convair B–58 Hustler and B–36 Peacemaker, and the Boeing B–47 Stratojet and B–52 Stratofortress, under the command of General Curtis LeMay served as the United States' preeminent deterrent against Soviet Union forces and were later augmented by the development and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and interdicted enemy reinforcements and supplies during the conflict in Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides exceptional real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States since the program's inception and throughout the program's development at the National Aeronautics and Space Administration by dedicating themselves wholly to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air power to assist the South Vietnamese government in countering the communist Viet Cong guerillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensives, and protect United States and Allied forces;

Whereas Airmen were imprisoned and tortured during the Vietnam War and, in the valiant tradition of Airmen held captive in previous conflicts, continued serving the United States with honor and dignity under the most inhumane circumstances;

Whereas, in recent decades, the USAF and coalition partners of the United States have supported successful actions in Panama, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, and many other locations around the globe;

Whereas Pacific Air Forces, along with Asia-Pacific partners of the United States, ensure peace and advance freedom from the west coast of the United States to the east coast of Africa and from the Arctic to the Antarctic, covering more than 100 million square miles and the homes of 2 billion people in 44 countries;

Whereas the United States Air Forces in Europe, along with European partners of the United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today's operations, and secured stability and ensured freedom's future in the Europe, Africa, and Southwest Asia;

Whereas, for 17 consecutive years beginning with 1990, Airmen have been engaged in full-time combat operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary air and space force of outstanding capability ready to fight and win wars of the United States when and where Airmen are called upon to do so;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating its Total Force of active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a steward of resources, developing and applying technology, managing acquisition programs, and maintaining test, evaluation, and sustainment criteria for all USAF weapon systems throughout such weapon systems' life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attack;

Whereas, on December 7, 2005, the USAF modified its mission statement to include flying and fighting in cyberspace and prioritized the development, maintenance, and sustainment of war fighting capabilities to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror and have flown more than 430,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas talented and dedicated Airmen will meet the future challenges of an ever-changing world with strength and resolve;

Whereas the USAF, together with its joint partners, will continue to be the United States' leading edge in the ongoing fight to ensure the safety and security of the United States; and

Whereas during the past 60 years, the USAF has repeatedly proved its value to the Nation, fulfilling its critical role in national defense, and protecting peace, liberty, and freedom throughout the world: Now, therefore, be it

Resolved by the Senate, That the Senate remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on the 60th anniversary of the creation of the United States Air Force as an independent military service.

CORRECTING THE ENROLLMENT OF H.R. 660

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 62.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 62) to correct the enrollment of H.R. 660.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PRYOR. I ask unanimous consent that the concurrent resolution be agreed to; the motion to reconsider be laid upon the table; and any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 62) was agreed to, as follows:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 660, an Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, the Clerk of the House of Representatives shall strike section 502 of the Act and insert the following:

"SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

''(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after 'hold office during good behavior', the following: 'magistrate judges appointed under section 631 of this title,'.

''(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

''(1) Magistrate judges appointed under section 631 of title 28, United States Code.

''(2) Magistrate judges retired under section 377 of title 28, United States Code.

''(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.''.

EXTENDING ESSENTIAL AIR SERVICE SUBSIDIES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 2260, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2260) to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be

read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 2260) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2260

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

SECTION 1. ESSENTIAL AIR SERVICE.

(a) IN GENERAL.—Subsection (d) of section 409 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 29, 2007, and shall apply with respect to any final order issued under subsection (c) of section 409 of such Act that was in effect on such date.

ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 366, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 366) to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic.''

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 366) was ordered to a third reading, was read the third time, and passed.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 528, S. 2436.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2436) to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I am pleased that today the Senate is acting on S. 2436, a bill to clarify the term of the IRS Commissioner.

The Internal Revenue Restructuring and Reform Act of 1998 provides that the President appoints the IRS Commissioner to a 5-year term. On the face of it, the Commissioner's term of office might seem quite clear. But lawyers in the administration and the Senate have disagreed over when the 5-year term begins and ends.

Specifically, there is dispute over whether the term of the IRS Commissioner follows the calendar or the person. Let me explain.

If the term follows the calendar, the tenure of the Commissioner begins on the same date every 5 years. For example, if one term ends on November 12, then the next term begins the next day on November 13—whether or not a new Commissioner has been confirmed.

This arrangement provides certainty for the Commissioner's term. It allows for planning and continuity of leadership. It minimizes the ability of an administration to play games with the timing of the term by waiting to fill a vacancy.

If the term follows the person, then the tenure of each Commissioner begins on the date of that individual's appointment. Under this scenario, a President deliberately could wait to appoint a new Commissioner until right before the end of the President's term, leaving the next President to inherit an appointee whom the new President did not choose.

While the President waited, the IRS could be without a permanent Commissioner indefinitely. That would put tax administration at risk.

There is another reason why it is important to clarify the term of the Commissioner. Ambiguity in the term could lead taxpayers to question whether the Commissioner is legitimately in office. And thus ambiguity could call into question the Commissioner's authority to enforce the tax laws.

For example, if the term arguably ended in November, but the Commissioner signed a tax pronouncement the next month, in December, then a taxpayer might challenge the Commissioner's authority to act. Tax administration could be compromised. Taxes that are legally owed might not be collected.

Staff for the Treasury and the Senate gave this issue much thoughtful discussion. We received credible legal opinions on both sides. We need to resolve the tenure of the term before the Senate confirms another Commissioner.

To resolve the differences of interpretation, I worked with the administration to develop the language in this bill. The ranking Republican member of the Finance Committee, my friend, Senator CHUCK GRASSLEY, is the principal cosponsor. I am advised that the President and the Treasury Secretary both agree that this legislation is necessary to resolve any concerns over the term of the Commissioner.

Upon enactment of this legislation, the Finance Committee and the full Senate will be able to take further necessary steps to confirm a new Commissioner. The IRS needs strong leadership for the upcoming filing season and beyond.

I thank my colleagues for their support of this legislation to clarify the term of the IRS Commissioner.

Mr. President, the legislative history of this provision is inextricably tied to the legal opinions of distinguished counsel for the Senate, the Justice Department, and the Congressional Research Service. The opinion of the Senate Legal Counsel reflects the motivations of this Senator in advancing this legislation. And the opinions of the Justice Department and the Congressional Research Service are essential to understanding the need for this legislation. Mr. President, I commend to my colleagues the legal opinions prepared by the Senate Legal Counsel, the Justice Department's Office of Legal Counsel, and the Congressional Research Service's American Law Division.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 2436) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2436

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

SECTION 1. CLARIFICATION OF TERM OF THE COMMISSIONER OF INTERNAL REVENUE.

(a) IN GENERAL.—Paragraph (1) of section 7803(a) of the Internal Revenue Code of 1986 (relating to appointment) is amended to read as follows:

''(1) APPOINTMENT.—

''(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate. Such appointment shall be made from individuals who, among other qualifications, have a demonstrated ability in management.

''(B) TERM.—The term of the Commissioner of Internal Revenue shall be a 5-year term, beginning with a term to commence on November 13, 1997. Each subsequent term shall begin on the day after the date on which the previous term expires.

''(C) VACANCY.—Any individual appointed as Commissioner of Internal Revenue during a term as defined in subparagraph (B) shall be appointed for the remainder of that term.

''(D) REMOVAL.—The Commissioner may be removed at the will of the President.

''(E) REAPPOINTMENT.—The Commissioner may be appointed to serve more than one term.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the amendment made by section 1102(a) of the Internal Revenue Service Restructuring and Reform Act of 1998.

CHILD SOLDIERS ACCOUNTABILITY ACT OF 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 532, S. 2135.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2135) to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported by the Committee on the Judiciary with an amendment, as follows:

[Insert the part printed in italic.]

S. 2135

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 ''Child Soldiers Accountability Act of 2007''.

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) CRIME FOR RECRUITING OR USING CHILD SOLDIERS.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

''§ 2442. Recruitment or use of child soldiers

''(a) OFFENSE.—Any person who knowingly recruits, enlists, or conscripts a person under 15 years of age into an armed force or group or knowingly uses a person under 15 years of age to participate actively in hostilities—

''(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

''(2) if the death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

''(b) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

''(c) JURISDICTION.—There is jurisdiction over an offense described in subsection (a), and any attempt or conspiracy to commit such offense, if—

''(1) the alleged offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));

''(2) the alleged offender is a stateless person whose habitual residence is in the United States;

''(3) the alleged offender is present in the United States, irrespective of the nationality of the alleged offender; or

''(4) the offense occurs in whole or in part within the United States.

''(d) DEFINITIONS.—In this section:

''(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—The term 'participate actively in hostilities' means taking part in—

''(A) combat or military activities related to combat, including scouting, spying, sabotage, and serving as a decoy, a courier, or at a military checkpoint; or

''(B) direct support functions related to combat, including taking supplies to the front line and other services at the front line.

''(2) ARMED FORCE OR GROUP.—The term 'armed force or group' means any army, militia, or other military organization, whether or not it is state-sponsored.''.

(2) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

''§ 3300. Recruitment or use of child soldiers

''No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.''.

(3) CLERICAL AMENDMENT.—Title 18, United States Code, is amended—

(A) in the table of sections for chapter 118, by adding at the end the following:

''2442. Recruitment or use of child soldiers.''; and

(B) in the table of sections for chapter 213, by adding at the end the following:

''3300. Recruitment or use of child soldiers.''.

(b) GROUND OF INADMISSIBILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has committed, ordered, incited, assisted, or otherwise participated in the commission of the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.''.

(c) GROUND OF REMOVABILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien described in section 212(a)(3)(G) is deportable.''.

(d) WITHHOLDING OF REMOVAL.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended by adding at the end the following: ''For purposes of clause (iii), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.''.

(e) ASYLUM.—Section 208(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(B) is amended by adding at the end the following:

''(iii) RECRUITMENT AND USE OF CHILD SOLDIERS.—For purposes of clause (iii) of subparagraph (A), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.''.

Mr. DURBIN. Mr. President, I rise to speak in support of the Child Soldiers Accountability Act of 2007. This narrowly tailored bipartisan legislation would make it a crime and a violation of immigration law to recruit or use child soldiers. Congress must ensure that perpetrators who use children to wage war are held accountable and do not find safe haven in our country.

I would like to thank the other original cosponsors of the Child Soldiers Accountability Act, Senator TOM COBURN of Oklahoma, Senator RUSSELL FEINGOLD of Wisconsin, and Senator SAM BROWNBACK of Kansas. This bill is a product of the Judiciary Committee's new Subcommittee on Human Rights and the Law, which is the first ever congressional committee or subcommittee dealing specifically with human rights. I am the chairman of this Subcommittee and Senator COBURN is its ranking member.

The use of child soldiers has been reported in 21 ongoing or recent conflicts throughout the world since 2001, including conflicts in Colombia, Uganda, the Democratic Republic of Congo and Sri Lanka. The proliferation of small arms, particularly lightweight automatic weapons that can be used by children as easily as by adults, has contributed to the increased use of child soldiers. Child soldiers are often used in conflicts where high desertion rates and insufficient volunteers have generated a shortage of soldiers.

For example, Burma is believed to be one of the countries with the largest number of child soldiers in the world. Burmese military recruiters reportedly buy and sell children in a desperate effort to meet recruitment quotas in a setting where low morale, high desertion rates and insufficient volunteers have created a military personnel crisis. In a report to the U.N. Security Council on children and armed conflict in Burma issued last month, the Secretary General stated that there has been tremendous pressure to accelerate recruitment rates in the Burmese armed forces and that recruitment centers have experienced difficulty meeting their quotas. The U.N. Secretary General's report also found that some children picked up by police in Burma without national identification cards are told they can ''choose'' to be arrested or enlist in the army. According to another report, children constitute a large percentage of privates in some of the new Burmese army battalions and some have been forced to participate in human rights abuses, including burning villages.

One Burmese boy was reportedly forcibly recruited twice by the time he was 16 years old. This boy was allegedly sold to a battalion by a corporal for approximately US$15, a sack of rice and a tin of cooking oil. When this boy's aunt and grandmother sought his release, the captain of the battalion company apparently said he would let the boy go in exchange for five new recruits. The boy reportedly told his aunt that he didn't want five other people to have to face what he had experienced in the army.

There is a clear legal prohibition on recruiting and using child soldiers. Under customary international law, recruitment or use of child soldiers under the age of 15 is a war crime. Over 110 countries, including the United States, have ratified the Optional Protocol to the Convention on the Rights of the Child, which prohibits the recruitment and use of child soldiers under 18.

Over the last few years, significant progress has been made in the prosecution of child soldier recruitment and use by international courts. In 2005, the International Criminal Court issued its first arrest warrants for five Lord's Resistance Army commanders from Uganda for, among other crimes, enlisting

children as soldiers by two of the commanders. In February 2006, the International Criminal Court issued an arrest warrant for Thomas Lubanga for the war crime of ''conscripting and enlisting children under the age of 15 years and using them to participate actively in hostilities.'' Mr. Lubanga, the first person to be arrested by the International Criminal Court, allegedly recruited children as young as ten years old to fight for the Union of Congolese Patriots in the northeastern region of the Democratic Republic of Congo.

In June 2007, the Special Court for Sierra Leone became the first international court to issue convictions for child soldier recruitment, finding three defendants guilty of crimes that included conscripting or enlisting children under the age of 15. In August 2007, the Special Court for Sierra Leone found another defendant guilty of using child soldiers.

Despite these positive developments, the ability of international tribunals or hybrid courts to try these cases is limited. The average perpetrator still runs very little risk of being prosecuted. National courts can and should play a greater role in prosecuting perpetrators.

Unfortunately, recruiting and using child soldiers does not violate U.S. criminal or immigration law. As a result, the U.S. government is unable to punish individuals found in our country who have recruited or used child soldiers. In contrast, other grave human rights violations, including genocide and torture, are punishable under U.S. criminal and immigration law.

This loophole in the law was identified during ''Casualties of War: Child Soldiers and the Law,'' a hearing held by the Senate Subcommittee on Human Rights and the Law. Ishmael Beah, a former child soldier and author of the bestselling book A Long Way Gone: Memoirs of a Boy Soldier, testified at this hearing. Mr. Beah said this gap in the law ''saddens me tremendously'' and that closing this loophole ''would set a clear example that there is no safe haven anywhere for those who recruit and use children in war.''

The Child Soldiers Accountability Act will help to ensure that the war criminals who recruit or use children as soldiers will not find safe haven in our country and will allow the U.S. Government to hold these individuals accountable for their actions.

First, this bill will make it a crime to recruit or use persons under the age of 15 as soldiers. Second, it will enable the government to deport or deny admission to an individual who recruited or used child soldiers under the age of 15.

This legislation will send a clear message to those adults who deliberately and actively recruit or use children to wage war that there are real consequences to their actions. By holding such individuals criminally responsible, our country will help to deter the recruitment and use of child soldiers.

Recognizing that adults often use drugs, threats, or other means to pressure child soldiers into committing serious human rights violations, including the recruitment of other children, this legislation seeks to hold adults accountable for their actions and is not intended to make inadmissible or deportable former child soldiers who participated in the recruitment of other children.

Former child soldiers require extensive care and support from family and others in order to be rehabilitated and reintegrated into society. As Mr. Beah testified, ''[h]ealing from the war was a long-term process that was difficult but very possible . . . Effective rehabilitation of children is in itself a preventive measure, and this should be the focus, not punitive measures against children that have no beneficial outcome for the child and society.'' This legislation should not be interpreted as placing new restrictions on or altering the legal status of former child soldiers who are seeking admission or are already present in the United States.

I urge my colleagues to ask themselves the question Ishmael Beah posed: Would we want our children or grandchildren to endure the pain and suffering that Mr. Beah and other child soldiers face? As Mr. Beah reminded us, the lives of child soldiers are just as important as those of our children and grandchildren. We have a moral obligation to take action to help these young people and to stop the abhorrent practice of recruiting and using child soldiers.

I urge my colleagues to support this legislation.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will pass S. 2135, the Child Soldiers Accountability Act of 2007. I commend Senator DURBIN and Senator COBURN for their leadership on this important legislation to combat the unconscionable practice of using children as soldiers in violent conflicts, and I was proud to join as a cosponsor of this bill. I am glad that Senators DURBIN and COBURN worked with me and others on the Senate Judiciary Committee to produce a consensus bill and to move it through Committee and the Senate. The United States should do all it can to prevent and punish this conduct which is so contrary to our values.

This bill creates a tough new criminal provision aimed at those who recruit or conscript children under the age of 15 into armed conflict. It extends U.S. jurisdiction to perpetrators of this crime who are present in the United States, regardless of their nationality and where the crime takes place, so that those who commit human rights violations cannot come to this country as a sanctuary from prosecution. The bill also amends immigration law to allow those who have used children as soldiers to be barred or removed from the United States.

This bill is another example of the good work of the Judiciary Committee's new Subcommittee on Human Rights and the Law. I am glad that the efforts Subcommittee Chairman DURBIN and I have made to make this subcommittee a force for change and to bring focus on these important issues is resulting in legislative action, as well as providing a forum to put a spotlight on important issues. This is an area in which I have worked for many years as the chair and ranking member of the Foreign Operations Subcommittee of the Appropriations Committee.

During the last 5 years, America's reputation has suffered tremendously. Some of our ability to lead on human rights issues has been needlessly and carelessly squandered. Abu Ghraib, Guantanamo and torture have tarnished that role and that tradition. The secret prisons that the President confirmed last year, this Administration's role in sending people to other countries where they would be tortured, and recent revelations of the destruction of videotapes showing cruel interrogations by the CIA have led to condemnation by our allies, to legal challenges, and to possible criminal investigations.

I was proud to work with Senator DURBIN to create the Human Rights and the Law Subcommittee. This subcommittee will continue to closely examine some of the important and difficult legal issues that are now a focus of the Judiciary Committee and will work to reverse and correct the damaging policies established by this administration over the last 6 years. The subcommittee has already spearheaded the Genocide Accountability Act, which will soon provide a powerful new tool in America's efforts to prevent and punish genocide, and has made further progress with hearings and legislation dealing with human trafficking and other vital issues.

The conduct prohibited by the Child Soldiers Accountability Act is appalling but happens all too often throughout the world. We should do everything we can to stop this offense to human rights and human dignity, which exacts such great costs from too many of the world's children. I commend the Senate for passing this important legislation today.

Mr. President, I yield the floor.

Mr. PRYOR. I ask unanimous consent that a Feingold amendment, which is at the desk, be agreed to; the committee amendment be agreed to; the bill, as amended, be read three times and passed; the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3882) was agreed to, as follows:

AMENDMENT NO. 3882

(Purpose: To exclude groups assembled solely for non-violent political association from the definition of an armed force or group)

On page 4, line 7, insert after ''state-sponsored'' the following: '', excluding any group assembled solely for non-violent political association''.

The committee amendment was agreed to.

The bill (S. 2135), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2135

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 ''Child Soldiers Accountability Act of 2007''.

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) CRIME FOR RECRUITING OR USING CHILD SOLDIERS.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

''§ 2442. Recruitment or use of child soldiers

''(a) OFFENSE.—Any person who knowingly recruits, enlists, or conscripts a person under 15 years of age into an armed force or group or knowingly uses a person under 15 years of age to participate actively in hostilities—

''(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

''(2) if the death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

''(b) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

''(c) JURISDICTION.—There is jurisdiction over an offense described in subsection (a), and any attempt or conspiracy to commit such offense, if—

''(1) the alleged offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));

''(2) the alleged offender is a stateless person whose habitual residence is in the United States;

''(3) the alleged offender is present in the United States, irrespective of the nationality of the alleged offender; or

''(4) the offense occurs in whole or in part within the United States.

''(d) DEFINITIONS.—In this section:

''(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—The term 'participate actively in hostilities' means taking part in—

''(A) combat or military activities related to combat, including scouting, spying, sabotage, and serving as a decoy, a courier, or at a military checkpoint; or

''(B) direct support functions related to combat, including taking supplies to the front line and other services at the front line.

''(2) ARMED FORCE OR GROUP.—The term 'armed force or group' means any army, militia, or other military organization, whether or not it is state-sponsored, excluding any group assembled solely for nonviolent political association.''.

(2) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

''§ 3300. Recruitment or use of child soldiers

''No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.''.

(3) CLERICAL AMENDMENT.—Title 18, United States Code, is amended—

(A) in the table of sections for chapter 118, by adding at the end the following:

''2442. Recruitment or use of child soldiers.'';

and

(B) in the table of sections for chapter 213, by adding at the end the following:

''3300. Recruitment or use of child soldiers.''.

(b) GROUND OF INADMISSIBILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has committed, ordered, incited, assisted, or otherwise participated in the commission of the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.''.

(c) GROUND OF REMOVABILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien described in section 212(a)(3)(G) is deportable.''.

(d) WITHHOLDING OF REMOVAL.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended by adding at the end the following: ''For purposes of clause (iii), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.''.

(e) ASYLUM.—Section 208(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(B) is amended by adding at the end the following:

''(iii) RECRUITMENT AND USE OF CHILD SOLDIERS.—For purposes of clause (iii) of subparagraph (A), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.''.

ORDERS FOR WEDNESDAY, DECEMBER 19, 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 11:30 a.m. Wednesday, December 19, 2007; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and there then be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; that during morning business, Senator REED of Rhode Island be recognized for up to 30 minutes; and that on Wednesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for a party conference meeting.

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

LETTER OF RESIGNATION

Mr. PRYOR. I understand the Chair has an announcement.

The PRESIDING OFFICER. The Chair lays before the Senate the letter of resignation of Senator TRENT LOTT of Mississippi.

Without objection, the letter is deemed read and spread upon the journal.

The letter is as follows:

DECEMBER 18, 2007.

Hon. RICHARD B. CHENEY,
President of the United States Senate, Washington, DC.

DEAR MR. PRESIDENT: I hereby give notice of my retirement from the Office of United States Senator from the State of Mississippi. Therefore, I tender my resignation effective at 11:30 p.m., December 18, 2007.

Respectfully submitted,

TRENT LOTT,
United States Senate.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. PRYOR. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:10 a.m., adjourned until Wednesday, December 19, 2007, at 11:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, December 18, 2007:

THE JUDICIARY

JOHN DANIEL TINDER, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT.