United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, NOVEMBER 1, 2007 No. 168

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROBERT MENENDEZ, a Senator from the State of New Jersey.

PRAYER

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

Let us pray.

Great God and Father, Your anger lasts only for a moment, but Your favor lasts a lifetime. Open our eyes to see the wonders of Your grace. Help us to see the majesty of Your inclusive love to people everywhere. Keep us from being blind to the work You are doing in our world, healing the sick and liberating the oppressed.

Lord, You have watched over our Nation from generation to generation, in prosperity and adversity, in peace and war. In every generation, You continue to provide leaders who are equal to our challenges and who strive to do Your will. Today, accept the gratitude of our Senators for Your generous blessings. Keep them so dedicated to You that they will do justly, love mercy, and walk humbly. May faith replace their fear, truth arise over falsehood, love prevail over hate, and peace abide with us all.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT MENENDEZ 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, November 1, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT MENENDEZ, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MENENDEZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will conduct morning business for 1 hour, and the time will be equally divided and controlled, with the Republicans controlling the first half and the majority controlling the second half.

Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 3963, the children's health insurance legislation. Cloture was invoked on that motion to proceed yesterday.

As I indicated, after the cloture vote, if we have to stay here to run the 30 hours postcloture, that time will expire at 12:50 a.m. tomorrow morning.

I have had several conversations with Senator MCCONNELL with reference to this legislation and how we can move forward with concluding action in a manner that would not cause the Senate to remain in session over the weekend. But there is no guarantee we can do that.

In the interim, our debate will continue on the motion today. If and when an agreement is reached with respect to moving forward, Members will be alerted to the schedule.

There are some Senators working to come up with another compromise, and I hope they can do that. If they can, I will be the first to have that matter effectuated. At this stage, that hasn't been done. I had a number of meetings yesterday with interested Senators, but talking about it and getting there are two different things. We will work to see what we can do.

RECOGNITION OF THE REPUBLICAN LEADER

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

DOING THE WORK OF TODAY

Mr. MCCONNELL. Mr. President, yesterday, the Acting Commissioner of the Internal Revenue Service sent a letter to Congress warning about the consequences of not addressing the AMT tax right away. She said that if we don't do something about this middle class tax hike by December, as many as 50 million Americans, more than a third of all U.S. taxpayers, will either get hit by a tax that was never meant for them or forced to wait months for a refund that many of them count on for their family budgets.

Mr. President, I ask unanimous consent that the letter from Acting Commissioner Linda Stiff be printed in the RECORD.

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

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, October 31, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter clarifying your plans to enact legislation addressing the alternative minimum tax

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

Printed on recycled paper.

(AMT) through an indexed exemption amount for 2007 and allowance of personal credits against the AMT. We appreciate your commitment to pass AMT legislation as quickly as possible.

In anticipation of this legislation, the Internal Revenue Service (IRS) has been taking every step possible to prepare for the upcoming filing season. Your letter provides additional information that will allow us to continue our planning and design based on your proposed solution. It should be noted, however. that key systems can only accommodate one programming option without introducing excessive risk to the filing season. We must ensure that our systems are prepared to process returns under the law as it exists now. Therefore, until the legislation is passed and signed into law, our systems cannot be fully programmed for the proposed AMT patch.

We are committed to a successful filing season, which means processing returns in a timely manner and issuing refunds to the millions of Americans who expect and are entitled to them. We are taking all steps and making every effort to be prepared to implement legislation once it is passed and will move swiftly upon enactment.

However, even with the planning and design that your letter facilitates, we still estimate a timeframe of approximately 10 weeks after enactment before we can process affected tax returns. Accordingly, as noted in Secretary Paulson's letter of October 23, 2007, we estimate that enactment of an AMT patch in December could delay processing of returns for as many as 50 million taxpayers and could delay issuance of approximately $75 billion in refunds.

We look forward to continuing to work with you to deliver a successful filing season. If you have any questions or need additional information, please contact me at (202) 622–9511.

LINDA E. STIFF,
Acting Commissioner.

Mr. MCCONNELL. Mr. President, when most people get a letter from the IRS, they get scared. But the Democrats didn't even blink. They don't seem all that concerned about forcing 50 million Americans to write an interest-free loan to the Government in the form of unpaid tax returns worth about $75 billion—75 billion dollars. That is more than the gross domestic product of a hundred different countries—just sitting in the Treasury instead of the bank accounts and pockets of Americans who earned it.

Now, if this were the only thing Senate Democrats were procrastinating over, Americans would have reason enough to be angry. But it is not. It is just the latest in a string of core duties they promised they would address before election day but put back on the shelf after all the votes were counted.

Instead of fulfilling their campaign promises, they launched into a series of legislative misadventures that have put us 5 weeks into the new fiscal year with the same number of appropriations bills we started with, which is zero, a Justice Department with more empty offices than the Dirksen building in August, and no indication from anyone on the other side that any of this will change.

Regarding appropriations, the President has already said he will veto spending bills that exceed the budget request. Yet Democrats will now knowingly pass a Labor/HHS bill that exceeds the President's budget by billions of dollars and attach it to the MilCon/Veterans appropriations bill. We already know the result. These bills are coming right back to the Senate for a do-over. This is a waste of time, and just more of the same from a party that has been intent all year on using this Chamber as a stage for political theater rather than a workshop to actually get things accomplished.

Over at the Justice Department, Democrats have been clamoring for new leadership all year. The senior Senator from New York was the loudest of them all. More than 5 months ago, he told us ''the Nation needs a new Attorney General, and it can't afford to wait.'' The President responded in good faith by nominating the very man the senior Senator from New York recommended for the job.

Yet America has now waited longer for a vote on Michael Mukasey than on any other Attorney General nominee in decades. They have waited more than 40 days now. Compare that to Janet Reno, whose confirmation came less than 2 weeks after she was named.

Democrats have found plenty of time for votes that didn't matter. Now it is time to turn to votes that do. They found time for midnight votes on political Iraq resolutions. Now Americans are wondering when we will have a midnight vote to fix an error in the Tax Code that promises to leave more than one-third of them high and dry come April.

They found time for a vote on how we felt about the last Attorney General. Now people want to know when we will have the midnight vote on restoring leadership at the Justice Department.

They had the time to vote again and again to cut off funds to our troops in the field—voted on the Feingold amendment to cut off funds three times. Now Americans want to know when they will have a midnight vote to send the rest of the money to the troops—or on any one of the 12 appropriations bills in a form that we can expect the President to sign.

This fixation on political gamesmanship has come at a serious cost. What we are seeing here goes far beyond mismanagement. And the American people have caught on. For the sake of the taxpayers, for the sake of the justice system, for the sake of the men and women who wear the uniform, it is time to put politics aside and do the work of today.

No more gimmicks, no more games. Time is short. The stakes are high. Let's get on with it.

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

SENATE ACCOMPLISHMENTS

Mr. REID. Mr. President, we have a lot to do, there is no question about that. But I said to one of my friends on the Republican side several days ago, when he was lamenting the fact that the President's standing was low and ours in Congress was low, I said to him: What do you hope to accomplish by denigrating the place you work in? You work here. What good is it to do that? He said: That is right, I will not do it anymore.

I say to my friend from Kentucky, it is easy to find fault with what anyone does anyplace in life, including the Senate of the United States. But we have worked very hard these last 10 months to try to work on a bipartisan basis, to accomplish things for the country. We have done a pretty good job.

We passed the minimum wage for the first time in 10 years. We passed a budget—a pay-as-you-go budget. No more red ink; we are paying for everything. That is different than the last 7 years under a Republican-controlled Congress. We passed a law mandating how U.S. attorneys should be appointed, as a result of the scandal in the Attorney General's Office. We mandated, through legislation, equipment for the Guard and Reserve that they simply didn't have. We are the ones who pushed the President to focus on having better equipment for our troops, including MRAPS, these vehicles that were more mine resistant. We passed that and it is in the form of a law. Because of the scandal at Walter Reed and other places, we have worked to protect veterans; hurricane recovery, Katrina. Our President made 22 trips down there, but there was no money until we forced money into the supplemental appropriations bill; SCHIP, we passed a law extending health care that 5.5 million children have to 10 million children. The President vetoed that.

That is the matter before the Senate today. We are going to send that back to him, and I hope he will not veto it. We have made changes because Members on the other side wanted those changes made. Disaster relief for ranchers and farmers, we passed that. It is 4 years overdue. Wildfire relief, we have had these fires sweeping the West. We put $600 million in the supplemental so we can make up for some of the problems we had.

As far as Iraq, we have had over 100 hearings on Iraq. That is 100 more than were held during the first 5 years of this war. The hearings have been good. It is true we have tried very hard to change course in the war in Iraq, and we have changed course, indirectly, as a result of the votes we have taken. It did not change it enough, but we have changed course in the war in Iraq.

There will be other opportunities for us to do that in the near future. We have to do that. The President doesn't mind asking for another $200 billion of totally red ink—that is, borrowed money—for the war. But he is not willing to spend a few nonred dollars for children's health, paid for. Maybe the President is trying to protect the tobacco industry. I think they have had

enough protection. A small increase in the tax on tobacco to pay for the children certainly seems reasonable. Stem cell research, we passed that. On ethics and lobbying, we passed the most significant reform in the history of the country, which is now law. The 9/11 Commission recommendations, there was a lot of talk about those recommendations. They were not put into law until we did it this year. We did it because it was the right thing to do. We reauthorized FDA. We passed WRDA—which is years and years past due—by a huge bipartisan vote.

Everything I have talked about has been bipartisan, even the votes on Iraq. We could not get 60 votes, but we had bipartisan support on Iraq. We all acknowledge we can do better. Certainly, we can do better. But I don't think we should lament the fact that we have not been able to do everything everyone wants done.

With the Attorney General nominee, Judge Mukasey, a problem has arisen with that nomination. It seems like we are in the ''Twilight Zone.'' We are in the Senate talking about whether waterboarding is torture, and this man cannot acknowledge whether waterboarding is torture. I read this morning in the newspaper the reason he cannot do that is he is afraid if he says waterboarding is torture, it may create criminal or civil responsibilities for some of the people who did torture people through waterboarding. We are the United States of America, and we are concerned about talking openly about torture?

I read a book a couple of years ago. The name of the book is ''1492.'' It talked about how our world changed in 1492. One of the reasons it changed is the Inquisition. It started in 1492, the same time Columbus discovered this Nation, this world. In 1492, they also discovered waterboarding, how to torture people, mostly Jews but not all Jews. Some Christians who were not Christian enough were waterboarded.

Maybe we will work our way through Mukasey, but no one should be concerned about the fact that we have an obligation and a right to talk about torture. Shouldn't we know where the chief legal officer of this country, the Attorney General of the United States, stands on waterboarding, on torture generally?

I look forward to our having a good day today and accomplishing a lot. We don't have a lot of time left in this legislative session. We have at the most about 6 weeks, but I hope during that period of time we continue to work together for the American people. That is what the American people want.

Mr. MCCONNELL. Mr. President, let me briefly add, it is not too late for this first session of Congress to achieve a better record. We need to get appropriations bills not just sent to the President but signed by the President. We need to get the AMT fixed so we don't inconvenience, to the tune of $75 billion, millions of American taxpayers. We need to provide bridge funding for our troops that we all know is needed. And we need to confirm an Attorney General. Our colleagues on the other side have been saying we need a new Attorney General all year long. Now it is time to do it.

The record of this first session of this Congress is not yet made. It is not too late, but it is getting very late, and hopefully we will accomplish a lot in the next 6 weeks, as the majority leader has indicated he would like to see done.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the distinguished Republican leader is absolutely correct. We have to fix AMT, and we will do that. The reason we have been a little slow in doing so is how we are going to pay for it. Being an appropriator for my years in Congress, I certainly want to do that. We have struggled over the last several years doing appropriations bills.

The Republican leader and I believe appropriations bills should be done, and we have to do them this year. I am going to devote a lot of my energy—the meeting I had just before coming to the Chamber was dealing with appropriations bills. I had a good conversation with the Republican leader yesterday about appropriations bills generally.

He is absolutely right. We can do better. I will certainly attempt to do my share and do a better job.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the final 30 minutes under the control of the majority.

The Senator from North Carolina.

NATIONAL GUARD AND RESERVISTS FINANCIAL RELIEF ACT

Mrs. DOLE. Mr. President, I ask for all of my colleagues to join me in support of Senate approval of the National Guard and Reservists Financial Relief Act. This is a bipartisan effort to extend a critical benefit to our National Guard and reservists, many of whom are serving in Iraq and Afghanistan. Section 827 of the Pension Protection Act of 2006 allows guardsmen and reservists called to active duty for at least 6 months to make penalty-free early withdrawals from their IRA, 401(k), or 403(b) retirement accounts. This provision expires in less than 2 months, and my bill would make this benefit permanent for our servicemembers and their families.

Our guardsmen and reservists always stand ready to put their lives on hold and answer the call of duty. They can face lengthy deployments that can cause major financial strains for their families, which only adds to the emotional stress these families face during extended separation from a loved one. In fact, according to a GAO report, nearly 41 percent of reservists are affected by a pay discrepancy between their military and civilian salaries.

National Guard and reservists account for approximately half of all U.S. military personnel. Since September 11, 2001, more than 443,000 guardsmen and reservists have been deployed in support of the global war on terror, including nearly 93,000 currently deployed mainly to Iraq and Afghanistan. Congress should take decisive action to ensure that this benefit does not expire for these fine young men and women should they find themselves in a deployment-related financial crunch.

The Reserve Officers Association strongly supports the continuation of this tax relief measure. I also thank my colleague, Senator LINCOLN, for cosponsoring this legislation, and I add that a similar provision included in the Pension Protection Act received broad bipartisan support.

Shortly, Congress will adjourn for 2 weeks for the Thanksgiving recess. This means there is limited opportunity to act to extend this assistance to those who have answered the call to serve. I ask every Member who I know cares about our Guard members, reservists, and their families to support my legislation that this important benefit continues.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

TAX FAIRNESS

Mr. ALEXANDER. Mr. President, I wish to say a word about tax fairness. Last week, I joined Senator HUTCHISON, who has been the leader on this issue, Senator CORNYN, and Senator CORKER from my home State of Tennessee in introducing S. 2233. Our goal with that legislation is to make the State and local sales tax deduction permanent.

As a former Governor, I know States and cities have many different ways to raise revenues to support the services they provide. States usually provide about half the funding for elementary and secondary education. They are the principal funder of community colleges and universities. They pay for a good part of the roads and all the prisons. So most States have pretty big bills to pay, and they have a variety of taxes to raise the money to pay for those bills. Some States levy an income tax. Some use a sales tax. Some use a combination of the two. Some use some other taxes.

In Tennessee, we have had a pretty good debate about this issue, and we have decided we don't want an income tax. I looked at the options myself when I was Governor in the mid-1980s and considered an income tax for Tennessee but decided it would be the

wrong thing to do, to put a tax on work. We have done pretty well with low taxes and without an income tax.

Americans who pay State and local income taxes are able to claim a deduction for those amounts on their Federal income tax, and before 1986, taxpayers also had the ability to claim a deduction on their State and local sales taxes. But this deduction for State and local sales taxes was repealed in 1986.

Congress temporarily reinstated that State and local sales tax deduction for 2004 and 2005 and then extended it again for 2006 and 2007. I was a part of the effort in this Chamber to do that. It was a bipartisan effort. So taxpayers today who itemize on their Federal income tax returns can deduct either State and local sales taxes or State income taxes. Yet, unless Congress takes further action, this sales tax deduction will expire at the end of December of this year.

This is not about cutting taxes; this is about tax fairness. It is not fair for States without income taxes to subsidize tax deductions for States with income taxes. Why is it our business in Washington, DC, to prefer an income tax in the various States?

Nine States, including Tennessee, do not impose a State income tax. They are Alaska, Florida, New Hampshire, Nevada, South Dakota, Tennessee, Texas, Washington, and Wyoming—States from across the country, some big States, some middle-size States, some of our smallest States. These States shouldn't be treated differently. If Congress doesn't act, they will be by the end of December 2007.

I am here today to urge this body to make permanent the deduction for State and local sales tax. At the very least, we need to temporarily extend the deduction, as we have done in the last two Congresses, before it expires on December 31 so that taxpayers in those nine States are not forced to pay an unfair share of taxes.

We are talking about large amounts of money. Nearly 600,000 Tennesseans itemized their taxes and claimed the State and local sales tax deduction last year. This benefit put an average of $400 in the pockets of hard-working Tennesseans. Therefore, losing this deduction would cost Tennesseans nearly a quarter of a billion dollars right out of their pockets each year.

Extending the State and local sales tax deduction is the fair thing to do, and it is the right thing to do. I urge my colleagues to join Senator HUTCHISON, Senator CORNYN, Senator CORKER, and me in enacting S. 2233 before the end of the year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, I also rise today to speak regarding S. 2233. I am always honored to be in the presence of our senior Senator from Tennessee. I am honored to follow him today talking about the same topic.

One of the great points about our country is that we are set up in a manner that we allow States to choose how they govern on issues relating to the way they tax their citizens. As Senator ALEXANDER just stated, in the State of Tennessee, we have decided, after a tremendous amount of debate over decades, that we like being taxed through a sales tax.

As you know and as was just stated, Americans all across the country who are in States where they have an income tax or payroll tax are able to deduct that from their Federal income taxes. Again, in order to continue to support the fairness of the way we treat States, certainly those who choose to use a sales tax to raise revenues for roads and schools and want to leave it in the hands of their citizens to decide how much they pay in income tax, those States ought to be allowed to deduct those taxes from their Federal income taxes.

This is an issue of fairness. This absolutely is an issue of fairness. I hope today—we have introduced a bill, as Senator ALEXANDER stated—to convince other Senators that this is an issue of fairness and that they should support this bill which will permanently allow the nine States that today use a sales tax as a way of raising revenues for their States to be able to deduct those taxes.

As was mentioned, 11.2 million Americans across our country took a sales tax deduction last year. Mr. President, 600,000 Tennesseans took that deduction, and it saves Tennesseans about $400 a year.

Since much has already been said, I close my comments again urging Senators on both sides of the aisle to support this bill which indicates fairness for all Americans.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the leadership targeted November 16 for adjournment of this session of Congress, although I think we all believe that is a little overly optimistic. Regardless, I am concerned that as of yet, we have not considered an annual tax-extender package containing an extension of a number of very beneficial tax provisions. I am pleased to join with my colleagues to discuss the need to address many beneficial tax-extender provisions.

I wish to highlight two tax provisions of particular interest to me that Congress has annually extended, one ever since 1991 and one since 1993, and they particularly benefit oil and gas development from marginal wells and depreciation. Specifically, these two tax provisions are the suspension of the net income limitation on percentage depletion allowance for marginal oil and gas proceedings and accelerated depreciation for assets in Indian Country.

The United States has approximately 457,000 marginal wells. That is a huge number. A marginal well is one that produces 15 barrels or less a day. A lot of these wells are located in my State of Oklahoma. They collectively produce about 1.2 million barrels per day of annual production. These wells account for nearly 20 percent of the total oil production in the United States, about the amount we are importing from Saudi Arabia.

People do not understand the significance of marginal wells. They cost a lot more to produce—marginal wells. These are shallow wells. They are not profitable like the deep wells in some parts of the country. But when you add them all up, it means this production equals as much as we are currently importing from Saudi Arabia. So it is very significant.

In my State of Oklahoma, it is the small independents—basically the mom-and-pop operators—that are producing the majority of oil and natural gas, with 85 percent of Oklahoma's oil coming from marginal wells—again, that is 15 barrels or less a day. Because marginal wells supply such a significant amount of our oil and gas, it is vital we keep them in operation. However, according to the Department of Energy, between 1994 and 2003 the United States lost 110 million barrels of crude oil due to the plugging of marginal wells.

A lot of people not familiar with the industry think you can always unplug a well. You can't unplug a well. Once you plug it, it is gone. Thus, when we lose marginal well production, we become more dependent upon foreign sources of energy and more dependent at a time when I think almost all of us in here agree that U.S. policy should encourage reliance upon domestic sources. Furthermore, we lose domestic jobs to foreign nations.

If the current suspension of the net income limitation on percentage depletion allowance expires, U.S. production from our marginal wells would be severely hampered. Percentage depletion is a form of cost recovery for mineral and leasehold acquisition costs. The percentage depletion rate for oil and gas is 15 percent of the taxpayer's gross income from a producing property. It used to be closer to 30 percent. It should be higher than 15 percent, but that is where it is today. Only independent producers and royalty owners are able to utilize percentage depletion.

Under the net income limitation, percentage depletion is limited to 100 percent of the net income from an individual producing property. In the case of marginal wells, where total deductions and expenses often exceed gross income, this limitation discourages producers from investing in the continued production for marginal wells with high operating costs and low production yields.

Without the full utilization of the percentage depletion allowance, the net income limitation actually encourages producers to plug and abandon production of marginal wells. Then, of course, as I said before, you have lost them forever.

Congress has, on a temporary basis, suspended the net income limitation since 1997. The current suspension expires at the end of this year. The extension of the suspension of the net income limitation will allow independents the necessary capital to continue to produce from these existing marginal wells, which is critical to the Nation's overall energy security.

Now, additionally, Congress made a special economic incentive available to benefit Indian Country under the Omnibus Budget Reconciliation Act of 1993. It provides for special accelerated depreciation for new and used assets acquired after December of 1993 on Indian reservations and former Indian reservations in Oklahoma and elsewhere. This depreciation incentive provides an approximately 40 percent shorter recovery period for most commercial property. This accelerated depreciation schedule has been successful in encouraging capital-intensive businesses to locate and expand in Indian Country in Oklahoma and throughout the Nation.

Both of these important provisions expire at the end of this year, and it is crucial that Congress act this year to extend each one.

UNANIMOUS-CONSENT REQUEST—S. 2184

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2184, a bill to allow penalty-free withdrawals from retirement plans for individuals called to active duty, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

The PRESIDING OFFICER (Mr. WEBB). Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I am wondering whether the Senator would amend his consent request to allow, instead, the following; namely, that when the Senate receives from the House its bill to extend the expiring tax provisions, the Senate would proceed to that bill, consider a Baucus amendment to extend the expiring tax provisions and prevent the AMT from hitting any additional taxpayers, agree to that amendment, and pass the bill, all without any intervening action or debate.

The PRESIDING OFFICER. Does the Senator from Oklahoma so modify his request?

Mr. INHOFE. No. I would respond to the Senator by saying, if I had a chance to get and look at the Baucus bill and look at all the provisions, I might consider doing it. As it is right now, this is my unanimous consent request.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Hearing the comments of my good friend from Oklahoma, I have no alternative but to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2185

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2185, a bill to permanently extend the current marginal tax rates, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion bill arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read for a third time and passed.

This is the same legislation extension that I just described.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, again reserving the right to object, would the Senator again amend his consent request to instead allow the consent request I requested just previously?

The PRESIDING OFFICER. Will the Senator from Oklahoma so modify his request?

Mr. INHOFE. No, I will not at this time.

Mr. BAUCUS. Hearing his response, Mr. President, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2233

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2233, a bill to provide a permanent deduction for State and local general sales taxes, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion bill arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object once again, I ask the Senator if he would again modify his request along the lines I outlined earlier?

The PRESIDING OFFICER. Does the Senator from Oklahoma so modify his request?

Mr. INHOFE. Not at the present time.

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2216

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2216, a bill to extend the Indian Employment Credit Depreciation Rules for property within an Indian reservation, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

Again, this is one of those I just referred to on the floor of this body.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, once again, I would ask my friend from Oklahoma if he would amend his consent request along the lines I earlier suggested.

The PRESIDING OFFICER. Will the Senator from Oklahoma so modify his request?

Mr. INHOFE. No. Same problem.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2217

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2217, a bill to extend the taxable income limit on percentage depletion allowance for oil and natural gas produced from marginal properties, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I make the same request of the Senator from Oklahoma.

The PRESIDING OFFICER. Does the Senator from Oklahoma so agree?

Mr. INHOFE. Same response.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Hearing the Senator's response to this long litany of requests of tax measures, which the Senator knows can in no way be passed in the Senate in this way, but also knows that many will be acted upon later this year, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2247

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2247, a bill to make permanent the depreciation of motorsports entertainment complexes, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I can short-circuit this charade. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2234

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2234, a bill to extend the deduction for qualified tuition and related expenses and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read for a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, I might say to my good friend that this is another measure that will be considered in due course later this year. I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2264

Mr. INHOFE. Finally, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2264, a bill to extend the tax-free distributions from individual retirement plans for charitable purposes, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, again, these are measures which will be considered in due course this year. I laud my good friend, but as he knows, Senator GRASSLEY is ranking member of the committee, and there is a process in which to deal with these measures. This is not the process to be engaged in at this moment. So I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, just a few words to explain what just happened.

On behalf of many Senators, I am calling for swift passage of a full tax extenders package, which contains many of the measures that have been referred to in the preceding 4 or 5 minutes. These measures are called tax extenders, and we will pass tax extender legislation later this year.

I want quick action on them, including the college tuition deduction, the sales tax deduction, as mentioned by two Senators, and also we must move on provisions to prevent the alternative minimum tax from hitting more taxpayers and the complete set of expiring tax provisions when the House sends that legislation to the Senate.

We are all working on this issue. Senator GRASSLEY and I have talked with Chairman RANGEL on the other side of Capitol Hill, as well as those on this side of Capitol Hill, to get these measures enacted. I, myself, drafted many of these provisions in the first place. Senator GRASSLEY and myself have advanced, as we always do in working together, in trying to get them all extended.

Mr. President, we want to get this done, and I am confident we will get it done, and I urge a little forbearance of my colleagues. We are working expeditiously to get it done. It may not be tomorrow, on Friday, but we are working very expeditiously to get it done, and I am confident it will be done later this year.

Mr. President, I yield the floor, and 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. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

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

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

TAX EXTENDERS

Mr. CORNYN. Mr. President, I understand the chairman of the Finance Committee objected this morning to a unanimous consent request offered by Senator INHOFE regarding legislation that would ensure that American taxpayers would not pay higher taxes next year. The chairman of the Finance Committee indicated they are working on these provisions and he doesn't want them taken up now; he wants to bring them up later.

It is important to talk about two taxpayer-friendly provisions in the IRS Code that will disappear in the next 60 days unless we do something about it. The first is a provision that gives taxpayers the option of deducting their State and local sales tax. My State of Texas, like a handful of other States, does not believe it needs a State income tax. We don't have one. We are not going to get one. What we do want is a level playing field when it comes to the Federal income tax code allowing the deduction of State and local sales tax, just as it allows currently a deduction of State income tax from one's Federal tax return.

State and local governments have a number of options for raising revenue to pay for essential services they provide to their citizens. Some States raise revenues through an income tax. Some States, such as Texas, use a sales tax. Others use a combination of the two. In an effort to help protect people from overly burdensome taxation, the IRS Code has in the past allowed taxpayers to deduct all the State and local taxes they paid from their Federal taxes. Up until 1986, taxpayers could deduct State and local sales taxes. Unfortunately, this was unfairly eliminated. For 18 years, Texans and other States without a State income tax did not have the same level playing field other States had. I view this as a matter of gross discrimination against those States that have a State sales tax rather than a State income tax. It is simply unfair and needs to end on a permanent basis.

That is why 3 years ago, I worked with several of my colleagues to reinstate the State and local sales tax deduction as part of the American Jobs Creation Act of 2004. Without quick Senate action, the citizens of Texas will once again be treated unfairly by the IRS Code by disallowing the deduction of State and local taxes. Our State and local governments have to have the flexibility to collect taxes that fund essential services in a way they find most appropriate without putting our citizens at a disadvantage. Again, make no mistake about it, Texans don't want a State income tax. We are a low-tax, pro-growth State. That is why we have seen 3 million people move to Texas since 2000, because it provides incentives for job creation by small businesses and big businesses alike. We are not asking for the Federal Government to somehow bless Texas adopting a State income tax. We don't want it. What we do want is fundamental fairness.

If the Senate allows this provision to expire, it will be punishing the citizens of my State based on geographic location and preference for a different tax system. Extending the sales tax deduction effectively gives Texans $1 billion in tax relief every year. This money not only helps hard-working middle-

class families save money—perhaps to invest in a small business or pay for college tuition for their children—it helps spur economic and job growth as well.

Last week I introduced legislation, along with Senator PAT ROBERTS of Kansas, that extends for 2 years the $4,000 above-the-line deduction for taxpayers who pay for college tuition. We frequently talk about the importance of education on the younger generation, from elementary school through college and beyond. We talk about the importance of continuing education, literally lifetime learning, in order for us to maintain and extend our global competitiveness. Aside from simply encouraging people to pursue a college education, we ought to do our best to make college more affordable and accessible and less of a burden on working parents who want to send their kids to college. Originally part of the Economic Growth and Tax Relief Reconciliation Act of 2001, this deduction allows taxpayers to deduct up to $4,000 from their Federal income tax return regardless of whether they itemize deductions or not. This deduction goes a long way to help families struggling to put their children through college and benefits millions of taxpayers annually.

According to the College Board, this deduction, along with grants and other education incentives, has helped lower the cost for the average student who goes to a public university by $3,600 and $9,300 for those who attend a private college. Both of these deductions keep money in the pockets of taxpayers. In my State of Texas, they allow them to pay for things such as health care, clothing and food, things they need and ought to be able to use their hard-earned money to pay for, rather than writing a bigger check to Uncle Sam. It is appropriate to use the IRS Code not only to provide for fundamental fairness when it comes to allowing the deduction of State and local sales tax from a Federal income tax return; it is also appropriate to use the IRS Code to provide for further educational opportunity.

Right now taxpayers have to work a total of 120 days, about a third of the year, to pay their tax burden, whether it is Federal, State, or local taxes. The last thing we should do is force taxpayers to work more hours, longer days for Uncle Sam and not for their family. Rather than waiting for some future bill to hopefully address this need, the Senate should extend these taxpayer-friendly provisions today. I hope we will have another opportunity to come back to the floor, and I urge the Senate to extend these two important provisions in the near future.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3963, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

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

DEMOCRACY FOR CUBA

Mr. MENENDEZ. Mr. President, I am happy to join my colleague from Florida, Senator MARTINEZ, to express outrage at the continued injustice carried out by the Castro regime inside of Cuba and to highlight that we are at a critical time for democracy inside of Cuba. This past Monday, as many of us were sipping coffee and driving to work, 70 young Cuban dissidents were arrested, detained, and harassed. Ten have been released but others remain detained.

What was their crime that got them arrested? Were they destroying property? Were they stealing food? Were they acting violently? No, none of that. They were walking down a street in Havana, and while they were peacefully walking down that street together, they had on their arms this wristband—this wristband, a simple white wristband—that has one word written on it, ''cambio,'' which in Spanish means ''change.''

This one simple gesture was strong enough to have them thrown in prison. This one simple gesture was strong enough to have them detained and harassed. But I also hope this one gesture would be strong enough to inspire us and to inspire those who love freedom and democracy and have respect for human rights around the globe.

This incident was not isolated. These youth knew the consequences their actions might very well bring them—this simple statement of wearing a white wristband that says ''change.'' Decades of repression has led to decades of fear. But these young people did not show fear. They showed courage and, I think, showed us where they want Cuba to go. They want it to change.

Their courage must not fall on deaf ears. We are listening and watching. From the Senate floor to the White House we are inspired by what these young people have shown us. They have shown us that Cuba can and will change, and this change will come from within Cuba, from the Cuban people themselves, from its youth. But they need our help, and we must continue to fight here to do what we can to empower them and to acknowledge them when they empower themselves.

We also have to build on this momentum. Just like last week, President Bush said:

The operative word in our future dealings with Cuba is not stability. The operative word is freedom.

One of Cuba's most well-known dissidents, at least inside of Cuba suffers, while unfortunately, the rest of the world remains largely silent. It is interesting to me how American news stations go to Cuba and spend a lot of time with members of the regime but do not spend a lot of time focusing on those people inside of Cuba who are trying to create movements for freedom and democracy, as others did in other parts of the world at different times in our history, such as Lech Walesa did in Poland, such as Vaclav Havel did in the former Czechoslovakia, such as Alexander Solzhenitsyn did in Russia, and so many others such as Nelson Mandela did in his own country.

There was international spotlight on these people as they were given a chance by the world's acknowledgment to try to create movements for freedom and democracy in peaceful ways within their own society. Yet in Cuba, somehow, because there are those who have lived with the romanticism of the Castro regime and do not understand it is nothing less than an oppressive dictatorship, they somehow seem to look the other way.

I want to talk just briefly, before I yield the floor to my distinguished colleague from Florida, about one of those dissidents who gives inspiration to these young people who were arrested simply for wearing this plastic white bracelet that says ''change.''

Dr. Oscar Elias Biscet, in his absence because he is in jail—languishing in Castro's jail—will be receiving the Presidential Medal of Freedom next week. Dr. Biscet may not be a household name in America, but he is probably the best known political prisoner inside of Cuba.

Let me read a little about him:

During the Black Spring of 2003, was sentenced to 25 years in prison. The prosecution was the most severe of several that Dr. Biscet had to endure since 1986, when he first publicly declared himself an opponent of the dictatorship.

Barely a month before he was arrested, Dr. Biscet had completed a 3-year prison sentence for, among other ''crimes,'' displaying the Cuban flag upside down as a form of protest. Before he was imprisoned, Dr. Biscet opposed the regime on several fronts.

In 1986, a year after he graduated from medical school, he protested the long hours Cuban doctors had to work without pay. In 1997, he started the Lawton Foundation for Human Rights and conducted a secret 10-month study of abortion techniques that found, among other things, that many babies were killed after they were born alive.

In February of 1998, Dr. Biscet was kicked out of the Cuban national health care system, making it impossible for him to work as a physician because of the principled positions he took.

During Pope John Paul II's visit to Cuba in January of 1998, activists with the Lawton Foundation publicly demonstrated for the release of Cuban political prisoners. They went on a 40-day liquid fast to demand the release of political prisoners and to draw attention to the human rights situation on the island.

But by the end of 1999, the dictatorship had enough of Dr. Biscet. On November 3, 1999, he was arrested and eventually sentenced to 3 years in prison for the so-called crimes of dishonoring national symbols—that is, displaying the Cuban flag upside down—public disorder, and inciting delinquent behavior. He finished his sentence in late 2002. But only 36 days after finishing that sentence, he was rearrested again while preparing to meet with a group of human rights activists.

After several months in jail, he was formally charged with being a threat to state security and sentenced to 25 years in prison.

And he languishes there today. His crime? Seeking peaceful change in his country. His crime? Talking about the death of young born children. His crime? Fighting against a repressive regime. Yet in America, there is silence. There is silence.

It is amazing to me that such a person could write a letter like this even though he has gone through some of the worst things that someone can go through in their life: constant harassment, imprisonment. Earlier this year he wrote an open letter from himself from the Kilo 5.5 Prison in Pinar del Rio, Cuba, that got out. The letter says:

To my fellow Cubans, wherever you find yourselves, whether in our enslaved island, or in exile in any part of the world.

Mr. President, I ask unanimous consent that the full letter be printed in the RECORD.

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

AN OPEN LETTER FROM DR. OSCAR ELIAS BISCET FROM THE KILO 5.5 PRISON IN PINAR DEL RIO CUBA.

To my fellow Cubans, wherever you find yourselves, whether in our enslaved island, or in exile in any part of the world. I include also those descendents of Cubans born in other lands. To all of you I send my warmest and sincere greetings.

Our efforts to achieve the unconditional liberty of our nation will soon become reality. I do not need to reveal details to communicate what among Cubans is common knowledge. We suffer not from division or fragmentation in our principles, but rather in which methods to use. We do not lack unity in ideals, but only in the methods to be applied to obtain our liberty. Unfortunately, these insignificant differences of opinion have given room for division among exile leaders and dissidents inside Cuba. These differences have given oxygen to the flames of the most recent and dangerous obstacle that we confront.

I refer to the movement for complacency. A movement that intends to make Cubans—faithful lovers of liberty—believe that they should applaud and be content to receive only small doses of liberty. A movement that suggests that Cubans do not deserve full liberty, but only small dosages of it. This movement of low expectations unites with speculation that other fragments of liberty and democracy will automatically follow. This thoughtless movement does not claim for Cubans internationally recognized basic human rights, it only suggests them. It does not claim the democratic rights of the violated Constitution of 1940, but opts instead for the framework of the illegitimate Communist constitution of 1976. That constitution is nothing more than an instrument of oppression, a malevolent document whose only purpose is to justify the totalitarian and ill-formulated state. It is an illegal aberration that has permitted and even encouraged the imprisonment, torture and execution of political opponents without even the minimal legal rights or a defense. An atheist abomination that has only served those who enslave our nation.

To those who feel exhausted after more than 40 years of constant oppression and of unfruitful efforts. To those whose frustrations and discontent have caused them to lose their moral compass. To those who have concluded that we must appease the oppressor. To them I ask:

Is it acceptable to the memory of the thousands of young Cubans, our best sons, who were executed by firing squads for the simple crime of defending our right to full liberty, to now accept complacency? Do those tens of thousands of compatriots who spent decades in prison, and who are still in a prison system whose horrors we can only imagine, deserve only partial liberty? Do those countless families who were separated from their loved ones and destroyed in the process, or those who have perished at sea, or who have died in exile dreaming of returning to their country, deserve that we now accept the crumbs that we are being offered? Shall we accept defeat after nearly a half a century of patriotic heroism in search of liberty and democracy, or shall we show the world that the most brutal and longest lasting dictatorship in our time could not extinguish the unbreakable spirit of liberty of the Cubans?

I must tell you that we have reached a crossroad in our history. Nearly a half a century ago we as a nation confronted a similar historical decision. In those days many accepted the fateful words that circulate again today: ''anything would be better than what we already have.'' They were mistaken then and they are mistaken now. Tragically, more than forty years of our national nightmare have elapsed to find ourselves again with the same question, and with the opportunity to correct our mistakes and make ourselves truly the owners of our own destiny.

I call for the unity of all my compatriots. There exists only one path before us. A path that unites us and includes all Cubans inside and outside the island of Cuba. A path that claims the rights of the citizenry in its entirety. A path that demands full democracy and the unconditional freedom of the Cuban people under a multiparty system of government, democratically elected through free general elections. A path where the Rule of Law is established and which guarantees equality under the law, without distinction of races, sex or religious creed. A path that brings about an unconditional and immediate amnesty to all political prisoners.

Fellow Cubans, let us take a step forward and let us do it in a clear and decisive manner. The work awaiting us is difficult but not impossible. Together we can achieve for our country the genuine democracy deserved by Cuba's citizens.

Finally, to the leaders of the democratic states of the world, to the American people, and in particular to the President of the United States, George W. Bush, we ask only one simple commitment: do not support or promote any solution or accord regarding the future of the Cuban nation that you would not consider acceptable for your own country.

May God illuminate us in our path for the liberty of Cuba.

DR. OSCAR ELÍAS BISCET.

Mr. MENENDEZ. I want to read only two paragraphs of it:

To those who feel exhausted after more than 40 years of constant oppression and of unfruitful efforts. To those whose frustrations and discontent have caused them to lose their moral compass. To those who have concluded that we must appease the oppressor. To them I ask:

Is it acceptable to the memory of the thousands of young Cubans, our best sons, who were executed by firing squads for the simple crime of defending our right to full liberty, to now accept complacency? Do those tens of thousands of compatriots who spent decades in prison, and who are still in a prison system whose horrors we can only imagine, deserve only partial liberty? Do those countless families who were separated from their loved ones and destroyed in the process, or those who have perished at sea, or who have died in exile dreaming of returning to their country, deserve that we now accept the crumbs that we are being offered? Shall we accept defeat after nearly a half a century of patriotic heroism in search of liberty and democracy, or shall we show the world that the most brutal—

The most brutal—

brand longest lasting dictatorship in our time could not extinguish the unbreakable spirit of [the] liberty of the Cubans?

That is Dr. Biscet from jail. Those young people who marched on the street with a very simple message—with a very simple plastic bracelet: ''cambio,'' ''change,'' they are inspired by the Dr. Biscet of Cuba and others.

Finally, it is amazing to me that when the island of Cuba is engulfed by a tropical storm, instead of making preparations for the people of Cuba to be safe, state security is making arrests of young people who peacefully walk down a street in Havana because of a simple bracelet but also a powerful message of change. It speaks volumes about what that regime is about.

I hope our colleagues use this tragic and other tragic sets of circumstances inside of Cuba to think about what our policy should be to this regime. I am reminded, standing up here with my colleague from Florida, of our successful fight to increase funds to our democracy assistance programs inside Cuba which help people create peaceful change in their own country.

We are at a critical time for democracy in Cuba, and the Cuban people are the fuel. It is the Cuban people who have faced fear and repression for decades. Yet they continue to fight for change. It starts and it will finish with them. This is why my heart and support go out to them, for what they do is more meaningful and powerful than most can imagine. That is why we grieve for those arrested and harassed and incarcerated and languishing in Castro's jails.

We are also encouraged. We know they grow stronger. We come to the floor of the Senate to make sure they understand they are not alone.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I thank the Senator from New Jersey, my distinguished colleague, for his very passionate and correct and appropriate remarks. I think there is no higher moment for this body than when we stand with those who are oppressed, as this country has, and as this Senate has over the history of our Nation. Standing with those who are oppressed is our highest moment and our best calling.

I do find it ironic that something as simple as this simple little white band, with the word ''change'' on it, could be so threatening to this illegitimate regime as to have to imprison 70 young people. Now, today, we hear that another 40 have been arrested. It is unconscionable. It is unthinkable that a regime would be so weak as to be so threatened by something as simple as these wristbands we are wearing.

But it is also a sign of the continuing spirit of freedom that continues to be alive and well on that imprisoned island. There is no question about that. That is why I think it was so appropriate we came together to increase the funding for the dissident movement inside Cuba—so they can have the simple resources, such as pens and paper, so they can communicate with one another and they can add their message of freedom and their message of hope.

I do not have any question these young people, whether they were arrested for a few days or for a harsher sentence—and we do not know because there is no rule of law; there is no guidepost we can follow—are simply at the mercy of this regime that for now almost half a century has brutalized its people with totalitarian rule.

I am pleased my colleague from Texas is here, Senator CORNYN. I want to give him a moment of time if he cares to comment on this situation.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Briefly, Mr. President, I commend my distinguished friends and colleagues from New Jersey and Florida for this statement of solidarity with the Cuban people.

I could not agree more that it is important—certainly now as much as ever—that we stand arm in arm, shoulder to shoulder, opposed to oppressive regimes that really govern by fear.

I have to say, just briefly, to my friend from Florida, Senator MARTINEZ, I know his personal history of being a refugee from Cuba when he was 16 years old, being part of a Pedro Pan effort to bring young Cubans to America so they could have a better life.

He also shared with me recently a movie which, while a work of fiction, I think, gave me a very emotional sense of what people in Cuba, in Havana in particular, must have experienced with the Cuban people being oppressed by Fidel Castro. I have to tell my colleagues, it is a bleak existence that these people, who are seeking nothing more than the most basic of human rights, have under a heartless regime of a dictator such as Fidel Castro.

So I just wanted to express a few words of thanks and words of solidarity for my colleagues from New Jersey and Florida and to reiterate that all of us, all of the American people stand in solidarity with those in Cuba who seek change, who seek what we perhaps too often take for granted; that is, our freedom to speak, to live, to worship as we see fit. We ought to do everything we possibly can to support them.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I wish to join my colleagues, our two distinguished Members of the Senate who are of Cuban origin and who proudly bear that moniker of ''Cuban American,'' one of the most distinguished groups in our society in America today.

I wish to say that at the time Fidel Castro was beginning his takeover on the island of Cuba, as a young boy I had the opportunity of representing the youth of America and going to the Iron Curtain at the German-Czechoslovakian border and speaking over Radio Free Europe to the young people behind the Iron Curtain. Of course, at age 17, what I saw that day made a lasting impression, for standing there at the German-Czechoslovakian border in the little village of Tillyschantz, seeing the machine gun nests, the guard towers, the concrete dragon's teeth to prevent anyone from breaking through the fence, the mine fields, the ground raked very clean so that any footprints could be seen, seeing the dogs patrolling back and forth, that, of course, made a significant impression upon a young mind that had some appreciation for the enslavement of people.

Now, what happened to the Iron Curtain is happening to Cuba. That iron curtain around Cuba is starting to fall, and it is for exactly these same things that are happening now: 70 young people walking around with white wristbands that say ''cambio''—change—that the dying Communist, repressive, totalitarian regime is continuing to lash out and arrest them. It is the inevitable march of history that ultimately freedom is going to win, just as it did in Eastern Europe with the fall of the Iron Curtain that I saw at age 17. It has taken a lot longer in Cuba because of its island barrier, because of its extraordinary repressive regime.

So whenever we get a chance to speak out for change—''cambio''—we in this Senate need to do it. I am delighted to join my colleagues, Senator MARTINEZ and Senator MENENDEZ, in unifying our voices in calling for cambio in Cuba.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I thank my colleague from Florida for coming to the floor. Senator MENENDEZ was so eloquent in his description of the situation today, and I wish to echo his comments regarding the Presidential Medal of Freedom Oscar Elias Biscet will be receiving on Monday. It is a wonderful acknowledgment of this Afro-Cuban doctor. He, in his quest for freedom, has chosen to follow Martin Luther King, Jr., the Dalai Lama, and Gandhi. This is a man of peace. He is not a man of armed conflict, not a man of violence; he is a man of peace. He is in prison, as was mentioned by the Senator from New Jersey, but I want us to understand that being in prison in Cuba isn't as simple as just being denied the opportunity to walk and move as you will but it is to be in the most repressive gulag the world has ever seen.

President Bush last week was speaking eloquently about the situation in Cuba. He said: The day this regime ends, those who have supported it will be embarrassed by the things that will be revealed, just like those who supported the Eastern European gulag or the Nazis or the Stalins of the past, who were embarrassed at a time when the full measure of their cruelty was seen and recognized.

As we approach the agricultural fair in Havana, I remember that as a young boy—my father was a veterinarian, and one of the biggest thrills for me was to go from my small city to Havana to the fair. This was a time when the cattle exposition was there, and my father, of course, being involved in this industry, was there doing business. I remember seeing my first rodeo there. It is a wonderful memory.

Well, this fair still goes on every year. I know there will be many from this country who believe the most appropriate thing to do is to make a buck and go there and sell goods and participate in this fair. I hope when they are there, they might have the courage themselves to wear one of these little wristbands. I will be happy to supply them. I have a few. It would be wonderful if they would show up at the fair wearing these wristbands that say ''cambio''—just a simple message of solidarity with those who are oppressed.

We are a people of freedom. We enjoy our liberty, and we want it for others. We understand that the time for the Cuban people is coming. The hour for the Cuban people is approaching. It is coming. So I thank my colleagues for their solidarity, Senator CORNYN from Texas as well as my colleague from Florida and Senator MENENDEZ, all joining today in one voice seeking ''cambio''—change—and standing together with these young people for their courage and their bravery, as well as celebrating this wonderful award Dr. Biscet will be receiving on Monday, which is a good recognition of his long work in the area of human rights, and hoping that it might be an opportunity for the Cuban regime to perhaps consider whether it is the time to grant him his freedom.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for about 7 or 8 minutes.

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

Mr. BROWN. Madam President, Members of the House and Senate have worked diligently over the last several months to write a bill to reauthorize the Children's Health Insurance Program. They worked hard and came to a solid bipartisan compromise. This is a bill that Republicans and Democrats alike have championed. Almost 70 Members of the Senate voted for the Children's Health Insurance Program, and about 290 members of the House voted for it.

Despite the strong support nationwide from both parties in the House and both parties in the Senate and the strong support from groups such as the United Way to children's hospitals, to pediatricians, to medical groups, to all kinds of children's advocates, the President still vetoed it.

Now we have an opportunity to save the bill. For our national leaders who are still unsure, I wish they would meet the families benefiting from this program. I would love it if President Bush would meet families such as the Coltmans of Conneaut, OH, which is not far from where my wife grew up, near the Pennsylvania border. The Coltmans are a large family with five children and two hard-working parents.

In July, their 7-year-old son Caleb was diagnosed with leukemia. The doctors are optimistic, but treatment, of course, is very expensive. Last year, Kenna Coltman, Caleb's mother, left her job to work for her family business, a neighborhood grocery store. Unfortunately, this meant she had to search for new health insurance. After a long search for private insurance, the Coltman family found an affordable plan, but it wasn't scheduled to go into effect until August.

By that time, Caleb had been diagnosed with leukemia. Needless to say, that was a deal breaker for the private insurer.

Uninsured, facing catastrophic illness—a parent's worse nightmare—the Coltmans ran out of options. Caleb's mother recounted the experience this way:

> If there was absolutely any other way to get our son the care and medication he needs without totally impoverishing our family, we would do it.

Instead, the Coltmans turned to Ohio's Healthy Start/Healthy Families program, a Medicaid-CHIP joint initiative.

Mrs. Coltman said:

> We were lucky in the fact that last year was a really bad year for us financially, or we may not have even qualified for Medicaid.

Hear that again:

> We were lucky in the fact that last year was a really bad year for us financially, or we may not have even qualified for Medicaid.

It seems wrong to me that a family should be feeling ''lucky'' because they earned so little money in 1 year that they were able to qualify for Medicaid to take care of their son who was diagnosed with leukemia.

But Mrs. Coltman does feel lucky and they qualified—falling below 200 percent of poverty even after exhausting all their savings.

Caleb's treatment is now covered. Thankfully, his current prognosis is good, and the family business seems to be turning the corner. Although the Coltman parents are still without health insurance, the children remain covered through SCHIP—a bona fide lifesaver, a real lifesaver.

Let's make sure other families—in Ohio and elsewhere—have access to this critical health insurance safety net by sending the Children's Health Insurance Program bill to the President's desk.

Let's provide children in Ohio, in Missouri, and elsewhere, such as Caleb, the start in life that will help them to achieve their goals and develop to their fullest potential.

Ten years ago, a Democratic President and Republican Congress made a promise to low-income children and their parents. We told them they would be able to insure their children. We wrote it into law and the Children's Health Insurance Program has worked for 6 million children. Now, this bill will help us follow through on that promise for 4 million additional children.

There are millions of low-income American children who are eligible but not now enrolled. This bill enables our country to follow through for more children who are already standing at the door. This bill lets them in. We have an insurance program that works, a bipartisan consensus that is firm, and a goal that is above politics. Our goal is to provide health insurance for our children. Let us move forward.

Madam President, 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. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. REID. Madam President, I have had a number of conversations this morning with Democratic and Republican Senators. They are attempting to work out a compromise with respect to the CHIP bill, the children's health program. They think if they have more time, they can do that. I believe they are acting in all sincerity. They have tried very hard. They have even had individual meetings with House Members; Democratic Senators have met with Republican House Members; Democratic and Republican Senators have met with Republican House Members. They have tried to work something out.

It is an unusual situation. They have even been calling the Speaker. A number of the prime negotiators have talked to her numerous times on the telephone and met with her personally.

Having said that, this is an effort to try to work something out. I ask unanimous consent the motion to proceed to H.R. 3963 be agreed to, that the bill be laid aside until 4 p.m. this coming Monday, November 5; that on that day, Monday, November 5, the Senate vote on cloture on the bill at 5 p.m.; if cloture is invoked, there be 2 hours for debate on the bill and any possible germane amendments thereto, and at the conclusion or yielding back of time, the Senate proceed to vote under the provisions of rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, on behalf of one of the Members on my side of the aisle, I would have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, in an effort to try to be cooperative in this matter, I ask consent to allow these individuals more time to deal with this, and therefore I ask unanimous consent to proceed to this legislation, H.R. 3963, and that it be adopted and the bill be laid aside until the disposition of the farm bill, H.R. 2419. That would probably not be until, at the earliest, somewhere in the middle of November sometime.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, once again there is an objection on this side of the aisle.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, of course, I am disappointed. I have tried to keep the Republican leader advised. I have done my best to balance the requests. I usually do not get in this position of Democratic and Republican Senators, but I have been happy to do that. This is my effort to try to do that.

I hope there can be some way, sometime, that we can send a bill to the President that he will not veto. Hopefully, this one he will not. We have made some changes in it, as I have indicated. We changed to no waivers over 300 percent. We have locked in more tightly anything dealing with undocumented children. We have cut the time for adults. Any adults who are on the program, with no children, they were to have 2 years, now it is 1 year. We have moved the best we can.

Having done that, Madam President, I ask unanimous consent the Senate now proceed to consideration of the children's health insurance bill, H.R. 3963, the time between now and 4:45 p.m. today be equally divided between

the two leaders or their designees, and no amendments or motions be in order to the bill; that at 4:45 p.m. the Senate vote on cloture to the bill and that motion to be filed upon reporting of the bill; if cloture is invoked, the bill be read a third time and the Senate vote without any intervening action or debate on passage of the bill.

Mr. MCCONNELL. Madam President, reserving the right to object, and I will not object, let me echo the observations of the majority leader about how important the children's health insurance issue is.

This was a measure that originated with a Republican Congress back in the 1990s. I think we are going to be able to get this worked out after this skirmish that has been going on over the last few weeks in a way that will guarantee additional poor children receive the health insurance they certainly richly deserve.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? The chair hears none, and it is so ordered.

Mr. REID. I thank the Chair.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

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 Calendar No. 450, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007.

Max Baucus, Harry Reid, Benjamin L. Cardin, S. Whitehouse, Robert Menendez, Daniel K. Inouye, Jack Reed, Barbara Boxer, Pat Leahy, Bernard Sanders, Ken Salazar, Kent Conrad, Ron Wyden, Byron L. Dorgan, Debbie Stabenow, Bill Nelson, Robert P. Casey, Jr.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, earlier today I joined with several of my colleagues—the good Senator MCCASKILL and Senator CASEY and a distinguished leader on children's health, Dr. Woodie Kessel—to speak out on the children's health legislation we are considering in the Senate.

Dr. Kessel is an extraordinary public health official, a pediatrician who has been widely acclaimed and recognized by virtually all the medical societies for his lifetime commitment to children. He worked in Republican and Democratic administrations and feels passionately about the importance of the passage of this CHIP legislation.

Dr. Kessel spoke of a recent presentation of the American Academy of Pediatrics on the value of investing in children's health provided by Dr. James Heckman, the Nobel laureate in Economics. I wish to share his words with the Senate today, as they make a persuasive case for the bill that is before us. This is a direct quote from the Nobel laureate.

It is a rare public policy initiative that promotes fairness and social justice and at the same time promotes productivity in the economy and in society at large. Investing in disadvantaged young children is such a policy. Early interventions for disadvantaged children promotes schooling, raises the quality of the workforce, enhance the productivity of schools and reduce crime, teenage pregnancy and welfare dependency. A large body of research shows that skill begets skill; that learning begets learning. The earlier the seed is planted and watered, the faster and larger it grows.

That is what our bill is all about. Investing in America's future, investing in our children. If we give them the chance for a healthy start to life, we will reap the rewards for decades to come in terms of better education and a more productive workforce. If, instead, we succumb to the politics of fear and division coming from the White House, we consign 10 million American children to a dimmer future.

The CHIP program is an education issue because we know children who are sick—unable to see the blackboard, unable to hear the teacher, unable to read the book or understand the homework—are not going to learn. So this is a health issue and it is a children's issue. It is a children's issue because it affects the 10 million children.

It is a working families issue because this is targeted to the children of working families, more than 92 percent for those families earning under 200 percent of poverty, about $42,000 for a family of four. So it is a working families issue.

It is a fairness issue. Particularly in the Senate, when we cast our votes this afternoon—we are getting paid $160,000. Our health insurance for all the Members of the Senate—with the exception of one individual—for all the Members, is paid for by the American taxpayers, 72 percent: 72 percent of our health insurance; every Member. We have the best. I have believed that since I have been involved in the health issue since arriving in the Senate, and I was reassured of that in the last couple weeks when I needed medical attention. We have the very best. We can go down to the dispensary in the Capitol of the United States and see some of the finest medical personnel in our country. We can go to Walter Reed, we can go to Bethesda Naval Hospital, places where the President and the Vice President and Cabinet and other Members of Congress have gone, and we get our health care paid for, effectively, in full.

Yet we are going to vote to deny the working families of this country, people who are making 200 percent of poverty—$40,000, these are working families in this country—the opportunity to have their children covered?

That is the issue, that is the fairness issue, that is the values issue, and that is the issue before the Senate this afternoon.

We know when these children get the healthy start, as the Nobel laureate pointed out, they are more productive, they are more effective. They are going to be more effective and more productive and healthier for their lives. They are going to be more lively, in terms of the world economy and the knowledge-based competition we are going to be facing in a world economy. They are going to be more effective as leaders, in terms of our national security. They are going to be more gifted and talented, in terms of implementing rights and liberties and having our democratic institutions function and work the way our Founding Fathers wanted them to work.

This is an enormously important bill that reaches the heart and soul of what this country is all about. I am hopeful we will have a strong, overwhelming vote in favor of moving ahead and achieving our objective.

NOMINATION OF MICHAEL B. MUKASEY

Madam President, I intend to oppose the nomination of Michael B. Mukasey to be the next Attorney General of the United States.

This is a nomination I had hoped to support. There is no doubt the Department of Justice is in desperate need of new leadership. Under Attorney General Alberto Gonzales, the Department was transformed from a genuine force for justice into a rubber stamp for others in the administration who cared little for the rule of law.

The Office of Legal Counsel, and the Attorney General himself, repeatedly authorized programs of torturing detainees and wiretapping Americans that were both illegal and immoral.

Career attorneys who spoke up were marginalized or transferred to dead-end jobs. U.S. attorneys were fired if they refused to take orders from the White House as to who should be prosecuted.

The Civil Rights Division turned its back on its historic mission, and failed to vigorously enforce our civil rights laws. Instead of protecting the rights of all Americans, it spent time approving voter-identification laws that keep the poor, the elderly, and minorities away from the polls, and investigating phantom allegations of ''voter fraud.''

There has never been a time when the Department of Justice was more in need of a new direction, away from partisanship and back to its critical responsibility of protecting our rights and enforcing our laws.

We all hoped that Michael Mukasey could provide that needed leadership.

He had served with distinction as a Federal judge for almost 19 years. By all accounts, he was smart, fair, and conscientious in the courtroom. In some cases, he showed admirable independence, rejecting some of the administration's most extreme legal arguments. He has the credentials and many of the capabilities to be a strong Attorney General.

But talent and experience are not all that is required for the job. The Attorney General of the United States must also be a person with an unbending commitment to justice, fairness, and equality, who will stand up for America's laws and values, even when the White House tries to steer the Department in the other direction.

I have had the chance to meet with Judge Mukasey, to listen to his testimony in the Senate Judiciary Committee, and to read through his answers to written questions submitted by committee members. I cannot in good conscience support his nomination.

My concerns begin with Judge Mukasey's answers to our questions about waterboarding. Waterboarding is a barbaric practice in which water is poured down the mouth and nose of the detainee to simulate drowning. The Nation's top military lawyers and legal experts from across the political spectrum have condemned this technique as a violation of U.S. law and a crime against humanity. Following World War II, the United States prosecuted a Japanese officer for engaging in this very practice, and that officer was convicted and sentenced to 15 years of hard labor.

Waterboarding is torture. Period. Yet Judge Mukasey refuses to say so.

His refusal was so extraordinary and unexpected that we asked the Judge a series of further questions to help us understand why an able, experienced lawyer would find it so difficult to agree that a practice used in the Spanish Inquisition was torture. But our questions were met with equivocation and evasion. Judge Mukasey told me that my questions about the legality of waterboarding were the kind of hypothetical questions that judges commonly refuse to address. But he has been nominated to be Attorney General, and an Attorney General, unlike a judge, is often called upon to determine whether an action would be legal before such an action is taken.

However, it is not just his remarks on waterboarding that trouble me. Judge Mukasey also evaded a wide range of questions on torture. He refused to commit to sharing with Congress the legal opinions of the Office of Legal Counsel that have authorized coercive interrogation techniques. He suggested that Common Article III of the Geneva Conventions, the basic international standard for humane treatment, may not always apply to the treatment of enemies we capture, even though the Supreme Court has rejected that view. He would not even say whether it would be unlawful for enemy forces to subject Americans to ''painful stress positions, threatening detainees with dogs, forced nudity, waterboarding and mock execution.''

These extreme views are not only immoral and legally flawed, they also increase the risk that our own troops will be subjected to barbaric treatment.

Judge Mukasey could not even bring himself to reject the legal reasoning behind the infamous Bybee ''torture memo.'' That memo stated that physical pain amounted to torture only if it was ''equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.'' Anything that fell short of this standard would not be torture, according to the memo.

CIA interrogators called this memo their ''golden shield,'' because it allowed them to use virtually any interrogation method they wished. When the memo finally became public, however, the country was appalled and the memo's flaws were quickly exposed. Dean Harold Koh of Yale Law School wrote, ''in my professional opinion as a law professor and a law dean, the Bybee memorandum is perhaps the most clearly legally erroneous opinion I have ever read.'' The Bush administration was so embarrassed that it withdrew the memo.

When I said to Judge Mukasey that his testimony left ''the alarming impression that you may agree with [the memo's] legal reasoning,'' he did nothing to remove that impression. He said that the memo was ''a mistake,'' but he could not bring himself to reject its flawed reasoning.

There are only two possible explanations for Judge Mukasey's testimony on this issue. The first is that he genuinely believes that waterboarding may not always be torture, that international law does not fully protect American POWs, and that the withdrawn Bybee memorandum was not deeply flawed. If those are his beliefs, he is so far out of the mainstream of legal thought in this country that he should not serve as Attorney General.

The second explanation is that Judge Mukasey has already begun defending President Bush's administration, instead of standing up to it when the rule of law requires it. It is quite possible that Judge Mukasey knows that waterboarding is torture, that international law protects American POWs, and that the Bybee memorandum was a moral and legal abomination. But he refuses to say so, because such answers would be deeply inconvenient to the Bush administration.

Time and again, Judge Mukasey told us that he would be independent of the White House, that he understands that the Attorney General is not simply the President's lawyer, but is the guardian of the law for all Americans. I would like to believe Judge Mukasey. But if this issue was the first test of his independence, he has failed it.

Judge Mukasey's answers to our questions on torture remind me of nothing so much as the responses to the Senate on these issues by Attorney General Gonzales. Mr. Gonzales adopted an absurdly narrow definition of torture in order to permit extreme interrogation practices. He ignored the plain language of the Geneva Conventions prohibiting cruel and humiliating treatment.

He withheld his views on how to interpret and enforce our laws against torture and cruel, inhuman, and degrading acts. He refused to discuss specific interrogation techniques or to repudiate the Bybee memo. He refused to take any firm positions.

Judge Mukasey may have dressed up his responses in more skilled legal rhetoric, but the difference between his answers and those of Mr. Gonzales is disappointingly small.

Judge Mukasey's answers make clear that this administration simply cannot be trusted ever to renounce torture. Congress, therefore, must act now to strengthen our ban on torture. I have already introduced a bill to do that: The Torture Prevention and Effective Interrogation Act. It will apply the standards of the Army Field Manual to all U.S. government interrogations, not just Department of Defense interrogations. This basic reform will ensure that our government honors its commitment to the rights enshrined in the Geneva Conventions, which protect the values we cherish as a free society and the lives of our men and women overseas. I intend to move that legislation at the earliest possible time. Congress needs to pass it promptly.

While Judge Mukasey's views on torture are reason enough to oppose his nomination, I found little comfort in other areas as well.

For instance, Judge Mukasey argued that the President has substantial spheres of exclusive powers over which the other branches of government have no control whatever. He indicated that the President may indefinitely imprison a U.S. citizen, seized on U.S. soil, without charges, solely on the President's determination that the person is an ''enemy combatant.'' He ridiculed critics of the PATRIOT Act. He stated that the President may sometimes violate or disregard the Foreign Intelligence Surveillance Act, despite that law's clear statement to the contrary.

Judge Mukasey also argued that the Authorization for Use of Military Force, passed by Congress immediately after the 9/11 attacks, may have authorized the President's warrantless surveillance program that was used to spy on millions of Americans for over 5 years. That is a ridiculous legal argument, which legal experts have debunked time and time again. In these statements and others, Judge Mukasey left the troubling impression that the executive branch can run roughshod over the constitutional role of the other branches and the civil liberties of Americans.

When I met with Judge Mukasey, I made clear that the Civil Rights Division is failing in its historic mission. As civil rights legend John Lewis recently testified, the division has ''lost it's way.'' It will take clear, strong leadership to ensure that the division once again vigorously enforces the Nation's civil rights laws. When we met, I suggested specific reforms, and I mentioned published studies that have done the same. Yet when I asked Judge Mukasey about his specific plan for the Civil Rights Division, he gave only vague answers. He never acknowledged that the division is in need of reform, and he never provided any concrete ideas on how he would revitalize the division. There was nothing in his answers to suggest that as Attorney General, he would enforce our civil rights laws with the skill and vigor that are necessary to guarantee equal justice and equal opportunity for all Americans.

I therefore intend to oppose this nomination. Judge Mukasey appears to be a careful, conscientious and intelligent lawyer, and he has served our country honorably for many years. But those qualities are not enough for this critical position at this critical time. Over the past 6 years, the Bush administration has run roughshod over the rule of law, and has taken the Department of Justice along for the ride. In light of that history, the Senate must demand an Attorney General who will speak truth to power, and follow the law, no matter what the consequences.

Judge Mukasey's equivocations and evasions on critical issues give me no confidence that he will fulfill this vital role. After 6 long years of reckless disregard for the rule of law by this administration, we cannot afford to take our chances on the judgment of someone who either does not know torture when he sees it or is willing to pretend so to suit the President.

Mr. President, I ask unanimous consent when the Senate goes into a quorum call, the time be equally divided between the parties.

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

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

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PRODUCT SAFETY

Mr. BROWN. Mr. President, Halloween has come and gone. Yet there are too many parents I have talked to in the last couple weeks who have some fear, who have been scared about some of the toys that have come into our country; where they see ''Made in China'' and they have seen news reports and have seen and heard about products tested that have lead content.

A professor at the University of Ashland, in Ashland, OH, about 15 miles from where I grew up in Mansfield, OH, has been a leader, with his chemistry students at Ashland University, in testing for lead in toys.

I asked him if he would test some Halloween products, if you will, some Halloween toys and various paraphernalia. He found out of 22 products he tested, 3 of them had high levels of lead. In fact, the Consumer Product Safety Commission has said that anything over 600 parts per million of lead is dangerous for adults, and any lead at all is dangerous for children.

He found in a Frankenstein mug he bought locally at a store in Ashland—and they are sold all over the country, I am sure—he found a Frankenstein mug that had 39,000 parts per million of lead—39,000—when the level of safety for adults is 600, and the level for children is zero. He found a Halloween cup that was 39,000 parts per million.

We have read all about the Consumer Product Safety Commission and how they have failed the American people and how the chairwoman is lobbying against the legislation of Senator PRYOR to make the Consumer Product Safety Commission work better; how she has supported the Bush administration, as an appointee of them, in cutting funding for inspections and cutting funding for enforcing consumer product safety.

But this shouldn't surprise us when we buy $288 billion worth of products from China, as we did last year, not to mention hundreds of billions of dollars of products from other countries, and tens of billions of dollars of those products are consumer items certainly—tens of billions of dollars worth of tires, vitamins, toys—all kinds of things. Those products are made in a country where they have weak worker safety standards, they have almost nonexistent consumer protection laws and rules, they have very weak food safety standards, very weak environmental safe drinking water and clean air standards.

So we shouldn't be surprised when we buy products from a country where these products are produced doesn't have any kinds of protections themselves for their own workers and for their own consuming public. That is compounded by the fact that American companies such as Mattel, toy companies and other companies, when they go to China, they hire Chinese subcontractors and they push these Chinese subcontractors to cut costs: You have to cut costs and cut corners and make these products cheaper. So what logically will they do? They will use lead-based paint because it is cheaper, easier to apply, dries faster, and it is shinier. They will put contaminants in vitamins because it is less expensive than using the pure, real ingredients that should be in them. As the New York Times pointed out yesterday in a frontpage story, they will sell pharmaceuticals out of China that are contaminated and unsafe for consumers in China and all over the world.

So you have a situation where we open our borders, as we should, to trade. I want trade. I want more of it. I want plenty of it. But I want it under a different set of rules, most importantly to protect the American public and our families and our children. But we open up our borders to $288 billion of Chinese products. They don't make these products safe for their own people, let alone for the United States. They cut costs to export those products here, and then when these importers bring them in, Mattel or anybody else, they are not held accountable. If Mattel is going to bring toys in, then they are responsible for those toys being safe—any importer that brings products in, whether it is apple juice, whether it is vitamins, whether it is toothpaste, whether it is dog food, whether it is toys, whether it is tires. Every one of those products has had a major problem, and every one of those products I mentioned was imported from China and from Southeast Asia.

At the same time, then, we have a complicit or a compliant—I am not sure which—Bush administration which has weakened consumer protection laws, food safety laws, clean air laws, safe drinking water laws, and it has weakened drug safety laws. We have a Bush administration which has weakened those laws and then underfunds and cuts back on the number of inspections. So the products are made in a country where they are not likely to be safe, they are brought in by an American contractor who has pushed those subcontractors to do it more cheaply; they are then brought in with no personal or corporate responsibility by the importer, and then we have a government which doesn't protect us. For 50 years, in some cases more than 50 years, and in others slightly fewer than 50 years, we have had an FDA, Food and Drug Administration, an EPA, a Consumer Product Safety Commission, and the Environmental Protection Agency, we have had these agencies which have protected the air, the water, the food, the medicine, the toys our consumers buy.

What has happened over the last 5 years is that they have weakened the standards and cut back the number of inspectors, even though 20 years ago when the Environmental Protection Agency was much larger and did many more inspections, we are now importing all kinds of toys and food products that we weren't importing back then. So we have set ourselves up—because of the Bush administration's closeness to the toy companies and other corporations, the Bush administration has sided with the drug companies over the consuming, medicine-taking public, the Bush administration has sided with

the big polluters and they weakened the EPA; they sided with the big toy companies and weakened the Consumer Product Safety Commission. So it is no surprise our children are not as safe and our food supply is not as pure as it should be. It doesn't matter to point fingers, but the fact is we have set this system up, in part because of trade policy that is written by the largest corporations in the country to serve their shareholders and to serve their executives at the expense of workers overseas, at the expense of workers in our country, and at the expense of the consuming public: our children and their toys in their bedrooms and our families in the food they buy for their kitchen tables.

Yet Congress—the House and Senate—perhaps is about to pass another trade agreement. We have seen these trade agreements with China, with Mexico—the Central American Free Trade Agreement, NAFTA, CAFTA, PNTR with China—we have seen these trade agreements weaken our safety regulatory structure. These trade agreements in part are responsible for weaker environmental standards, for weaker food safety standards, for weaker consumer protection laws, for weaker food and drug safety rules. Yet Congress is about to pass, it looks like, a trade agreement with Peru, with some of the same problems. It is a better trade agreement. It has some labor and environmental standards, but it doesn't have the kinds of protection for food safety, the kinds of protections for drug safety, the kinds of protections for consumer products as it should.

Instead of passing another trade agreement, Congress should simply stop. We should reexamine our consumer protection laws, our food safety laws, our safe drinking water and clean air laws, our drug safety laws. We should stop and examine them. We should stop and not pass any more trade agreements until we have reexamined what NAFTA has meant, what CAFTA has meant, what PNTR with China has meant, and a whole host of other trade agreements. Then we can move forward and write trade agreements that don't just serve the interests of the largest companies in the world, as they have in the past, but trade agreements that work for workers, trade agreements that protect the public, protect our jobs, protect our food supply, and protect our children from dangerous toys. If these trade agreements are done right, they will lift up standards not just in Mexico and Central America and China, but lift up standards in this country so we know we will have pure food and safe drinking water.

We know from these trade agreements that we will have safe toys with no lead in them, and we know it will be better for our communities, from Galion to Gallipolis to Ashtabula to Middletown in my great State of Ohio.

Mr. President, I yield the floor.

I suggest the absence of a quorum, and I ask unanimous consent that the time on the quorum call be evenly divided between the two parties.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Mr. President, quite frankly, I don't understand the objections of the President of the United States to the Children's Health Insurance Program we are considering here today. I hope we all understand the importance of this program and how important it is for children in America to have health insurance. We know, and we have a lot of studies which show, that children who have health insurance are far more likely to be immunized against diseases, far more likely to have the benefits of preventive health care, are far more likely to get the type of health care intervention that will lead to healthier lives. Quite frankly, that will save us money because they are going to be healthier and need less health care during their lifetime. We also know that children who have health insurance are far more likely to have better attendance records at school. The list goes on and on and on. So it makes sense for children to have health insurance.

The legislation we are considering is aimed at working families—working families that cannot afford the cost of health insurance. These are families playing according to the rules. They are doing everything right, but they can't afford the cost of insuring the family with health insurance.

A family from Baltimore came and testified before the Presiding Officer's committee for the reauthorization of the CHIP program. The mother explained that having children's health insurance—having the Maryland program—that mother no longer has to wake up in the morning and decide whether the child is sick enough to see a doctor. She doesn't have to worry that if her child is playing on a playground and gets hurt, how they will be able to afford that bill.

Our children are the innocent casualties of the failure of our country to have universal health coverage—universal health insurance. They are the innocent casualties. The bill we have before us tries to do something about it.

This is a bill that is not a Democratic bill or a Republican bill; it is a bill that has been compromised in the best sense of the legislative process: Democrats and Republicans working together to produce a bill that could be supported not just for 1 year but supported now for a decade. It is a bill that builds upon private insurance. That was important to get the consensus among Democrats and Republicans. It is a bill that is administered by our States; it is not administered in Washington. This is a program that our States administer. I am proud of the State of Maryland MCHIP program, the Maryland Children's Health Insurance Program. It is designed in Maryland to meet the needs of our children, and the Federal Government is a partner in helping to pay for the program. This is a bill that has been worked in the best sense of the legislative process, by Democrats and Republicans.

It is an affordable program. I have heard the President of the United States talk about the affordability. This program is affordable. First, as I mentioned earlier, it saves health care dollars. Children who have access to preventive health care are going to save us money over the long term in health care expenditures. Secondly, this bill is paid for. I know that is not always the case with legislation we pass, but this bill will not add a penny to the deficit. In fact, I would argue that this bill will actually help us in balancing the Federal budget. It is fully paid for by an increase in the cigarette tax, but economists tell us that as a result of the increase in the cigarette tax, there are going to be millions of people who will either stop smoking or will never start smoking—particularly young people who won't start smoking now because of the extra cost in buying a pack of cigarettes. The Presiding Officer and I know how much that will save in our health care system for someone who doesn't smoke. That is not figured into the cost estimates here, the savings we will have to our health care system because of the number of children who will never start smoking.

In Maryland, this bill will mean that Maryland will not only be able to continue the 100,000 children who are currently enrolled in the program—because if we don't pass this bill, we can't continue our current commitment—but will add 40,000 more children to the Maryland Children's Health Care Program.

That is good. We need to do that. Let me remind you that, in Maryland, we have 800,000 people without health insurance. That is not just children, that is the whole community that has no health insurance. Obviously, we want to reduce that number. This bill makes a small step in dealing with the gap we have in America where people have no health insurance, but it is an important step because it deals with children. We can certainly do that.

I wish to talk about one part of the program that, quite frankly, hasn't gotten a lot of attention, and it is a very important part, which is the reason we need a reauthorization bill. In a reauthorization bill, we can expand the program to deal with the needs in our communities. This bill covers required dental services, so all the children in the Children's Health Insurance Program will receive dental insurance coverage.

C. Everett Koop, a former Surgeon General of the United States, says,

''There is no health without oral health.'' Again, he is a former Surgeon General. The American Academy of Pediatric Dentistry said dental decay is the most chronic childhood disease among children in the United States—five times more likely than asthma. Regarding the vulnerability of our children, of those children between the ages of 6 to 8, 50 percent have tooth decay. If you are poor and live in poverty, you are two times more likely to have a problem with your teeth. If you happen to be a minority—if you are an African American, 39 percent of them have untreated tooth decay. If you live in a rural part of your State—Mr. President, I know your State and my State have rural communities—only 11 percent of our population ever visit a dentist. We have a problem with dental care in this country. Twenty-five million Americans live today in areas that have inadequate dental care services. So we can do better, and this bill moves us in the right direction. There is a direct relationship between general health and oral health. We know that. One example: Plaque has been directly related to problems with heart disease. We know there is a relationship there, and there is a lot to be learned.

I am going to try to put a face on this issue because we talk about what it means to have 25 million people who don't have access to dental services. I will tell you about one child, Deamonte Driver. He lived in Prince George's County in my State, which is about 6 miles from here. He was a 12-year-old who had problems with his teeth. His mom tried to get him to see a dentist and could not find one who would treat him. He sort of fell through the cracks.

Finally, he was suffering from horrible headaches, so his mother did what many parents do with children who don't have health insurance—took the child to the emergency room. One of the reasons we want to see the CHIP bill passed is to get children less expensive preventive health care so they don't have to use emergency rooms as primary care facilities. He went to the emergency room, and he was admitted. It seemed as if he didn't just have tooth decay, he had an abscessed tooth that went untreated. No dentist would see him. He had no insurance. They performed an operation and tried to alleviate his pain and save his life. They performed a second operation and spent a quarter of a million dollars, which we paid for because it was uncompensated care. That boy died because, in 2007, we have no program in this country to provide that child an $80 tooth extraction and for children to be able to see dentists.

Mr. President, one of the really good things about this bill before us—our reauthorization bill—is we have a chance to do something about that. We have a chance to do something about the Deamonte Drivers of our communities, to make sure our innocent children get the type of attention they so much deserve.

What does this bill do for dental care? It has a guaranteed dental benefit, coverage of dental services necessary to prevent diseases, promote oral health, restore oral structure to health and function, and treat emergency conditions. That is what is covered in this legislation which we will vote on in a few hours. How do you meet that? It is interesting. The States are giving benchmarks. You can do it if you have a benefit like ours, our Federal plan, in which dental benefits are included. The State can meet the requirements by providing the benefits Federal employees get. They can take the dental benefits in their State employees' plan and use that as a model or they can take the most popular commercial plan in their State for enrollment for Medicaid enrollees and use that as their benchmark.

So when you are using commercial insurance as the benchmark for what children should be able to have insurance to deal with their dental needs, to me, that is the way we should be going. It is in this bill.

This is even more important. The bill provides for dental education for parents of newborns. When babies are born, they don't have teeth, so why is that important? One out of every five children between the ages of 2 and 4 has tooth decay in their baby teeth. This bill provides for education so that parents know about the risks of oral health and know how to deal with oral health as their babies grow up. It also makes it easier to locate a participating provider.

Let me go back to Deamonte Driver again, from Prince George's County. His parents sought the help of a social worker, Laurie Norris, who tried to find a dentist who would treat Deamonte Driver. That social worker made over 20 phone calls to try to find a dentist who would treat Deamonte Driver—without success. Think about the time that went into that. Think about how many parents must be so discouraged in trying to get help for their children.

Well, this legislation before us today, which we will vote on in a couple of hours, does something about that. It requires that the Web page on the Children's Health Insurance Program list the coverage available by State for dental benefits under the CHIP program, plus the list of providers who will provide that care. So if this bill becomes law, with one phone call or one click of the mouse, a parent will be able to know exactly what the benefits are and exactly which dentist that parent can contact in order to get his or her child the type of care they need.

I have heard my colleagues talk a lot about this Children's Health Insurance Program, how important it is to the health of the people in our communities. I know how important it is in Maryland. I am proud of our program at the State level, which has the cooperation and help of the Federal Government as a partner. It is a bipartisan bill, developed by Democrats and Republicans, and the bill makes sense from the point of view of proper allocation of money in our health care system and will save us money—all of those things.

At the end of the day, it does speak about priorities. What is important? Where are our priorities? What do we want to be known for? Whom did we stand up for?

This bill spends $35 billion over a 5-year period, and it is fully paid for. We can all make our own comparisons, but I think about the cost in Iraq, which, over a 3-month period, is costing more than this bill, and it is not paid for, but we seem to always have the money for that. And we come up with excuses to oppose this legislation.

I thank the leaders who were responsible for bringing this legislation forward. I urge my colleagues to support it. I hope we can get the type of support we need to pass this, notwithstanding the objections of the President. I always hold out hope that President Bush will sign a bill—a bill that will allow the people of Maryland and throughout this country to have adequate care so that we don't have to again see a story such as Deamonte Driver's—a child who died because we could not find a way to get him basic dental care.

I urge my colleagues to support this legislation.

With that, I yield the floor.

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

IRAQ WAR COSTS

Mr. MENENDEZ. Mr. President, I rise to speak once again about the cost of the war in Iraq here at home. This is the third speech I have stood up to give in the series that I intend to continue to give about what the Iraq war is costing us here at home, beyond the immeasurable cost of lives. Over 3,839 American lives have been lost—those are priceless—and 28,327 Americans have been seriously injured in the service of their country.

Since I started giving these speeches 2 weeks ago, $5 billion more has gone from the Treasury and has been spent in Iraq. It brings the total amount taken from the American people's pockets to $455 billion. Next month, another $10 billion will be sent over to Iraq, and it will be gone forever.

Americans trusted the Government with that money. When the numbers are that outrageously high, we all have to constantly be asking ourselves a simple question: What is going to make a bigger difference in our lives—using the money to fix the major problems we have facing the Nation every day or fighting a war that has achieved nothing for any of us? Could America have achieved more out of that money spending it on hospitals or lifesaving cancer research, schools and universities, food for the needy, roads, train tracks, bridges and airports, or the catastrophe that is the war in Iraq?

President Bush likes to use the line that ''we are fighting them over there

so that we don't have to fight them here.'' I think Americans have figured out that what he really means is we are spending all of our money over there, and therefore we have none to spend here.

I have already spoken out about the massive holes in our homeland security that the war funding in Iraq could have closed being used here at home. I have spoken about the difference that funding could have made for millions of Americans who have to play Russian roulette with their lives because they simply don't have health insurance, including millions of children who would be covered under the bill which is currently before the Senate, a bill the President threatens once again to veto while asking for $200 billion more in war funds this year alone—funds which, by the way, he doesn't even pay for. He wants to make his fiscal bones on the backs of children who have no health care coverage. They are the most important asset we have in our Nation and also the most fragile asset we have in our Nation. He says: Well, this bill is not fiscally acceptable. Yet he can, at the same time, send a request to us for $200 billion, which he doesn't pay for. Not only does he not give children their health insurance, he adds a mountain of debt on their backs for the future. That is totally irresponsible.

I have talked many times about children's health insurance. I note, too, as we move to this vote, I don't know why there are still some advocating knocking parents off children's health insurance. Children and parents together successfully brought in more children to the program. Why is it that there are those Members of Congress who want to push more Americans into the vast number of the uninsured in this country? Because that is what they are advocating at the end of the day.

Today I wish to talk about what America would look like if we spent the money George Bush is spending on failing to rebuild Iraq to repair our own battered infrastructure at home. Yes, we are spending a lot of money, billions of dollars in Iraq, with which we fail even to rebuild Iraq. Not only are we failing to rebuild Iraq, we certainly do not have the resources at home.

Is it the Iraq war or better transportation in our country? There is no way to put a price tag on the immense frustration we feel with our systems of transportation. If you have ever slammed your hands on the steering wheel because traffic is unbearable so you are going to miss your meeting or be late to pick up your child at school, if you ever had your train delayed or have been jammed inside a subway car that was not built to carry the number of people who are stuffed in there, if you have ever been stuck waiting in an airport terminal or trapped on a plane sitting on a tarmac waiting to take off hour after hour, then you know our transportation systems are stretched to the limit, and sometimes they break.

Thirteen people paid the ultimate price and 100 more were injured at the terrible, tragic collapse of the bridge in Minnesota a few months ago. It is scary how easily that could happen again. Here is a truly shocking statistic. The number of bridges that are either structurally deficient or functionally obsolete in this country is enormous. It is about 160,000 bridges, 25 percent of all the bridges in the country. That means if you have driven over four bridges, the odds are that one of them is not in particularly great shape, and that is incredibly scary.

What does it cost to stop another tragedy such as the one in Minneapolis from happening? The American Society of Civil Engineers estimates that the cost of maintaining and replacing obsolete or deteriorating bridges is about $7.4 billion a year. That is the cost of staying even, not allowing the overall quality of our bridges to further deteriorate.

If we spent on transportation what we spend on the Iraq war, we could pay off the entire cost of what the Society of Civil Engineers estimates would be the cost of maintaining and replacing all those obsolete or deteriorating bridges in 22 days. We could take care of every bridge in America and make everybody safer in 22 days for the cost of the war in Iraq—22 days. That is another example of what the war costs: bridges you can feel confident about, that you will get home safely to your family versus less than a month in Iraq.

Today construction is beginning on the Minneapolis bridge that will replace the one that collapsed. The cost: $234 million. We spend that money in Iraq in less than 1 day.

Americans are also feeling the hassle of commuting by car or plane, especially for long distances. Oil prices are hitting record highs. Many feel that petroleum production is reaching a peak. Burning oil thickens our air with smog and stokes the fires of the global climate crisis, threatening to drown buildings on our coastlines under water and create massive droughts inland. If we don't create viable transportation options that will end our dependence on oil, America is going to be in big trouble.

With all this in mind, yesterday the Senate passed a bill to boost funding for Amtrak. We passed that bill so the great American relationship with the railroad could be restored and brought to new peaks of excellence. Funding for the Amtrak bill will be $19.2 billion over 6 years. That money would make passenger transportation easier, it would improve rail security, it would make our air cleaner, and it would be a boost to the economy. But like every appropriations bill that has come or is on its way to the President's desk under the Democratic Congress, the administration has argued that we don't have money for good public transportation systems.

While President Bush's mouth is moving, his hand is signing checks for other items. What the Amtrak bill would spend in 6 years, the President spends in Iraq in 2 months while we are trying to have a national rail transportation system that gets sales forces from small and mid-size companies to work with intercity travel to sell their products or services, to get people to great institutions of research and also great institutions of healing and hospitals, to get people maybe to the Nation's Capital or to other major cities along the Northeast corridor, to have the opportunity after a post–September 11 world to understand that multiple modes of transportation are critical—if we have a terrorist incident in one part of the country, we can move people along, as on that fateful day. What was open for intercity travel when every airplane was grounded? It was Amtrak. Yet the President says: Oh, no, I am going to veto that bill.

What we are going to spend in 6 years to make Amtrak a world-class rail system, the President spends in Iraq in under 2 months. That is what the war costs: vastly improved American railroads versus 2 months of bloody chaos in Iraq.

The costs of this war, in my mind, are unimaginable. The Congressional Budget Office put out a report projecting that the Iraq war will cost, at the rate we are going, $1.9 trillion, nearly $2 trillion. It is incredibly hard to put that money into perspective, but so we can get an idea of how vast that sum is, paving the entire Interstate Highway System over the course of 3½ decades only costs $425 billion. Some estimates say the Interstate Highway System returns $6 for every $1 we spend in economic opportunity and growth. The Iraq war has returned zero dollars for every billion dollars spent.

So we can get an idea of how vast that sum is with the money spent in Iraq, we could pave a four-lane American highway from Chicago to Milwaukee with an entire inch of solid gold. We could pave a four-lane American highway from Chicago to Milwaukee with an entire inch of solid gold. And if you made the thickness less than an inch of solid gold, you could easily gild a highway from sea to shining sea. That is what the war costs. It costs so much, the amount of money starts to exceed what it would cost to pay even for our most ludicrous dreams.

We have to use our imaginations as to where that money could go because for a lot of it, we don't know where it is going. Billions of dollars have gone missing in Iraq. According to a report released by the special inspector general for Iraq earlier this week, the rest has largely failed to build Iraq's infrastructure. Meanwhile, infrastructure in America still needs serious help. We don't have money accounted for in Iraq that we are sending to rebuild the Iraq infrastructure. The rest that we do account for, the inspector general says it

is largely failing to rebuild Iraq's infrastructure, and we don't have the resources to meet our challenges at home.

It is time for us to make a choice: Will we put this country on a track to recovery or watch it barrel down the rails to deterioration? Will we pave the highway to success for our people or leave that road to rust and rot? Will we watch our economy take off, the aspirations and dreams of our people soar to new heights, or will we ground our Nation, leaving thousands to face the congestion that gridlocks so many forms of transportation in so many places, leaving thousands waiting in the terminals of frustration, waiting for something to change, for something finally to change?

Thinking about our transportation needs is another way to think about what we want the United States of America to look like as a nation. As someone who travels quite a bit across the landscape of the country, I have experienced all these frustrations with all of these different modes of transportation. And transportation is about more than getting from one place to another. It is about economic opportunity and commerce. It is about getting products to market. It is about getting people to service. It is about getting people to important institutions so they can be healed. It is about creating economic opportunity. It is about uniting families from coast to coast. It is about the quality of air and the environment we collectively enjoy by getting more people out of cars. It is about, by the same token, the opportunity to have multiple modes of security. It has so many dimensions to it, but all those dimensions go unresponded to because we are spending hundreds of billions of dollars on the war in Iraq.

Those needs are yet another reason it is time to end this war because when it comes to the failed war in Iraq, American families are being taken for a ride.

It is time to soar again, it is time to reinforce with the strongest iron and steel the bridges to safety and success, time to clear off the barricades of the road to opportunity, time to put America on the highest speed track we can, and to make sure we are always first in flight high above the clouds. Those goals are not imaginary or unattainable. They are very much within our reach. But for that, we have to change the course in Iraq and invest in America at home.

I will continue to come to the floor to speak about different dimensions of the cost of this war in Iraq. It is a cost the American people can no longer suffer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

NOMINATION OF MICHAEL MUKASEY

Mr. SANDERS. Mr. President, I wish to say a few words this afternoon on some of the issues with which the Senate is dealing.

Last week, I believe I was the first Member of the Senate to suggest very strongly that Michael Mukasey should not become the next Attorney General, and I am very pleased that in the last week, more and more of my colleagues are coming to that same conclusion.

The Attorney General of the United States must be a defender of our constitutional rights. Because President Bush thinks he can do whatever he wants whenever he wants in the name of fighting terrorism, we need an Attorney General who can explain to the President what the Constitution of this country is all about. We need an Attorney General who does not believe the President has unlimited power. We need an Attorney General who will tell President Bush he is not above the law. We need an Attorney General who clearly understands the separation of powers inherent in our Constitution.

Regretfully, I have concluded that Michael Mukasey would not be that kind of Attorney General. I am gratified that more and more of my colleagues are coming to that same conclusion.

Let me be very clear. It goes without saying that the U.S. Government must do everything it can to protect the American people from the very dangerous threats of international terrorism, but we can do that in ways that are effective and are consistent with the Constitution of our country and the civil liberties it guarantees. We do not have to give up our basic freedoms in the name of fighting terrorism.

The Bush administration and the lawyers who have enabled it for the past 7 years cannot be bothered, it appears, with such technical legal niceties as the Bill of Rights. This administration thinks it can eavesdrop on telephone conversations without warrants, suspend due process for people classified as ''enemy combatants,'' and thumb its nose when Congress exercises its oversight responsibility. That is why I called on Roberto Gonzales to resign. I had hoped that the confirmation process for a new Attorney General would give the President and the Senate an important opportunity to refocus on the core American principles embodied in our Constitution.

Unfortunately, it appears Judge Mukasey doesn't get it. At his 2-day confirmation hearing before the Senate Judiciary Committee, he suggested that eavesdropping without warrants and using ''enhanced'' interrogation techniques for terrorism suspects might be constitutional, even if they exceeded what the law technically allowed. Mr. Mukasey said Congress might not have the power to stop the President from conducting some surveillance without warrants. He even, incredibly, claimed to be unfamiliar with the technique known as waterboarding.

''If Judge Mukasey cannot say plainly that the President must obey a valid statute, he ought not to be the Nation's next attorney general,'' wrote Jeb Rubenfeld, a professor of constitutional law at Yale Law School, who had appeared before Judge Mukasey as a prosecutor. And he has that right. It has become an American aphorism that ours is a government of laws, not men. We need an Attorney General who understands that so, unfortunately, he can explain it to a President who does not.

CONTROL IN BASRA

Mr. President, I ask unanimous consent to have printed in the RECORD an article that appeared in the Los Angeles Times today.

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

[From the Los Angeles Times, Nov. 1, 2007]

BRITAIN TO HAND OVER CONTROL IN BASRA—BRITISH DEFENSE SECRETARY SAYS IRAQIS ARE READY TO ADDRESS THE SOUTH'S PERSISTENT VIOLENCE

(By Doug Smith and Said Rifai)

Baghdad.—Saying that Iraqi forces are now capable of dealing with the violence that persists in the south, Britain's defense secretary said Wednesday that his government intended to hand over security for the area by mid-December.

Defense Secretary Des Browne acknowledged that sectarian power struggles and gangsterism continue in oil-rich Basra province, but said Iraqi forces were best able to address them now.

Browne, who spoke to reporters in Baghdad a day after reviewing the security situation in Basra, said he saw increasing evidence that Iraqi security forces, particularly the army but increasingly the police as well, were improving in their response to the infighting and violence.

''Unequivocally. I can see progress,'' Browne said.

British Prime Minister Gordon Brown announced last month that his government, the main U.S. foreign partner in Iraq, would pull out half its remaining troops by June, leaving 2,500 soldiers stationed outside Basra.

Browne said that contingent would be adequate to fulfill its primary responsibility of guarding the lone British base and would be capable of providing support to Iraqi forces.

In meetings with Iraqi officials Wednesday, Browne pledged Britain's continuing assistance in the economic development of the south.

Also Wednesday, Iraq's foreign minister said Baghdad was holding indirect talks with the Kurdistan Workers Party, or PKK, that would soon lead to the release of several Turkish soldiers the group seized in recent border clashes with Turkey. The PKK, fighting for autonomy for Kurds in Turkey, has bases in the far north of Iraq.

Iraqi Foreign Minister Hoshyar Zebari, an ethnic Kurd, made the comments after conferring with Iranian Foreign Minister Manouchehr Mottaki before this weekend's regional security conference in Istanbul.

In contrast to the tension surrounding a visit to Baghdad by Turkey's foreign minister, Ali Babacan, the atmosphere was cordial at a joint appearance after their talks. Both diplomats said the border disputes between Turkey and the PKK should not be allowed to destabilize the region.

Meanwhile, a car bomb exploded in the Alawi neighborhood near Baghdad's fortified Green Zone, killing one person and injuring four. The bodies of six unidentified victims of violence were found in the capital.

In the north, a policeman was killed and two others injured in an attack on a checkpoint about 12 miles south of the city of Kirkuk, police Brig. Gen. Sarhad Qadir said.

Iwo Iraqi army soldiers were killed in Tuz Khumatu, 110 miles north of Baghdad, when a bomb went off under their patrol vehicle, Qadir said.

Mr. SANDERS. Mr. President, what that article talks about is the fact that every day our main ally in Iraq, the United Kingdom, is withdrawing more and more of its troops. In the first paragraph of the article in the L.A. Times today, it states:

Saying that Iraqi forces are now capable of dealing with the violence that persists in the south, Britain's Defense Secretary said Wednesday that his government intended to hand over security for the area by mid December.

And later on in the article it says:

British Prime Minister Gordon Brown announced last month that his government, the main U.S. foreign partner in Iraq, would pull out half its remaining troops by June, leaving 2,500 soldiers stationed outside Basra.

In other words, it is the United States of America, more or less alone, that is continuing this war in Iraq. We have some 140,000 soldiers in Iraq. There are tens and tens of thousands of private contractors in Iraq. It seems to me time is long overdue for us to learn from our ally, the United Kingdom, that we have to begin bringing home our troops, as they are, as soon as we possibly can.

Senator MENENDEZ made the case, I thought very impressively, about what this war is costing us in terms of human life, what it is costing us in terms of the tens of thousands of soldiers who are going to return home with traumatic brain injury, with post-traumatic stress disorder, without arms and without legs. This war has cost the Iraqi people almost beyond comprehension. No one knows exactly how many hundreds of thousands of Iraqi men, women, and children are dead, but there are estimates that go way up to close to 1 million. There are 2 million Iraqis who have been forced to flee their own country, and there are 2 million who have been displaced internally who have had to leave their homes because of ethnic cleansing and because of the violence that existed in their neighborhoods.

This war has resulted, tragically, in the standing of the United States of America being diminished all over the world. Some of us remember years back, when a President of the United States would go to Europe, would go abroad, and hundreds of thousands of people, if not millions of people, would be lining streets with American flags, looking up to Americans saying: America, you are the kind of country we want to be. Now, when this President goes abroad, there are thousands and thousands of people who are coming out, but invariably they are demonstrating against the United States.

What poll after poll shows, to our great loss, to our capability in fighting international terrorism, is we have lost the moral high ground; that our standing throughout the world is significantly diminished. And certainly one of the challenges we face as a Senate is to restore the confidence the entire world used to have in the United States and restore that once again, so when our kids go visit in Europe and somebody says to them: What country do you come from, they do not have to say they come from Canada. They can say proudly they come from the United States of America, a country that, once again, we hope, will be respected throughout the entire world.

I hope very much we will follow the lead of our friends in the United Kingdom, who are now down to 2,500 troops. I suspect in the not-too-distant future those troops will probably be withdrawn. We should be bringing our troops home as soon as we possibly can.

ABOLISHING HUNGER

The last point I wish to make is that fairly soon, as I understand it, the agriculture bill will come to the floor of the Senate. In that bill, I think under Senator HARKIN's leadership, there have been some very positive changes being made. But I think, because of the lack of funding, that bill does not go anywhere near as far as it should in addressing some of the very serious problems we face in our country in terms of nutrition and in terms of hunger.

At the same time this country is spending $10 billion a month on the war in Iraq, it has the dubious distinction of having, by far, the highest rate of childhood poverty in the industrialized world, with almost one-fifth—almost one out of five—of the kids in this country living in poverty. Compare that with Scandinavia, where it is maybe 3 percent or 4 percent. And the rate of poverty in America is growing.

Last year, as you may recall, the Department of Agriculture, in the midst of this increase in poverty in our country, reported that 12 percent of Americans—35 million people—could not put food on their table at least part of the year. Thirty-five million of our fellow Americans could not put food on the table for at least part of the year. That is not what should be happening in our country.

When the Senate deals with the agriculture bill, I will be offering an amendment which will ask for a commitment from the Senate that says, at a time when the wealthiest people are becoming wealthier, when the poorest are becoming poorer, when hunger in America is increasing, this Senate, this Congress will make a moral commitment to abolish hunger in this country in the next 5 years. That is not asking too much for our country.

We have to fundamentally change the priorities of our Nation. When billionaires want tax breaks, we have money for them. We have money for war. But when children go hungry, I guess there is no money available. So I look forward to working with my colleagues to change the priorities of this Senate so we start paying attention to the vast majority of our people rather than the few and the wealthy who have so much power.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Wyoming.

Mr. ENZI. Mr. President, in a little over 2 hours, we are going to be having two votes on this floor. Under rules of the Senate, technically, the time is reserved for the debate on that, so I thought I ought to come to the floor and assure people that vote isn't going to be on the Attorney General and it is not going to be on the farm bill. It is going to be about health.

I thought somebody probably ought to come and talk a little about health, so I am going to do that. Yesterday, we voted to invoke cloture on the motion to proceed to H.R. 3963, which is the State Children's Health Insurance Program, or what folks on Capitol Hill are calling SCHIP. Now, I spoke on the floor last night about how this so-called new bill isn't new at all. It is about the same old flawed plan, only with new rhetoric.

I had a lot of hope for what was going to happen because both sides were talking. They were looking at some of the proposals I and others had made, and I even thought the House was going to have those included in their bill. When it went to the floor, it turned out to be kind of the same old thing again, with new sound bites and political posturing. That isn't what it is supposed to be about. We are supposed to be making decisions on health for the children of this country and, hopefully, for every American. But we choose to make political points, which holds up the system and doesn't get the job done.

With those new sound bites and political posturing, we are not ensuring that low-income children have the health care they need. We owe it to these children to work with the President to reauthorize this critical program in a way that gets every single low-income child who needs insurance. This body hasn't been able to do that, and we have been working on this bill for many months. I know if it were not for politics, this bill would have been done weeks ago. Actually, it would have been done months ago.

The longer we work on this issue, the more political it becomes, to the point where we don't even debate it any more. We wait for the votes to roll around and we talk about Attorneys General and farm bills and the war and we avoid the issue we ought to be talking about, which is how to come together to take care of children's health.

Now, I worry that some Members in this Chamber have lost sight of the goal, and that goal was making sure all low-income children in this country have health care. The press has been reporting, and some Members of this body have claimed, all concerns were addressed in the last version of the bill that the House voted on last week—the one that is before us now—but that is

not correct. The concerns weren't addressed. We have to put low-income kids first, and this bill doesn't do that.

Now, I detailed in my speech last night the concerns I have with this bill. I also mentioned I am a cosponsor of the Kids First Act, S. 2152, the bill that would provide Federal funding for children in need and require that the money actually be spent on children from families with lower incomes. This bill is a good step in the direction of compromise, and I hope the majority will see that and start working with the minority to pass something the President can sign, rather than continuing to play politics.

I would suggest the politics haven't worked. I noticed when it went to the floor on the House side there were more people opposed to this version than there were to the previous version. I noticed on the cloture vote there were more people opposed to this version than there were to the last version. That doesn't sound like progress to me; that sounds like more of the same, where it allows people to run political ads one way or the other against people. That is not what we are supposed to be about.

SCHIP is important, and I wish to be crystal clear about my position: I support the SCHIP program 1,000 percent; that is, the SCHIP program we can have, not the one that one side or the other is trying to force down the throat saying we are doing it for kids. But more than that, it is important this body be thinking bigger. We need to think bigger about fixing the entire health care system and helping all Americans.

I do have a bill that does just that. It is not my bill; it is our bill. I spent months collecting ideas from both sides of the aisle. I have looked at every health care provision that anybody has to see if there is not some common ground—and there is. There is. I don't have everything in this because I found that legislation works best if it is evolutionary, not revolutionary. You have to take steps to get from here to there. But if you take steps and you get started with a step, you can actually wind up at your destination. So I put together a bill on behalf of everybody which can do just that—one part of it or all of it; it doesn't matter. For the next few minutes, I would like to explain my plan to this body.

When our constituents look off to the distance, they do see dark clouds and an explosion of health care costs, and they see it rapidly drifting across the country. I know this from the town meetings I have been having. I mention that again. Every day many of our constituents are going to jobs they do not like, but they are afraid that if they change, the change in employment will mean their loved ones will lose their health insurance and they will face a future without the protection a good policy affords. They cannot change from one job to another because a family member would have preexisting conditions that would not be covered at the next one. That is not fair.

How do I know these things are happening? I know because I go home almost every weekend. I travel around Wyoming. It is a very big State. I hope all of you will take a look at that. It has a very small population. But I get to talk to almost all of my constituents. I do that partly at town meetings and partly at individual meetings. I also read their letters. I listen to them at all kinds of events when I am back home. I know they are telling me these things. I can also tell that they are telling me the same things. Why aren't we listening? Why are we taking so much time to finally do something about it?

When we are home, one thing we all like to do is visit our local video store. They have a lot of movies we can listen to and watch in the quiet and comfort of our own home. There are different sections for each category, and we can help ourselves to the latest in action or drama or comedy. If health care were a new release and you wanted to check it out at your local video store, you certainly wouldn't find it under ''action'' because there hasn't been any. You wouldn't find it under ''comedy'' either, because there is more tragedy than there is comedy in this whole thing. Most likely you would find it under ''horror,'' ''science fiction,'' or ''fantasy.'' Unfortunately, I am not talking about movies and the land of make-believe; I am talking about real life and the need for real action to solve real problems.

Take the fact that health care is one of the biggest concerns of every American. Combine that with the fact that those who were elected and are now in charge have refused to put forth for debate a substantial proposal that has a real shot at working. There is already talk among top Democrats that next year will be the health care year. It is funny how it always seems to be that when Congress is faced with a heavy lift, it starts talking about next year—as if that is the present tense.

What do you have? You have the answer to why Congress's approval ratings are so low. The solution is clear: The best way to solve sagging poll numbers is to actually do something, stop playing around on the fringe of the issue and get right to the heart of the matter. Our friends on the other side of the aisle know what they should do, but what are they waiting for? We need to do what the American people say they want us most to do. And then—this is the real rub—they want us to work together and avoid the partisan fear that we might have to share the credit. I have always believed you can get anything done if you don't care who gets the credit, and that is the path we ought to be taking. We have a real opportunity to do something now, to get legislation passed that will mean real solutions for our constituents.

I have collected this plan. Over the next few months, I will share each step with my colleagues, as I have been doing, and would remind you that the longest journey in the world begins with a single step, and I am willing to take the first ones. If anyone has a better idea, I am more than willing to put our ideas together until we have something we can all accept.

I know from other pieces of legislation that I have worked on that is the only way to get something done. We can agree on a lot. We can agree on about 80 percent of all of the issues. Health care is one of the issues on which we can agree. I found on any particular issue you can usually agree on 80 percent of it. Eighty percent would be a lot more than what we have now. It is that pesky 20 percent that always proves to be a problem. Sometimes you get things done by what you leave out.

When I mention 10 steps that would get us to this goal—if we only do 8 of them, it is still a lot of health care for people. If we do all 10 of them, it is a solution. If we concentrate on that 80 percent, we can get something done right away to make our health care system better, safer, more efficient, and less expensive. We owe it to our mothers, fathers, sisters, children everywhere to take those steps. One by one, we can get where we need to be.

I think we have all had enough of the ''rush and whine'' bottle of legislating, the ones who rush out from a meeting to hold a press conference so they can whine about a problem. That approach generates a lot of noise, but it has never resulted in action.

We need to work together, the majority and the minority, to build a legacy our children and our grandchildren will benefit from, a fair and effective health care system that will ensure more Americans have access to the health care they need to lead full and productive lives and that those who have it will not lose it.

Forget there is an election coming up for just a few seconds. That, technically, is next November, not this November. That should give us a little bit of time to work on something. But I do know that election for some of us is a barrier to progress. Let's not let it be that way. There is plenty of room for agreement. We do not need a massive bill, just a genuine effort to work together. We do not need a new big Government bureaucracy. We do not need to bankrupt the country. It is not rocket science. We can do it a single step at a time, and I am discouraged that those in charge have not put a single step into play. But I am hopeful that this call to arms—actually, it is a call to work together as comrades in arms—will remind us all that we need to do something about this issue now. Election year politicking should not stand in the way of real reform for health care. There is much we can do today that will give people the confidence they need in their ability to face the challenges of tomorrow. What we can do right now can help people improve their health coverage for themselves and their families.

All I ask is that you walk with me as we take the steps that are needed to solve this problem. I call it a 10-step approach, and it would bring clarity to our health insurance maze and put the focus where it belongs—on patients. Enacting one of the 10 steps would keep our health insurance system strong and off life support for awhile.

The first step gives small businesses greater purchasing power to reduce the costs of insurance plans. Those of you who know me will recognize how central this would have to be to any health care reform proposal of mine. The Chair and I have worked together to bring together an idea that had failed for 12 years because people would not compromise. We worked with all of the stakeholders—which are the providers and the patients and the insurance companies and the insurance commissioners and anybody else with an interest in insurance—and we put together a plan that would effectively allow small businesses to work across State lines to combine to get a big enough pool that they could effectively negotiate with the insurance companies. That still needs to be done. It is still a key to getting more people insured and seeing that people who have insurance get to keep their insurance. In administrative costs alone, it could drive the price down by 23 percent. That is a huge savings for small businesses. It would bring many small businesses back into the market. We need to do that.

A second step focuses our investment on health information technology to cut costs and to save lives. Mr. President, 100,000 Americans die every year because of medical errors that result from messy handwriting and mixups with drugs and treatment. The Senate needs real leadership to bring the health industry into the 21st century. Electronic access to health records could save billions of dollars and save thousands of lives.

People's health records should travel with them so they can share them with their doctors. Informed decisions are better decisions, and patient access to their records can help their doctors do a better job of making sure the patients get the care they need without duplicate testing. How many people have been to the doctor's office and when you get there, what they do is hand you a clipboard and they say: Write down everything you can remember about your health. I used to be able to remember a lot more about my health than I can because I had more of it. But it would really be helpful just to have a little card I can hand them and say: Here, swipe that through your computer, and I will put in a code that will release some of the information. And when I get a test done at a hospital and then go to the doctor, the doctor won't say: It hasn't gotten here yet, so we are going to have to run the test again. Some of those test are $5,000, $10,000—duplicative. But it will be on the little card, you have it right there, you have the information, and you can use it. The Rand Corporation estimates those duplicative tests are costing us $140 billion a year. That is real money, in my book. So an electronic record would go a long way toward eliminating the problems caused by a prescription that can't be read or a drug interaction that could be dangerous or duplicative tests.

The next step would be to correct a flawed Tax Code to make it easier for working Americans to buy health insurance. Jobs don't need health insurance; people need health insurance. Members of American families who are not insured through their employers should have the same access to care. They should have the same access to the Tax Code. We want health care fairness, even if you don't work for a big company. We could do that.

Other steps will fix the medical justice system to cut down on the junk lawsuits that are driving up health care costs. The medical liability system in this country does not work the way it should. The 10 steps would include a mechanism to promote real medical justice reform that will focus on helping both patients and doctors, not trial lawyers. We want medical justice so the people who are injured get paid quickly and fairly, so we are not spending more in preventing lawsuits than we are in preventing illnesses.

I have to say, Senator BAUCUS has been working with me on that bill. We have introduced a bill that can do exactly that. It will be bipartisan. It can be more bipartisan. We need more people to help out.

Americans should not have to live in fear that if they change jobs they will lose health insurance. This 10-step bill will give them security in their health insurance. When you change jobs, you will be able to take your health care with you. You will not have to worry about the insurance company saying: That already existed before you bought our insurance, so that is going to be a surprise discovery, that it was a previous ailment, and we are not going to cover it.

We don't want that to happen. The system we have today is not about patients and making them healthy. We need to put the focus back on health care, not sick care.

We also need to set our sights on prevention. Ben Franklin said it best:

> An ounce of prevention is worth a pound of cure.

Those are a few of the things we can do now. I hope you will check out my Web site, where I have a lot more detail on this plan that I have collected from everybody, everybody who is interested in it. Check out that Web site and join me in getting something done in health care for every American. It is not a big concept, but it can be a big improvement.

I encourage others to bring their ideas out for discussion. I never consider anything I have collected or worked on to be the final answer. The way I get legislation done around here is to listen to all of the different proposals, see what works together, and out of that usually springs some surprise inventions, new ways of doing it that reach the goal we are looking at. That is where we are trying to go.

Our constituents are not asking for more politicking. They consider health to be a real problem.

They want a real answer, so we can bring the focus back to health care and not ''sick'' care. We all know what we should be doing in our own lives to help prevent chronic illness so we can stay strong and healthy. When it comes to health care, it is clear there is a lot that should be happening but is not. We need to replace those ''shoulds'' with a simple word ''will.'' We need to replace the call to do something from ''next year'' to ''now.''

Those changes should happen, and we can make them happen. It is a simple thing. We just need the will to do it. We need to take the politics out of it. I know this is a political body, but we have done much in the past that was not based on politics. It was based on solutions for America. And that is the only way the people of this country are going to have confidence in Congress again.

We can do it. We can do it one step at a time but only if we work together. We have done it. We did it on the mine safety bill a little over a year ago. It used to take about 6 years to get a bill through. We did it in 6 weeks because people listened, found out what the problem was, and put down solutions.

No, it did not solve every problem, but at least it is 80 percent better than it was. Eighty percent is better than nothing. We can reach solutions but only if we listen to each other, find the 80 percent, and be willing to throw out the other 20 percent.

I thought we were at that point on SCHIP. I was disappointed that we went pretty much back to the same old story again because it evidently makes good ads because, as I mentioned before, the number in the House who voted for it was fewer, and the number of people in the Senate who voted for it was fewer. So we are not there. I hope we do something that gets us there, not just for the children but for everybody.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. HUTCHISON. Madam President, I rise to speak in support of the SCHIP bill, but also to say we should not be voting on this legislation right now. This is a time and an issue on which our bipartisan Congress, with a bipartisan consensus, can sit down with the

President and his staff and come to a conclusion that will continue a program that has been very effective. However, that is not what we are faced with today. Today we are faced with voting on the exact same bill—not the exact same bill, almost the exact same bill—that we voted on and the President vetoed only 2 weeks ago.

Now, I voted for the first bill. I think it was a good bill. It had many good features. But I expected, when the President's veto was sustained in the House, the House leadership would take a step back, meet with the President's staff, work something out, and go forward with something new—a new try.

That is not what we have in this bill before us. That is why I voted against the motion to proceed. I believe we needed more time to craft a bill that would be more acceptable to the President and could have the bipartisan consensus to pass and go to the President for signature. That is not what happened.

Instead, the House turned around and very shortly passed almost the same bill. Eighteen Republicans voted for virtually this bill. We also signed a letter saying to our Senate and House leadership: Please work with the President to come up with a compromise.

The President has said he would like a compromise. He has said he would like to move forward. I think there is a very strong middle ground because the bill that is before us is a vast step beyond the program as it has been in place, and I think we could still do a lot more coverage. We could cover more children; we could cover more families with a bill that is not quite as far reaching as the one that is before us today. Even though I support the one that is before us today—and I will continue to do so—I do want a good-faith effort to come to a compromise that everyone can support.

The bill does continue the program we have started. It provides, today, insurance for over 300,000 children in Texas. It also includes an important provision that protects Texas's ability to cover more children with health insurance. During the SCHIP debate, I worked with members of the Senate Finance Committee to ensure the legislative changes did not harm Texas's ability to fund the program, and we were successful. That language was in the original bill, and it is in the bill that is before us today.

However, I do think it is important we move forward in a way that will achieve success. I want to make sure a fast-growing State such as Texas does not lose the money it does not use in any 1 year in the next year and the following year. That was my concern because many of the fast-growing States do not use their money this year, but they will need it next year or the year after because there is a stronger effort to sign up the children who are eligible. That was accomplished in this bill. That is one of the key reasons I support it because I do think it is an efficient use of our taxpayer dollars to cover children so they are not going to be more seriously ill because they have not had the preventive medicine that coverage in Medicaid or SCHIP—which is the next step above Medicaid—can provide. That is a worthy goal for our Congress.

I am going to vote for the bill today. But I do hope this signal is heard; that is, we would ask the leadership in the House and the leadership in the Senate to sit down with the President's staff to work out an agreement where we can all support this bill that will continue the very important mission of SCHIP to give a safety net to children who are above the Medicaid level but still 200 percent or 300 percent at most above poverty and give them an opportunity.

I think some of what has been talked about as compromise is quite good, quite sound, quite creative, such as you go to 250 percent above the poverty level, but between 250 percent and 350 percent you give tax credits for families to cover themselves with private insurance. You help them. You subsidize their ability to stay in the private market.

We do not want a big government program. We do want to cover SCHIP and Medicaid through government auspices, but we want to not supplant the private insurance that many people in the 250 percent to 350 percent above poverty level already have access to. But if those people who do have access to health care because they work in a company that provides this opportunity choose not to take it because they are going to get a free government program, that does not do anyone any good. It is not going to increase the number of children who are covered by insurance because they would have given up health insurance in order to go on a government program. That is not what we are after. We are after increasing the number of children covered. We are after, also, keeping the basis of our private health insurance healthy in our country.

So, Madam President, I thank you for allowing this debate to go forward. I thought we should have negotiated a little longer, but we are not. So we are now going to have cloture on the bill itself. I will support that cloture, and I will support the bill. But I do not want the same bill to come back a third time. I expect sincerity on the part of Congress and the President to come forward with something new that would be closer to a bipartisan agreement where we can all declare success, and the beneficiaries of this success will be the poorer children of our country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes.

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

Mr. CORNYN. I thank the Chair.

Madam President, I was looking at the most recent public opinion polls on the Congress, and let me report what they say. It says just 16 percent of likely voters think Congress is doing an ''excellent'' job or a ''good'' job, while 36 percent are willing to call the legislature's performance ''fair.'' A plurality of 47 percent say Congress is doing a ''poor'' job.

Now, I do not know about you, but if my kids brought home a report card that said only 16 percent of their work was either ''excellent'' or ''good,'' 36 percent ''fair,'' and 47 percent ''poor,'' I think there would be a little trouble at home until we got their priorities straightened out.

This Congress, this Senate, has lost a sense of its priorities. Our priorities should be working together across the aisle to try to solve our Nation's challenges. That is the reason I came to the Senate. I honestly believe regardless of whether we call ourselves Republicans or Democrats or Independents, that is what motivated virtually every Member of Congress to come here: to try to do something for our constituents, for our States, for our Nation, and for our future.

But, unfortunately—I do not know whether it is the water we drink in Washington, DC, or somehow just the environment we encounter here—once people come to Washington they seem to get locked into these partisan battles and lose sight of that objective, which is to do something good for the American people, to help them solve some of their problems, to deliver results. I know many of our colleagues—whether they are Republicans or Democrats—are frustrated by our inability to do that.

As the Presiding Officer knows, we have weekly meetings, bipartisan meetings, trying to figure out—it is almost like group therapy sessions: How can we get out of the rut we are in? How can we solve some of the problems that confront us? But here we are again. My colleague, the senior Senator from Texas, talked about her concerns that the SCHIP debate—the State Children's Health Insurance Program debate—had become not a problem to be solved but, rather, a political football.

I am afraid I have to agree with her that we have been through this debate over the last few weeks, and nothing—not even the rhetoric—has changed. It seems as if all we have had is people dusting off their old speeches they delivered a few days or a few weeks ago, and not listening to one another, not actually rolling up their sleeves and getting to work to try to resolve the differences.

The truth is, as we have said over and over again, what is wrong with this bill is we simply do not seem to have a consensus that we ought to enact a solution. The fact is, we know there is bipartisan agreement the State Children's Health Insurance Program—designed to help low-income kids whose

families make too much money to qualify for Medicaid but not enough to buy private health insurance—that they need a little help in order to get access to good quality health care. There is broad bipartisan, perhaps unanimous, agreement we ought to get that done.

But, unfortunately, what we have seen is a program proposed that little resembles the original program, which was designed to help low-income kids. We see a bill that has grown by 140 percent, a $35 billion tax increase in order to cover who? Low-income kids? Well, no. In 14 States we know it is used to cover adults. We know proposals had initially been made that would have allowed waivers to be used to cover families making up to $80,000 and more—bearing little resemblance to its original goal.

Now we see a new bill that is before the Senate that represents the old bill except—if this is possible—it is even worse. It is amazing to me the authors of this new bill would come back with this so-called compromise, spending $500 million more than the last bill, yet covering 400,000 fewer children. You heard me correctly—spending almost a half billion dollars more and covering 400,000 less children. And, still, despite my pleas and the pleas of many of our colleagues to the contrary, this bill does not put the health and welfare of the lowest income children first.

I have said it time and time again, but let me say it one more time: Right now, in my home State of Texas, there are roughly 700,000 uninsured low-income children who qualify for Medicaid, who qualify for the SCHIP program, but we have not made the effort to reach out to them to get them to sign up for a benefit for which they are already legally qualified and for which there are funds already available to pay for their health care.

These 700,000 children in Texas who qualify for SCHIP or the Medicaid Program do not know about the programs or do not know how to apply. I have to tell you, I was recently in Houston, TX, at a place called the Ripley House, which is a neighborhood program run by the Texas Children's Hospital, where I saw a copy of the application form for Medicaid and SCHIP. It reminded me of a financial statement that a business man or woman would have to fill out in order to apply for a line of credit or even maybe a financial application you would have to fill out to buy a home. It was enormously complicated and, I am sure, intimidating to many low-income parents who would like to sign up their children.

But we have to refocus our efforts not on growing the size of the program beyond recognition to cover the middle class and to cover adults; we need to return our focus to low-income kids and figure out how we can get those families who are the intended beneficiaries of this program signed up on the program so we can get more kids out of the emergency rooms and on to some form of health insurance which will allow them to get preventive care and to keep them healthy and productive as young Americans. But here we go again. Here we go again. We are going to have another meaningless vote in the sense that while it no doubt will pass, the President said he is going to veto it, and we will be right back in the soup again. The second veto, roughly the same bill, except for the fact that this bill spends more money, covers fewer kids, and we are not solving the problems the American people sent us here to solve.

I think it is regrettable. It is not why I came here, and I doubt it is the reason why the vast majority of our colleagues come here. But here we are stuck in a rut again, playing the same sort of political games, more concerned about scoring points on some imaginary scoreboard, according to arbitrary rules that nobody knows, other than it seems like these poor, low-income kids are the ones who are losing in the end.

MUKASEY NOMINATION

I also come to the floor to talk about another disappointment I have with regard to the confirmation proceedings of the new nominee for Attorney General of the United States, Judge Michael Mukasey. I serve as a member of the Senate Judiciary Committee, and I am grateful to Chairman LEAHY that on Tuesday we will finally have this nomination on the Judiciary Committee markup so we can vote up or down in the Judiciary Committee on this nominee. But it seems that Judge Mukasey—just when we thought, here is somebody who is a respected Federal district judge and who has served with great distinction in that capacity, who has been the presiding judge of both the Jose Padilla case—do my colleagues remember that? He was an individual accused of terrorism and where there were many extensive legal challenges to his detention. Judge Mukasey handled that case, at least in part. He also tried and presided over the 10 individuals who were convicted for their involvement in the 1993 bombing of the World Trade Center, one of the first incidents of terrorism on our soil back in 1993, before we realized al-Qaida had declared war against the United States and we finally woke up on September 11 and acknowledged that.

But throughout his career as a judge, Judge Mukasey has proven to be an independent voice of reason, justice, and a strong advocate for the U.S. Constitution and the rule of law. For 18 years, he served on the U.S. District Court for the Southern District of New York, one of this country's most important and prestigious Federal courts. For 6 of those years, he served also as the chief judge.

The U.S. Court of Appeals, Second Circuit, wrote of Judge Mukasey's work presiding over the 1993 World Trade Center bombing, saying that he:

> Presided with extraordinary skill and patience, assuring fairness to the prosecution and to each defendant and helpfulness to the jury. His was an outstanding achievement in the face of challenges far beyond those normally endured by a trial judge.

In short, Judge Mukasey's qualifications as a lawyer, as a judge, as a dedicated advocate for the rule of law are unimpeachable and undeniable.

Well, it looked like things were going pretty well. There were 2 days of hearings for Judge Mukasey in the Senate Judiciary Committee. Judge Mukasey was doing well when he said: You know what. I am not afraid to tell the President of the United States when he steps over the line and violates the law. If that were to happen, he said, it is my job as Attorney General to tell him: Here are the parameters for your actions, Mr. President, and you, just like the lowest of the low, the highest of the high, are subject to the law of the United States under the Constitution. Believing as he does in the concept of equal justice under the law, Judge Mukasey showed no fear and no favor in terms of the way he would interpret and apply the law were he confirmed as Attorney General.

But now we see some of my colleagues on the Judiciary Committee have sent Judge Mukasey a letter asking him about his legal conclusion and opinion about an interrogation technique that is allegedly used against some of the worst enemies of the United States—terrorists—in order to get information from them—consistent with our laws and the Constitution and our treaty obligations—that will allow us to save American lives and prevent future terrorist attacks. They complain about Judge Mukasey's answer, not because he doesn't acknowledge what the law is—our international treaties banning torture, our domestic laws that ban torture—but because, he says: I have not been briefed on this particular interrogation technique that you are asking me about, and because it is a classified procedure, I don't know the facts. So let me tell you what the law is. Let me reassure you I will steadfastly enforce the law. I don't care whether it is the President of the United States I have to tell no or anybody else. But you know what. Being a responsible lawyer, being a responsible former Federal district judge, let me say that while I can tell you what the law is, I can't give you a conclusion that you are asking for as to whether this particular technique is legal or not because I haven't been briefed on it. I don't know what the facts are.

Now, that is a responsible answer. As a matter of fact, that is the only responsible answer for a careful lawyer, a judge such as Judge Mukasey. Frankly, if he had answered the question without knowing what the facts were in some conclusive way, I would doubt his qualifications and his temperament. I would wonder: Maybe this person wants to be Attorney General too badly, that he is willing to make rash decisions without knowing what the facts are in order to get confirmed. But

instead, Judge Mukasey said: You know, I need to know what the facts are. I can't answer your question conclusively, even though I reassure you I will steadfastly enforce the law. I oppose torture as abhorrent to our values, personally repugnant to me. I would tell the President of the United States, if I concluded that some particular interrogation technique stepped across that legal threshold.

Once again, we find the facts apparently don't matter, that this responsible answer which Judge Mukasey has given has been offered as a pretext to oppose his nomination. I think it is a shame.

As the New York Times today reported, if Judge Mukasey, who I am confident will ultimately be confirmed as the next Attorney General of the United States, were to say—Madam President, I ask unanimous consent for an additional 2 minutes.

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

Mr. CORNYN. Madam President, if, as the New York Times reported today, Judge Mukasey were to state a conclusive opinion on the legality of certain interrogation techniques which he has not been briefed upon, it would potentially prejudice and put in jeopardy intelligence officials who may have engaged in interrogation techniques that now, without knowing the facts, this nominee would conclude had stepped across a legal threshold. That would not be the responsible thing to do. Indeed, Judge Mukasey has done the only responsible thing a careful person and a person who understands the ramifications of his decision may extend far beyond a confirmation hearing and potentially put in jeopardy America's patriots who are trying to protect and save the lives of other Americans and other people around the world.

So I hope we would try to do better. I hope we would do what we all came here to do as Senators representing our States and try to solve real problems, not to create artificial barriers and pretexts for making what turn out to be naked political judgments about some of these important issues that confront us.

I thank the Chair for her indulgence, I thank my colleagues for their patience, and I hope we get on with the business of passing a children's health insurance bill and have a speedy confirmation for Judge Mukasey as the next Attorney General of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

2007 FIRE SEASON

Mr. CRAIG. Madam President, while I know that on the floor of the Senate this afternoon SCHIP, or the State Children's Health Insurance Program, is the topic of the moment, something else is near conclusion across America at this time that I thought it would be appropriate for me to speak to. I am speaking of the 2007 fire season. Of course, we—you and I—have been riveted to our television sets over the last several weeks as we literally watched the Los Angeles basin burn. Well, while the smoke is starting to clear in California and the losses are being assessed, I thought it would be time to come and speak to one of the worst fire seasons America has experienced in decades. First, in doing so, I must say—and we have all watched it—thank you to the literally thousands of courageous firefighters, men and women out on the line every day, facing almost impossible odds. We saw it in California. We saw it in my State of Idaho. We saw it across America this year, during that wildfire season period, where flames were as high as buildings, and men and women were scurrying to stop them and to protect both habitat and watershed and homes. They were putting themselves at risk. So I say to all of those marvelous firefighters who stood in harm's way throughout the early summer, summer and fall, and now into the late fall in California, thank you. Thank you for the phenomenal work you do, the selflessness you put yourselves into, on behalf of America, on behalf of people's property, on behalf of our natural resources.

In California as we speak, 14 people lost their lives, 2,100 homes were destroyed as that week-long blaze roared across the greater Los Angeles basin. Over 809 square miles of land was charred, and now, about the time the fires are to die down, we hear rumors that the Santa Ana winds are expected to pick up again and we could possibly find ourselves back in flames in California.

The 2007 fire season: 77,000 fires. Stop and think about that; 77,000 fires, 9.2 million acres of land, and as I have said California may continue to burn.

In my home State of Idaho, we went through one of the worst fire seasons we have ever experienced. Of that 77,000 fires I talked about, 1,775 of them were in the State of Idaho. Of the 9.2 million acres of land charred that I talked about, over 2.2 million acres of that, nearly 25 percent of the whole burn, occurred in my State of Idaho.

Thankfully, in Idaho, no great structures were lost because it happened to be out in the back country or on our foothill grazing land. Finally, as the snow began to fall in the high country of my great State a few weeks ago, the fires were put out because some of those fires were simply impossible to corral and to put out by man's efforts.

So here is an interesting statistic. This chart shows us the phenomenal escalation and the cost of firefighting at the Federal level and what has transpired. In 2005, nearly $1.6 billion was spent. Let me show you what happened this year. Here is what happened this year. So we go from $1.6 billion, and let's go to $1.87 billion. Those are the figures we are talking about now, and that doesn't even include California. So we will probably hit well over the $2 billion price tag in fighting America's fires this year, and that, in itself, is phenomenal, a phenomenal cost.

So let's remember it: 77 million, 1,000 fires, 9.2 million acres burned, and now we are bumping up over $2 billion worth of tax dollars spent in protecting America's marvelous wildlands and in protecting properties and all of that.

Let me give an example of what happened in Idaho, where 25 percent of that acreage burned. On one fire alone, in size as big as the Los Angeles fires—we called it the Murphy Complex fires. Well, there were 50,000 AUMs—or animal unit months—of grazing, because the public lands in Idaho are very valuable for grazing. Six ranchers were 100 percent burned out. Seventeen others were partially burned. Now that the fire is over, now that the fall has come and we have had a few rainstorms and things have settled down, this is Federal land, what do we do?

Here is what we are doing, because the cost is not over. The figure I have given you of nearly $2 billion, that is to put out the fires. Now, what are you going to do with the land? You start rehabilitating the land. You start trying to stop it from eroding and doing all of that. We are going to spend $10 million in 2007, and $22 million is already requested for the next 3 years. That is for one fire in Idaho, estimated at 128,000 acres to be rehabbed, and currently 66,000 have been rehabbed. I flew over that fire. It is very hard to understand what 600 square miles of fire looks like. I was in a military helicopter. I flew for 35 minutes and never saw unburned land. That is the expanse of the size of the fires, and that fire was a little smaller than the collective size of the Los Angeles, or the greater California fires.

So it is phenomenally important that we put these fires into context and understand what they are all about. Some of you watched on national television as the great ski resort, Sun Valley, near Ketchum, ID, nearly burned this year. We spent well over $150 million saving the community of Ketchum and saving the great Sun Valley Ski Resort from the Castle Rock fire. I was up there two different days on that fire. As the community came around and helped and tried to protect themselves and as our Government poured in resources in a class one fire, there was a great lady up there who was the fire boss. They brought her out of California. She was fearless in her effort to stop that fire, and she did so very successfully.

There are a lot of other stories to be told. The Salmon River, the great ''river of no return'' in Idaho, one of the No. 1 whitewater rafting rivers in the world, shut down 27 days this summer because of the smoke and risk of fire. Millions of dollars from recreation

were lost in my State from fire or the risk of fire. Oh, yes, there were millions lost in resources, but when you live off the economy of tourism and recreation, fire becomes a very real problem. I don't think we have drawn a bottom line yet to determine the losses in Idaho. But I will tell you they literally are in the millions of dollars. Sun Valley itself had to cancel a great event it has every Labor Day called Wagon Days; they had to cancel altogether, telling people not to come, and tens of thousands of people did not come and spend their money. That community lost millions as a result.

When you see a fire being fought and you know there are millions of dollars being spent to put it out, that is one phase of the great cost of fires in America. As you know, in California, with 2,100 homes burned, many of those homes will be rebuilt, the communities will be rebuilt, to the tune of well over a billion dollars. Someone is going to pay for that—State money, insurance money, private money—a tremendous expense. In many of the areas of the State of Idaho, in that 2.2 million acres that burned, campgrounds will not be able to be used for several years; trail heads will be canceled because it is charred, it is gone; the wildlife habitat, the watershed—all of that, as a result of the great ineffective management of public lands, has been wiped out.

The reason I am telling you all of this is because there is a very important message that has to be brought into context as we look at America burning—and America burns. Last year, it was nearly 10 million acres; this year, it is 9-some-odd million acres. We are burning unprecedented acres in our Nation and somebody ought to ask why. Why is it greater today than it has been in decades?

There are reasons, I believe, and in the next few minutes I will try to explain those to you because not only is our attitude about fire different, our attitude about how we manage our public lands and reduce the overall fuel loads that feed these fires is out there; and the Senator who is chairing at the moment, concluded the drafting and markup of a climate change bill. Our climate has changed. We are, in some areas, getting hotter and in some areas getting drier. But the management of the lands in response to the change of the climate isn't there, or we are not giving the management agencies the resources to change management practices to reflect the kinds of changes that are going on in our public lands.

So, for Idaho, not only was the loss real this summer in millions of acres of beautiful wildlands, but it is now wildlife habitat that is gone; it is watershed that, in the wet season, could come tumbling down and bring sediment to our streams and damage fisheries, and much of the recreation that was there is gone, potentially, for years to come.

As I mentioned a few moments ago, the seeding, the stabilization, all of the things that have to go on in the urban watersheds to protect them and bring water quality back—all of that is going to be the additional expenses of the Forest Service and BLM and many of our management agencies that have the responsibility over those lands.

The firefighters are gone from Idaho. The smoke is gone and the skies are clear once again. At the same time, the damage is real, and the damage will be there for years to come.

The skies will clear in California one of these days, but in California, the wet season will come. As we watched 2,100 homes burn, now we will watch the land grow wet and begin to slide, because there is no vegetation on it to hold it and protect it and to save it from the kind of slippage to which that region of the country is very prone.

The reason I mentioned Senator LIEBERMAN is because he is on the floor today, leading a charge on climate change. Here is another aspect of what we have done this year, but nobody registers it and few account for it. On average, 6 tons of CO_2 are released for every acre burned in the United States. Up to 100 tons of CO_2 per acre can be released. Now, last year alone—we have not calculated this year yet—10 million acres of forest lands burned. By conservative estimates, that means 60 million tons of CO_2—carbon—was spewed into the atmosphere, not to mention greenhouse gases and air pollutants as a product of our fires.

Can we do something about it? Should we do something about it? We are proposing changing our whole energy structure to try to effect climate change and reduce our greenhouse gases, but few are focused on our public lands and our policies of managing them and what results from that when they burn.

Here is an interesting fact. When I talk about the 60 million tons of CO_2 spewed into the atmosphere, that is roughly equivalent—understand this figure—to taking 12 million vehicles off the roads for 1 year; in other words, turning off their motors, stopping their pollution, 12 million vehicles for 1 year. That is equivalent to about half the automobile fleet in California. That is a pretty significant picture.

One of the things our forests do so very well when they are young and youthful, and when the matrix of our forests old and new are different in their changes, they do something that only a green-growing plant can do: sequester carbon, take it from the atmosphere. When they burn, it releases carbon back into the atmosphere. Our management practices ought to be to keep our forests as young and vibrant and alive as they can be, so they become a tool, an asset, in climate change, to pull the carbon out of the atmosphere that man produces and store it in trees. The great secret that lots of people who don't understand our forests do not understand is they are the greatest captor and storer of carbon in a forest. When they burn and when you see smoke on the horizon, it is just that—the release of carbon into the atmosphere.

Let me conclude by saying what I think is critically important for our future. Active management of our forests, recognizing not only their contribution to our great Nation, as it relates to all they bring in water quality and wildlife habitat and the producing of fiber to build homes, is what keeps a forest healthy. To simply lock them up and watch them and watch Mother Nature move in with her bugs and kill them and burn them and do what happened this year is, in itself, a statement of mismanagement.

This year, and last year, we saw record examples of mismanagement: 10 million acres last year, 9.2 million acres this year, and billions of dollars of tax money spent and thousands of homes lost. Our public resource agencies spend more time protecting homes nowadays than the resource itself. We sit idly by while the courts are in suit to keep us out of our forests so we cannot manage them to clean them up, to reduce the fuel loads, to adhere to the laws that have been passed, such as Healthy Forests and others.

I will be back to talk more about this in detail in the coming months. We are now off the chart. We are now literally, in spending, off the chart. This is only phase I. This is fighting fires, trying to put out fires. This is trying to protect habitat or to protect homes. This has nothing to do with the rehabilitation and the seeding and management that may come afterwards or all of the dollars that have been lost in California because business would not be conducted, or all of the dollars lost in Idaho and other States because people could not come there to enjoy it and recreate.

There are a lot of other consequences, let alone the phenomenal bleeding in the atmosphere of carbon and greenhouse gases, that come from a wildfire season. America burned this year. The 2007 fire season was one of the worst we have had in decades. This is part of the story of what it was all about. There is more to be told. It must be told, and Congress should act in concert with climate change and everything else to make sure that part of what we do sequesters our carbon, keeps our forests healthy, young, and vibrant as a part of the total picture of a great Nation that manages a great resource instead of simply watching it burn.

Mr. GRASSLEY. Madam President, with the debate coming to a conclusion the way that it has today, I am really starting to wonder if Congress really wants to reauthorize the SCHIP program.

I worked with my colleagues on the other side of the aisle Senators BAUCUS and ROCKEFELLER and my good friend Senator HATCH to come up with a bipartisan compromise.

We passed a bill in the Senate with a remarkable 68 votes. Who would have predicted that when this session began?

We sat down with our House colleagues and hammered out a compromise that very closely followed the Senate bill. That compromise bill again passed the Senate by a wide bipartisan margin and received 265 votes in the House.

As we all know that bill was vetoed, and 2 weeks ago, the veto was sustained in the House.

In the 2 weeks since that vote, I have seen some of the strangest twists and turns I have seen in all my years in politics.

First, I sat down with Democratic leadership in both Houses. We agreed on the compromises we thought we could make to get the final votes we needed to pass the House.

At the same time, the minority leader of the House released a letter with the conditions his Members needed to vote for a bill.

Seeing as the compromises we were willing to make seemed to resemble the conditions in the leader's letter, we began meeting with House Republicans to see if we could bridge the final gap.

We started a process and made some real progress. Then all of the sudden House Democratic leadership decided it was time for a vote. No matter that we hadn't successfully concluded negotiations with House Republicans, it was time to vote.

That bill passed and it is the bill we are voting on here in a few minutes.

Moving ahead like that in the House created tremendous mistrust. But undaunted, we picked up the pieces and tried again to get a deal with House Republicans.

The minority leader in the House released another letter with the conditions his Members needed to support a bill. Of course, the goalposts moved from the original letter. But we still felt a deal was possible and forged ahead.

The majority leader of the Senate started the clock ticking on the bill here in the Senate. Again we were making progress with House Republicans.

So when the majority leader saw we were making progress, he asked for more time here in the Senate.

Incredibly, Senate Republicans objected. In the House, Republicans objected because we moved too fast. In the Senate, Republicans objected because we wanted to move more slowly.

Yes, you should note the incredible irony.

So today faced with continued objections, a decision was made to move forward with a vote this afternoon.

I ask all my colleagues. Why?

To my colleagues on the Democrat side; the President will veto this bill and the House has the votes to stop an override. Why go through with this?

To my colleagues on the Republican side; we have the votes to pass the bill and were quite close to having a deal to satisfy House Republicans. Did you force the vote today to keep us from reaching a deal?

What the heck is going on around here?

My patience is a little thin right now. But come tomorrow, I will go back to working with the folks who want a bill that we can get enacted into law.

This bill actually improves upon the bill that was vetoed by the President. All my colleagues who supported the bill before should certainly support the bill today.

But as we all know, this bill is getting vetoed and there aren't the votes to override in the House.

That is really too bad, because this is a very good bill.

It is really too bad for the more than 3 million children who don't have health care coverage today that would get coverage under this bill.

It is for those kids that I will pick up the pieces tomorrow and try to move forward. It is my hope that leadership on both sides of Congress and both sides of the aisle will set the gamesmanship aside so we can finally finish this bill.

Mr. AKAKA. Madam President, once again, I support the Children's Health Insurance Program Reauthorization Act.

I am frustrated that the President continues to oppose legislation that will expand access to health care for our Nation's children. The President's veto of the previous bill shows that this administration fails to understand the domestic needs of our country.

The Children's Health Insurance Program is a successful program that has improved the quality of life for our Nation's children. Since its enactment in 1997, the number of uninsured children have been reduced by one-third, according to the Center on Budget and Policy Priorities.

The Children's Health Insurance Program Reauthorization Act will preserve access to health care for the 6.6 million children currently enrolled in the Children's Health Insurance Program. In addition, this bill expands access for approximately 4 million more children.

Approximately 16,000 children in Hawaii lack health insurance. I am proud that my home State of Hawaii has continued to develop innovative programs to help provide access to health care for children. This year, the Hawaii State Legislature established the Keiki Care program, a public-private partnership intended to ensure that every child in Hawaii has access to health care.

This administration is being irresponsible by denying resources to states for children's health care. Without access to insurance, children cannot learn, be active, and grow into healthy adults.

I continue to appreciate the inclusion of a provision to restore Medicaid disproportionate share hospital, DSH, allotments for Hawaii and Tennessee. Medicaid DSH payments are designed to provide additional support to hospitals that treat large numbers of Medicaid and uninsured patients.

I developed this provision as an amendment with my colleagues—Senators ALEXANDER, INOUYE, and CORKER, that provide both states with DSH allotments. Hawaii would be provided with a $10 million Medicaid DSH allotment for fiscal year 2008. For fiscal year 2009 and beyond, Hawaii's allotment would increase with annual inflation updates just like other low DSH States.

Hawaii and Tennessee are the only two States that do not have 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.

Hawaii and Tennessee should be treated like other extremely low DSH States and be provided with Medicaid DSH allotments every year. Other states that have obtained waivers similar to Hawaii's have retained their DSH allotments.

Hospitals in Hawaii are having a difficult time trying to meet the elevated demands placed on them by the increasing number of uninsured people. DSH payments will help our hospitals continue to provide essential health care services to people in need. All States must have access to resources to ensure that hospitals can continue to provide services for uninsured and low-income residents.

This administration fails to adequately understand the importance of this legislation. This bill helps the State of Hawaii provide essential health care access to children that currently lack health insurance. It will also provide vital support to our hospitals that care for Medicaid beneficiaries and uninsured patients.

Mr. DODD. Madam President, I rise today in strong support of H.R. 3963, the Children's Health Insurance Program Reauthorization Act. This bipartisan agreement is our second attempt to do what is right for our Nation's children. There are few more important issues facing the Senate than the

health and well-being of our Nation's youth. The vote to pass this legislation is a vote for children.

As the father of two young daughters, I clearly understand how important it is to know that if one of them gets sick that they have the health insurance coverage that will provide for their care. For millions of parents, every slight sniffle or aching tooth could mean the difference between paying the rent and paying for medical care. Today we have an opportunity to help give those parents peace of mind about their children's health.

Despite the broad bipartisan support that already exists for this bill, Chairman BAUCUS and Senator GRASSLEY, among others, have worked tirelessly to build more support and accommodate the bill's critics. They should be commended for their work and dedication. Thanks to them and many others, this legislation represents an even more thorough compromise while still covering 10 million children. There are explicit changes designed to address criticisms by the bill's opponents. H.R. 3963 makes it even more clear that States must cover the poorest children before expanding their programs. And it ensures that illegal immigrants cannot get benefits.

But even with these changes the bill continues providing coverage for 6.6 million children currently enrolled in CHIP and provides coverage for 3.1 million children who are currently uninsured today. It gives States the resources they need to keep up with the growing numbers of uninsured children. It provides tools and incentives to cover children who have fallen through the cracks of current programs. And it will prevent the President from unfairly and shortsightedly limiting States' efforts to expand their CHIP programs to cover even more children. All together these efforts will reduce the number of uninsured children by one third over the next 5 years.

I am additionally very pleased that my Support for Injured Servicemembers Act amendment was included in the final SCHIP bill. This amendment provides up to 6 months of Family and Medical Leave Act, FMLA, leave for family members of military personnel who suffer from a combat-related injury or illness. FMLA currently allows 3 months of unpaid leave. Fourteen years ago, FMLA declared the principle that workers should never be forced to choose between the jobs they need and the families they love.

If ordinary Americans deserve those rights, how much more do they apply to those who risk their lives in the service of our country? Soldiers who have been wounded in our service deserve everything America can give to speed their recoveries—but most of all, they deserve the care of their closest loved ones.

The President's Commission on Care for America's Returning Wounded Warriors, ably led by Senator Bob Dole and former Secretary of Health and Human Services, Donna Shalala, has been instrumental in efforts to provide needed care for our returning heroes. It is not surprising that the Commission found that family members play a critical role in the recovery of our wounded servicemembers. Although the President has lauded the recommendations of the Commission and recently sent legislation to Congress to implement its recommendations, he continues to hold up the passage of this provision.

I am pleased that Senator CLINTON is the lead cosponsor of my amendment. In addition, I am pleased that Senators DOLE, GRAHAM, KENNEDY, CHAMBLISS, REED, MIKULSKI, MURRAY, SALAZAR, LIEBERMAN, MENENDEZ, BROWN, NELSON of Nebraska, CARDIN, and OBAMA are cosponsoring this amendment. I thank Senator BAUCUS and Senator GRASSLEY for accepting this important amendment and appreciate the support of all of my colleagues in this effort.

Unfortunately the President still stands in the way. He continues to threaten to veto this important legislation. I am fearful that he will block yet another bipartisan compromise to cover children who need health care. This legislation is vital to the health and well-being of our children. It represents the hard work and agreement of an overwhelming majority of Members on both sides of the aisle. It is a testament to how important issues like children's health care can be addressed in a bipartisan manner by a united Congress. The President's policy of block and delay would mean Connecticut and other States would have to take away existing health coverage for hundreds of thousands of children when they should be covering more kids.

I urge my colleagues to support this critical legislation, and I urge President Bush to do what is right and sign it into law.

Mr. President, I yield the floor.

Mr. ALLARD. Madam President, I come to the floor today to discuss my amendment to codify the unborn child rule in the pending SCHIP legislation. This needs to be done, and it needs to be done in this reauthorization.

The unborn child rule is a regulation that, since 2002, has allowed States to provide prenatal care to unborn children and their mothers. It recognizes the basic fact that the child in the womb is a child. When a pregnancy is involved, there are at least two patients—mother and baby. It only makes sense to cover the unborn child under a children's health program. The bill before us modifies the SCHIP statute to allow States to cover ''pregnant women'' of any age. It also contains language that asserts that the bill does not affirm either the legality or illegality of the 2002 ''unborn child'' rule.

My amendment would codify the principle of the rule by amending the SCHIP law to clarify that a covered child ''includes, at the option of a State, an unborn child.'' The amendment further defines ''unborn child'' with a definition drawn verbatim from Public Law 108–212, the Unborn Victims of Violence Act. My amendment would also clarify that the coverage for the unborn child may include services to benefit either the mother or unborn child consistent with the health of both. In addition, the amendment clarifies that States may provide mothers with postpartum services for 60 days after they give birth.

Many States' definition of coverage for a pregnant woman leads to the strange legal fiction that the adult pregnant woman is a ''child.'' Surely it was not the intent of anyone who developed the State Children's Health Insurance Program to allow a loophole for States to define a woman as a child. Surely we can agree that the child who receives health care in the womb is a child receiving care along with his or her mother.

My amendment will also allow for coverage of the mother, whereas the pending legislation only allows for pregnancy-related services. There are many conditions that can affect a mother's health during pregnancy that are not related to her pregnancy. Under the pending legislation, a pregnant mother could not get coverage for any condition that isn't related to her pregnancy.

We should be allowing mothers to stay healthy so that they will have healthy babies. This also leads to reduced costs associated with premature or low-birth weight babies. Eleven States are already using this option to provide such care through the State Children's Health Insurance Program. If the intent of the sponsors is to provide coverage for the pregnant woman and her unborn child, then they should have no problem supporting my amendment.

We should ensure that pregnant women and their unborn child are both treated as patients. This is a matter of common sense. Every obstetrician knows that in treating a pregnant woman, he is treating two patients—the mother and her unborn child. Keeping this coverage in the name of the adult pregnant woman alone is bad for the integrity of a children's health program, bad for the child, and even bad for some of the neediest of pregnant women.

I urge my colleagues to support my amendment.

Mr. LEVIN. Madam President, the Children's Health Insurance Program Reauthorization Act of 2007 would help ensure that millions of the Nation's uninsured children can receive access to health care.

Last month, the House and Senate passed legislation reauthorizing the popular children's health insurance program. In the Senate, this bipartisan bill passed with a veto-proof majority of 67 votes. Since then, the President has vetoed this legislation and Congress has worked hard to create a new bipartisan bill that addresses items President Bush objected to. Despite

this, the President continues to threaten a veto on this strengthened bill that focuses on ensuring children from low-income working families receive access to necessary health care.

I hope that the President will listen to the majority of the Nation that supports the Children's Health Insurance Program Reauthorization Act and signs this bill when it reaches his desk.

Currently, 6.6 million children are enrolled in the Children's Health Insurance Program, or CHIP. There are still 9 million uninsured children nationwide, 6 million of which are eligible for either Medicaid or CHIP. The Children's Health Insurance Program Reauthorization Act would provide more than 3 million uninsured children from low-income families with health insurance. This means, that in my home state of Michigan, 80,900 more uninsured children will receive access to much needed health care.

I believe that we have a moral obligation to provide all Americans access to affordable and high quality health care. I do not understand how the United States is one of the most developed and wealthiest nations in the world, but we continually send the message that an additional $35 billion to provide American children from low-income families with access to health care is too large an investment for those that represent our future.

I firmly believe no person, young or old, should be denied access to adequate health care, and the expanded and improved Children's Health Insurance Program is an important step toward achieving that goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. LIEBERMAN. Madam President, I have been waiting on the floor for a while. May I speak in morning business?

Mr. BAUCUS. Madam President, what is the regular order?

The PRESIDING OFFICER. The majority controls 14 minutes and the Republicans control 20 minutes before the cloture vote.

Mr. BAUCUS. We have 14 minutes remaining and we are going to have to use it, unless the Senator can use 1 or 2 minutes.

Mr. LIEBERMAN. I understand. I will wait and either return after the vote or at another time.

Mr. BAUCUS. It is possible the Republicans might yield the Senator some time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I ask unanimous consent that the 20 minutes immediately prior to the cloture vote at 4:45 be equally divided and controlled between the leaders, or their designees, and that the majority leader will control the final 10 minutes prior to the vote; further, that the mandatory quorum required under rule XXII be waived.

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

Mr. BAUCUS. Madam President, in 1997, Congress enacted the Children's Health Insurance Program—10 years ago. From the beginning, it has been about kids. It has been about trying to give the parents of low-income working families the peace of mind that comes from knowing that health care is there for their children. That is all this is, it is about health care for kids. These are kids in working families, not kids in wealthy families, not kids in middle-income families—kids in working families.

These are kids who, through no fault of their own, were born into families having had a hard time buying medical insurance in America, and we are trying to help these kids.

A large number of Senators on both sides of the aisle have worked together to try to reach a consensus. Both sides of the aisle—Senator GRASSLEY, Senator ROCKEFELLER, Senator HATCH, and I—met together and worked things out. And when the House failed to muster enough votes to override the President's veto, we worked together with House Republicans to help kids. All four of us—Senator GRASSLEY, Senator ROCKEFELLER, Senator HATCH, and I—met repeatedly with moderate House Republicans to try to find a middle ground.

We have made progress. We made a lot of progress, and I believe a compromise is very close, is within reach. I believe given a little more time, Congress could pass a CHIP bill that could achieve the support of more than two-thirds of both Houses of Congress. Unfortunately, today some objected to giving us that time, and I regret that objection.

But we met again, all of us—that is, Senator HATCH, Senator ROCKEFELLER, Senator GRASSLEY, and I—with House Republicans at 2 o'clock. We agreed to continue meeting. We will meet again next Tuesday. We will reach an agreement soon. I don't think I will be telling tales out of school to say that the majority leader visited our meeting and he said: If we get a deal, the Senate will take it up. I think we are close to getting that deal. There are only a couple of issues that are outstanding, and we will work through those issues.

I regret that the opponents of the Children's Health Insurance Program—and let us be clear, they are truly fighting not just the bill but the Children's Health Insurance Program—that those opponents of CHIP have made it impossible for us to offer an amendment to the bill before us today to get this done. They have succeeded in stopping us today. I am disappointed. I am not discouraged, I am disappointed. We will keep working. Even if the President once again vetoes health care for kids, we will work to get it done.

We are still left with a good bill before us. It is a better bill than the one the President vetoed. Before us today is a bill that addresses many of the concerns Senators expressed with the first CHIP bill. The bill before us today focuses more on kids. It focuses more on low-income families. It is a good bill.

There is no reason why anyone who supported the first bill on September 27 would not do so again today. It is improved. There is every reason why those who objected to the first bill would support this bill today.

I urge my colleagues to join in voting for cloture and then voting for the bill. I urge them to do so because this is still about health care for kids. That is what this is all about, it is for kids. We have a lot of peripheral issues, but they are peripheral; it is noise. We say: Keep our eyes on the ball. It is about helping low-income kids, health care for kids and working families. Measures such as this are why we came to work in public service. Measures such as this are why people for whom we work sent us here. Let us not let them down.

Madam President, I yield 3 minutes to my friend from Connecticut.

Mr. LIEBERMAN. Madam President, I say to the Senator from Montana, that is good of him. I may not have to ask for it—I believe the minority will yield me such time as I need, but if I need more time, I will come back. I thank my friend for his graciousness.

Madam President, I rise to speak as in morning business.

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

NOMINATION OF MICHAEL MUKASEY

Mr. LIEBERMAN. Madam President, I rise to speak on the pending nomination of Judge Michael Mukasey to be the Attorney General of the United States. I rise to urge my colleagues on the Judiciary Committee to favorably consider this nomination because I fear we are in danger of treating this judge very unjustly, of doing something that is not fair to him personally.

I wish to state at the outset that I did not just meet Judge Mukasey since he was nominated for Attorney General by the President; I actually met him 43 years ago this fall when we both entered Yale Law School together. We were in the same small group in contracts. The occupant of the chair will appreciate the intimacy and how well you get to know somebody when you are in a small group together with a demanding contracts professor.

The Mike Mukasey I met 43 years ago was honorable, he was bright, he was not presumptuous, he had a great sense of humor, and he had a strong sense of values—what I would call honor—to him. I have kept in touch with Mike over the years. I can't say we have seen each other a lot, but I have watched his career grow with great pride. He was a private practitioner, a distinguished and successful assistant U.S. attorney, a judge who has been extremely well regarded by all who have come before him, as was testified to before the Judiciary Committee on his nomination. He handled some very difficult cases, ruled in cases regarding alleged terrorists and did so to his own personal risk. He had a security detail with him for

some period of time because of the threats he received after one of these cases.

I am honored to say Judge Mukasey asked me to introduce him to the Judiciary Committee, alongside Senator SCHUMER of New York. I said then what I will say here. The man I met 43 years ago is today essentially the same man—honorable, intelligent, with a real sense of values, a commitment to public service, a man of the law, not a man of politics, exactly the kind of person America always needs as Attorney General, but particularly needs at this moment.

I thought he handled his nomination hearing extremely well. Now there is rising opposition to this nomination based on Judge Mukasey's answer to a single question, which is whether he would say that waterboarding technique of interrogation is torture. Judge Mukasey has preferred to give the easy, I might say politically correct, answer—and he has argued with us, he has educated us, I add, to understand that his answer is not about whether we are for or against waterboarding.

He says, to himself the technique described—I am reading from a letter of October 30, 2007, from Judge Mukasey to members of the Judiciary Committee who had written to him:

> I was asked at the hearing and in your letter questions about the hypothetical use of certain coercive interrogation techniques. As described in your letter, these techniques seem over the line or, on a personal basis, repugnant to me. . . .

This is not to say Judge Mukasey is for waterboarding. That is not what is at issue, and we should not allow it to become so. He is responding as a man of the law, as a judge, as a man who would be, if we allow him, exactly the kind of Attorney General we need. He says:

> But hypotheticals are different from real life, and in any legal opinion the actual facts and circumstances are critical. As a judge, I tried to be objective in my decision-making and to put aside even strongly held personal beliefs when assessing a legal question because legal questions must be answered based solely on the actual facts, circumstances, and legal standards presented. A legal opinion based on hypothetical facts and circumstances may be of some limited academic appeal but has scant practical effect or value.

Bottom line, the judge is saying waterboarding is repugnant but I cannot say as a matter of law that it is torture under the law because I don't know exactly what waterboarding is and how it is used, and I have not seen the prevailing legal memos that have governed, because they are classified interrogations by employees of our Government.

He says in the letter of October 30:

> I have not been briefed on techniques used in any classified interrogation program conducted by any government agency.

He is saying: How can you expect me to essentially issue a legal opinion when I don't know the facts and I can't know the facts until and unless you allow me to be Attorney General?

Then he says something I think is very important in his letter. He writes to the Judiciary Committee members:

> I do know, however, that ''waterboarding'' cannot be used by the United States military because its use by the military would be a clear violation of the Detainee Treatment Act. That is because ''waterboarding'' and certain other coercive interrogation techniques are expressly prohibited by the Army Field Manual on Intelligence and Interrogation, and Congress specifically legislated in the [Detainee Treatment Act of 2005] that no person in the custody or control of the Department of Defense or held in a DOD facility may be subject to any interrogation techniques not authorized and listed in the Manual.

So there is a law and he has made clear that because there is a law, he definitely believes waterboarding cannot be used by Department of Defense personnel.

The fact is that the Detainee Treatment Act of 2005 did not explicitly ban waterboarding or other specific techniques of interrogation as used by other employees of the Federal Government, including presumably and particularly employees of our intelligence agencies.

The Detainee Treatment Act banned ''cruel, inhuman, and degrading treatment.'' Judge Mukasey says in his letter:

> In the absence of legislation expressly banning certain interrogation techniques in all circumstances, one must consider whether a particular technique complies with relevant legal standards.

He simply cannot do this in the absence of a clear legislative expression by Congress that waterboarding constitutes torture without seeing the documents, without understanding the definition of waterboarding, as applied in particular cases. He is a man of the law. He is saying, as he said in his testimony and in this letter, no one, including the President, is above the law.

It would be very easy to remove any doubts and opposition to his confirmation if he just said in his letter: Waterboarding is torture. But he responds to a higher authority. It is the law in a nation that claims to be governed by the rule of law.

In his testimony before the Judiciary Committee, he was repeatedly questioned in regard to his independence, and following Attorney General Gonzales's close relationship with the White House, members of the committee were clearly interested in whether Judge Mukasey would be independent of the White House, of the President. He said he would do what the law required him to do. No one is above the law, including the President.

In refusing to tell questioning members of the Judiciary Committee, colleagues of ours, what they want to hear in this case, he is also showing his independence. He is saying he will not be pressured by Members of the Senate, including those who will determine whether he is confirmed. He will not simply tell them what they want to hear if he thinks it is not the legally responsible thing to do. That is exactly the kind of man I want and I believe we all should want as Attorney General of the United States.

So he is putting his confirmation as Attorney General at risk because he believes it would not be justified as a matter of law for him to conclude, without benefit of documents that he cannot see now, that waterboarding is torture. And for this will we reward this good man, this public servant, this distinguished judge, this man of the law, by rejecting his nomination?

Here is the kind of independence, the kind of allegiance to the public interest and the rule of law the American people want to see more of and not less in Washington. It is why I repeat what I said at the beginning. To reject the nomination of Judge Michael Mukasey because he refuses to say what some Members want him to say on this question and he refuses as a matter of sincerely held legal belief what his legal responsibility is would be grossly unfair and an unjust act to this judge.

May I suggest an alternative course to my friends on the Judiciary Committee and Members of the Senate who hopefully will get to consider this nomination? Confirm Judge Mukasey based on his overall record of service, his obvious intelligence, honor and integrity, the extent to which he will raise the morale of the Department of Justice. Look at his entire record. Don't turn him down and deprive the Nation of his service as our chief law enforcer because of one legal opinion he has reached that is different from yours.

Confirm him. And then, as Attorney General, he will have access to the documents about waterboarding. He will have access to the people who may or may not have been involved in it. He will have access to the prevailing legal memos, and then demand he issue a legal opinion and respond to your question. But don't reject a man of the law, exactly the kind of man America needs today, as our Attorney General.

I thank the Chair, and I yield the floor.

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

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

Mr. REID. Madam President, we have tried hard to arrive at another compromise. I do not know how—it would be physically impossible for us—to do any more than what I have suggested. I have said, when told that the negotiators needed more time, we will wait until after the farm bill and go after this issue. Objected to. I was called by my friends on the other side of the aisle yesterday, who said: Can we have a little more time? I said: Sure.

I came today and said let's finish this matter this coming Monday. Let's finish it after the farm bill. And both times there was an objection.

I have met with Senators HATCH and GRASSLEY on many occasions. On every occasion I can think of Senator BAUCUS has been there, and in some of those meetings Senator ROCKEFELLER has been present. The four of us have had a significant number of meetings with the Speaker, with Chairman DINGELL, and Chairman RANGEL.

I went down at 20 after 2 today and met with a number of Republican House Members, relaying to them—and I have no doubt that they would acknowledge this—that we have tried to work with them in coming up with something.

Now, I explained to them the Senate rules. If I wanted to not have this cloture vote, I couldn't stop it. It takes unanimous consent to move from our doing this. I explained that to them. But I did tell them this, and I will say to you and those within the sound of my voice what I told those freshmen. I believe the negotiations that have taken place in this matter have been in good faith. There has been no bad faith by the participants.

The burden has been borne by the chairman of the Finance Committee, Senator BAUCUS, and the ranking member, Senator GRASSLEY. Senator HATCH, who was the original sponsor of this bill, with Senator KENNEDY, has been involved from the very beginning. Senator HATCH was at the meeting where I met with House Republicans. Senator BAUCUS was there, and I repeat what I told them. If we can't do something now, and we send the bill to the President and he vetoes it, I don't think we should rush forward and try to override his veto. I think we should just let things simmer a little while.

I told them if they could come up with something that we can work with—I spoke to the Speaker this morning, and I said: I am not sure we can move much further.

She said: You should see the changes they want to make. There is very little. There isn't much that they want—which was comforting to me. And that is what the House Members told me today when I met with them this afternoon.

So I would hope people understand that good-faith negotiations have taken place on a bipartisan, bicameral basis on this most important piece of legislation. I am not happy with the President on this issue. I think he is making a big mistake. I think he is hurting some of his House Members, who could be in a very precarious position as a result of voting no to overriding his veto, but that is the decision they have made. And I am willing to try to get them out of the hole I think some of them are in.

Yesterday the President came from left field. Talk about a sucker punch. He suddenly said: I don't like the way this is paid for.

We are paying for it. It is not deficit spending. We are taking care of this with a relatively small tax on cigarettes and cigars. That surprised everybody. It surprised everybody that the President now, when he learned that we had changed things—got adults off the program, changed its to limit waivers, tightened down the immigration issue. We did everything he asked us to do, and now he changes the program again.

We are at a point now where the President does not become relevant to this issue because in the bipartisan, bicameral work that we have done between the House and the Senate, we want to do this ourselves, so that when we come to a decision on what we can do, and I think we are within days of doing that, we will bring this bill back. The Speaker said she would do it; I said I would do it.

I express my appreciation to the courtesies extended to me by Senators GRASSLEY and HATCH on the Republican side and the extreme patience of Senator BAUCUS for allowing the many different diversions that we have had in getting to the point where we are today. With the understanding and the hope that we can move forward on this bill, and even though some of these programs are going to change drastically by March because there will be as many as 11 States that will run out of money, hopefully in the next few weeks we can change this legislation and still insure 10 million children and maintain a program that is reasonable for the States and certainly the children we are trying to protect.

So I again express my appreciation to the participants of the many involved in the negotiations, and I want to also reach out my hand in friendship to the Speaker. There isn't a Democrat or Republican, including Senators GRASSLEY and HATCH, who would not say publicly how willing she has been to try to work to come to some reasonable conclusion of this legislation. She has been great, as has Chairman RANGEL and Chairman DINGELL.

Madam President, I yield the floor. Is there anyone on the floor who wants to take the remaining time? Good.

I yield to my friend, the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. I thank the Chair.

Madam President, I commend our leadership for working out the fact that we can start to bring some closure on children's health insurance. We have had experience in Florida of doing a health insurance program before the Federal program ever started, 10 years ago, and it was tremendously successful and popular in getting to families who were just over the income level of Medicaid but who were still too limited in their income to provide health insurance for their children.

As a result, thousands of children in Florida, before CHIP ever came along, were provided for. But then the Federal program came along and made it available to so many more. Yet even today, with Florida's program and the Federal program, there are still 700,000 children in the State of Florida who do not have health insurance. What we are hoping is that with the expansion of the CHIP program, we will be able to include 400,000 of those 700,000 who do not have health insurance.

(The remarks of Senator NELSON of Florida pertaining to the introduction of S. 2295 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. NELSON of Florida.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

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 Calendar No. 450, H.R. 3963, Childrens' Health Insurance Program Reauthorization Act of 2007.

Max Baucus, Harry Reid, Benjamin L. Cardin, S. Whitehouse, Robert Menendez, Daniel K. Inouye, Jack Reed, Barbara Boxer, Pat Leahy, Bernard Sanders, Ken Salazar, Kent Conrad, Ron Wyden, Byron L. Dorgan, Debbie Stabenow, Bill Nelson, Robert P. Casey, Jr.

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 H.R. 3963, an act to amend title XII of the Social Security Act to extend and improve the Children's Health Insurance Program, 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 New York (Mrs. CLINTON), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 30, as follows:

[Rollcall Vote No. 402 Leg.]

YEAS—65

Akaka	Cardin	Feingold
Alexander	Carper	Feinstein
Baucus	Casey	Grassley
Bayh	Coleman	Harkin
Biden	Collins	Hatch
Bingaman	Conrad	Hutchison
Bond	Corker	Inouye
Boxer	Dodd	Johnson
Brown	Domenici	Kennedy
Byrd	Dorgan	Kerry
Cantwell	Durbin	Klobuchar

Kohl	Murkowski	Schumer
Landrieu	Murray	Smith
Lautenberg	Nelson (FL)	Snowe
Leahy	Nelson (NE)	Specter
Levin	Pryor	Stabenow
Lieberman	Reed	Stevens
Lincoln	Reid	Sununu
Lugar	Roberts	Tester
McCaskill	Rockefeller	Webb
Menendez	Salazar	Whitehouse
Mikulski	Sanders	

NAYS—30

Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bennett	DeMint	Lott
Brownback	Dole	Martinez
Bunning	Ensign	McConnell
Burr	Enzi	Sessions
Chambliss	Graham	Shelby
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Cornyn	Inhofe	Voinovich

NOT VOTING—5

Clinton	Obama	Wyden
McCain	Warner	

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Madam President, we are going to have a vote in just a few minutes. I know people have things to do. This will be the last vote this week. But I alert all Members, we have had a number of meetings today with Senator MCCONNELL. We are trying to work it out so we do not have to have cloture on the motion to proceed to the farm bill.

I understand that the minority has to take a look at the amendment to the bill that has come out of the committee and was all ready to go and the Finance Committee needed to make some changes on it. That should be back from Legislative Counsel in just a matter of minutes—at least we hope that is the case.

If we do not have to do cloture on the motion to proceed, there will be no votes on Monday. If we do have to do a vote on the motion to proceed, there will be a noon vote on the motion to proceed on Monday, and we will have to do that; otherwise, we will come in and go to the farm bill Tuesday around 2 o'clock in the afternoon so the managers can give their opening statements, and anyone who wants to speak on the bill. There are going to be lots of opening statements on the farm bill, so I would hope people would come early and get those out of the way.

There are a number of people who have expressed to me—who have warned me that there are going to be some amendments on that bill. We are going to have to make sure we do this the right way. We want to make sure there are amendments that are offered. We will have to take a look at them because it is late in the session and the farm bill is a tax bill. So we have to make sure we do not get into any issues we do not need to get into. But we will be as fair as we can possibly be on the farm bill. It is a bill we have to complete.

Also during the next 2 weeks, we have to get the first appropriations bill to the President. I had a very constructive conversation with Josh Bolton today regarding what will happen when we get that bill to him. We also have other important business to do, such as making sure the Government is funded after November 16.

So we have a very busy week. The President has indicated that probably tomorrow he is going to veto WRDA. We will have to take a look at that.

If there is no cloture vote, we will be on the bill Monday for opening statements, as I indicated. We have a productive farm bill.

I wish to express my appreciation to everyone for the work on the children's health bill. I will repeat what I said before the vote: There has been bicameral, bipartisan work on the CHIP bill—bicameral, bipartisan work. At 2:20 today, I went and met with a number of House Republicans trying to move forward on the children's health initiative. It is my recommendation that this bill will be sent to the President. If he vetoes the bill, it is my recommendation—I will express my feelings to the Speaker—that we not even attempt a veto override.

My Republican colleagues—this is difficult for me to be talking about: I should not say ''difficult.'' It is unusual for me to be talking about my Republican House colleagues. But they indicated that would be the very best step forward. We are very close to being able to do a bipartisan, bicameral children's health bill. I think we can really do that. I have spoken to the Speaker. She believes that is the case, also. If we can do that, at the earliest opportunity, we will bring that back for consideration of the Senators.

I express my appreciation to Senator BAUCUS, Senator ROCKEFELLER, Senator GRASSLEY, Senator HATCH, and many others. This has been a very difficult but rewarding process for me. It indicates to me that there is the ability of this Congress to work on a bipartisan, bicameral basis, and until we accept that as a truth, we are going to have trouble moving these many bills we have bouncing around here to completion.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, with regard to the schedule for Monday, the farm bill has not been printed yet but, as the majority leader indicated, we expect it momentarily. I am optimistic we will not end up having to invoke cloture on the motion to proceed Monday and that we will, as the majority leader suggested, not have to be back until Tuesday morning. I can't announce that right now, but I am optimistic we will be able to get that cleared up in the very near future.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the question is on passage of the bill.

The yeas and nays have not been ordered.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 30, as follows:

[Rollcall Vote No. 403 Leg.]

YEAS—64

Akaka	Feinstein	Murray
Alexander	Grassley	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Hatch	Pryor
Biden	Hutchison	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Roberts
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Sununu
Corker	Lugar	Tester
Domenici	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	
Feingold	Murkowski	

NAYS—30

Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bennett	DeMint	Lott
Brownback	Dole	Martinez
Bunning	Ensign	McConnell
Burr	Enzi	Sessions
Chambliss	Graham	Shelby
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Cornyn	Inhofe	Voinovich

NOT VOTING—6

Clinton	McCain	Warner
Dodd	Obama	Wyden

The bill (H.R. 3963) was passed.

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

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

Mr. BROWNBACK. Mr. President, thank you very much.

NOMINATION OF JUDGE MICHAEL MUKASEY

Mr. BROWNBACK. Mr. President, I will not take that much time, but I do want to draw my colleagues' attention to an issue that is going to be in front of the Judiciary Committee and my colleague, the Presiding Officer, this next week, and that is the nomination of Judge Michael Mukasey to be Attorney General of the United States.

Judge Mukasey is an outstanding nominee, highly qualified by anybody's definition, a consensus nominee who has now drawn fire. It strikes me as a situation of ignoring the forest for a tree. I want to talk about the specific tree that is here in the way, but I want to also point out the forest we have.

Judge Mukasey is an outstanding, qualified nominee, strongly supported, warmly put forward by Republicans and Democrats alike. He is not an ideologue by any means.

Senator SCHUMER said, at the outset:

[H]e could get a unanimous vote out of this committee.

Senator SCHUMER had previously discussed Judge Mukasey as a possible appointee to the U.S. Supreme Court—a lifetime appointment to the U.S. Supreme Court.

Here again, Senator SCHUMER's words:

Let me say, if the president were to nominate somebody, albeit a conservative, but somebody who put the rule of law first, someone like a . . . Mike Mukasey, my guess is that they would get through the Senate very, very quickly.

Well, it has now been 41 days that the nomination has been pending. That is longer than any other nominee for Attorney General in over 20 years. He is a consensus nominee.

I have my problems with Judge Mukasey on narrow issues. But if we look at the central issue of our day, which is the war on terrorism, the war we are having with militant Islamists that we are likely to be in for a generation, you could not ask for a more qualified Attorney General nominee than Judge Mukasey.

He is a gentleman who, as a judge, has handled some of the most difficult terrorism cases we have had in the country. He is an outstanding jurist. He is highly qualified. He handled the blind sheik case that came in front of his court. He has handled others. This is a nominee who is going to be in position for, well, the rest of this year and next year, and that is it, as Attorney General. I think he is so highly qualified he could well proceed into a next administration if he could get in in this administration. Yet he is not being put forward.

I want to quote—and this is an extraordinary quote. This is the Second Circuit Court of Appeals praising his work as a trial court judge in some of these difficult cases. I have not read before where a circuit court has praised the work of a trial court judge to such an extraordinary degree as they did of Judge Mukasey where they noted this. This is the Second Circuit saying this about him: ''extraordinary skill and patience.'' Further continuing to quote: ''outstanding achievement in the face of challenges far beyond those normally endured by a trial judge.'' That is the Second Circuit Court of Appeals about Judge Mukasey. This is an outstanding individual.

Now, he was sailing along, doing well as a nominee, going through a tough confirmation process, handling the hearings well, dealing with the issues, and then an issue came up about torture, and waterboarding in particular. Then there seemed to be some confusion being declared about this, so he has cleared up the record on that issue.

I want to read what he has stated on the record about this particular issue. And I want to say at the outset, it cannot be clearer that Judge Mukasey does not approve of waterboarding. He does not approve of it. He has called the procedure ''repugnant to me.'' He wrote to the Judiciary Committee Democrats that ''nothing . . . in my testimony should be read as an approval of the interrogation techniques presented to me at the hearing or in your letter, or any comparable technique.''

''[N]othing . . . in my testimony should be read as an approval of [this] interrogation technique. . . .''

He has pledged, if confirmed, he will examine interrogation programs thoroughly, and he has promised that ''if, after such a review, [he] determine[s] that any technique is unlawful, [he] will not hesitate to so advise the President and . . . rescind or correct any legal opinion of the Department of Justice that supports use of the technique.''

Now, do my colleagues doubt Judge Mukasey, whom they roundly praised just weeks ago, is a man of his word? Do they believe he would permit an illegal program to go forward? I do not think so. He will not. This is a straight-shooter. He is not a yes-man. He is not a yes-man to anybody. He has been on the bench for years. He has handled tough terrorism cases. He recognizes the threat terrorism is to this country. He also recognizes that the United States must stand for what is right. If we don't, that will be used against us in other places around the world, and it doesn't flow to the best image and it doesn't flow to the heart of what America is: a rule-of-law nation that stands up for what is right. He is going to do that. He has done that. He will do that.

He is not a yes-man to anybody. He is not a yes-man to people who would oppose him in this body. He is not a yes-man to the President. He has far too distinguished a career to be a yes-man, with less than 14 months left in an administration, for him to say: OK, I am just going to roll over and approve something I disagree with, in the final 14 months of an administration.

We need an Attorney General. We need an Attorney General in this country. This one has been pending far too long. I ask my colleagues who are seeking to oppose him—I think primarily on the grounds that they just want to oppose the Attorney General nominee of the United States or oppose the President—to back up and to take a second look at this gentleman and his great qualifications, his integrity he has conducted his entire life with, what he has specifically said about waterboarding, and find it in themselves to do the right thing and support him. This is an outstanding nominee who doesn't deserve this sort of treatment. We need to get this vote up and approved.

I believe the chairman of the Judiciary Committee, whom I have worked with a great deal and whom I have a great deal of respect and admiration for, is going to hold hearings on Judge Mukasey on Tuesday, and a vote. I am hopeful we can vote him out of committee and vote him through the Senate, clearly before the Thanksgiving Day break. We need to. We need an Attorney General. This is the right man at the right time for this job.

I thank you very much, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader is recognized.

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

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

SCHIP

Mr. REID. Mr. President, in my remarks dealing with the CHIP bill, I spoke profusely about the cooperation of the distinguished Speaker. She has been wonderful on this issue.

Sometimes, you leave out your friends. Steny Hoyer and I have known each other for many years. We have served in Congress together for 25 years. I failed to mention his work on this bill. He has been vigilant and with us every step of the way, and I should have mentioned his name.

I also want to say that in speaking—my staff, frankly, has spoken to him; I have not in the last hour or so. One of the things that very well could happen is that the House may not send the bill to the President for a while—the bill he says he is going to veto—to give the negotiators more time to see if they can come up with something. That is certainly something I think would be a wise thing for the House to do. Since we got the suggestion from Steny Hoyer, I am sure it is very wise. So that is one thing the House may do.

Again, everyone has cooperated. I appreciate very much the work and the stage where we are.

MORNING BUSINESS

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 301 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 the legislation not result in more than $50 billion in outlays for SCHIP over the period of fiscal years 2007 through 2012 and that the 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.

I find that H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, satisfies the conditions of the deficit-neutral reserve fund for SCHIP legislation. Therefore, pursuant to section 301, 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; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,022.051
FY 2009	2,121.498
FY 2010	2,176.932
FY 2011	2,357.661
FY 2012	2,495.039
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−28.745
FY 2009	14.572
FY 2010	13.211
FY 2011	−36.889
FY 2012	−102.057
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,505.209
FY 2009	2,523.853
FY 2010	2,579.438
FY 2011	2,697.839
FY 2012	2,735.357
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,469.858
FY 2009	2.570.742
FY 2010	2,607.644
FY 2011	2,703.359
FY 2012	2,716.559

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[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	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710
Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	9,332
FY 2008 Outlays	2,386
FY 2008–2012 Budget Authority	49,711
FY 2008–2012 Outlays	35,384
Revised 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

HONORING OUR ARMED FORCES

STAFF SERGEANT LARRY I. ROUGLE

Mr. HATCH. Mr. President, I rise in remembrance of SSG Larry I. Rougle of West Valley City. It is my privilege to speak regarding the tremendous sacrifice of this honored soldier.

On October 23, 2007, in the Kunar Province in Afghanistan, Sergeant Rougle died when his battalion encountered enemy fire. He was assigned to the 2nd Battalion, 503rd Airborne Infantry Regiment, 173rd Airborne Brigade. At the time of his death, he was only 25 years old. However, the sergeant had already given seven honorable years of service to the U.S. Army and been deployed on several tours of duty to Afghanistan and Iraq.

Graduating early from high school at the age of 17, Sergeant Rougle told his father that he had made the important decision to enter into military service. The sergeant's family said that he loved what he did, and that his main purpose was to help the poor people in war-torn countries.

He followed a great family military legacy. His father Ismael Rougle served in the Army for 25 years, which included a tour in Vietnam, and his son wanted to follow in his father's footsteps from a very young age. As a child, Sergeant Rougle would emulate his father by dressing up in his father's uniforms.

Sergeant Rougle was scheduled to come home for a midtour leave to celebrate his father's birthday and planned to take his 3-year-old daughter Carmin to Disneyland. By all accounts, he loved his daughter more than anything. Over the years, young Carmin will learn that her father was not just a great man—he was a hero.

It is our responsibility to never forget heroes like Sergeant Rougle. May his sacrifice always solemnly echo within us.

REQUEST FOR SEQUENTIAL REFERRAL

Mr. LEAHY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated October 31, 2007, from myself and Senator SPECTER to the majority leader.

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

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 31, 2007.

HON. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR REID: Pursuant to paragraph 3(b) of Senate Resolution 400 of the 94th Congress, I request that S. 2248, the FISA Amendments Act of 2007, which was filed by the Select Committee on Intelligence on October 26, 2007, be sequentially referred to the Judiciary Committee for a period of 10 days, as calculated under S. Res. 400. The basis for this request is that the bill contains matters within the jurisdiction of the Committee.

Thank you for your assistance.

Sincerely,

PATRICK LEAHY,
Chairman.
ARLEN SPECTER,
Ranking Member.

IRAQ

Mr. KYL. Mr. President, I rise today to call the attention of the Senate to the most-underreported story of the year: the continuing success of our troops in Iraq. In particular, I would like to call my colleagues' attention to an article by the American Enterprise Institute's Fred Kagan in this week's Weekly Standard, which articulately speaks to the magnitude of the change in direction that has taken place in Iraq.

The article reports how our soldiers and marines turned an imminent victory for al-Qaida in Iraq into a humiliating defeat for them and thereby created an opportunity for further progress not only in Iraq but also in the global struggle against terror. In the past 5 months we have seen stunning results from the Petraeus strategy: terrorist operations in and around Baghdad have dropped by 59 percent; car bomb deaths are down by 81 percent; casualties from enemy attacks dropped 77 percent; and, violence during the just-completed season of Ramadan—traditionally a peak of terrorist attacks was the lowest in 3 years.

However, Mr. President, winning a battle is not the same as winning a war. Our commanders and soldiers are continuing the fight to ensure that al-Qaida does not recover even as they turn their attention to the next battle: the fight against Shia militias sponsored by Iran.

What's more, these victories are not irreversible. Al-Qaida is a resourceful organization. If we let up, they can still recover. That is why our strategy on the ground must be based on the advice and experience of our generals and not the political necessities of the majority party here in Washington. We must resist politically-motivated maneuvering, whether it be in the form of artificial timelines for withdrawal or efforts to have politicians in Congress change the mission that has been delivering results.

I ask unanimous consent that the attached article be printed in the RECORD.

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

[From the Weekly Standard, Nov. 5, 2007]

WINNING ONE BATTLE, FIGHTING THE NEXT: AMERICA NEEDS TO BE HEARTENED BY OUR SUCCESS IN IRAQ, AND SEIZE A VICTORY

(By Frederick W. Kagan)

America has won an important battle in the war on terror. We turned an imminent

victory for Al Qaeda In Iraq into a humiliating defeat for them and thereby created an opportunity for further progress not only in Iraq, but also in the global struggle. In the past five months, terrorist operations in and around Baghdad have dropped by 59 percent. Car bomb deaths are down by 81 percent. Casualties from enemy attacks dropped 77 percent. And violence during the just-completed season of Ramadan—traditionally a peak of terrorist attacks—was the lowest in three years.

Winning a battle is not the same as winning a war. Our commanders and soldiers are continuing the fight to ensure that al Qaeda does not recover even as they turn their attention to the next battle: against Shia militias sponsored by Iran. Beyond Iraq, battles in Afghanistan and elsewhere demand our attention. But let us properly take stock of what has been accomplished.

At the end of 2006, the United States was headed for defeat in Iraq. Al Qaeda and Sunni insurgent leaders proclaimed their imminent triumph. Our own intelligence analysts and commanders agreed that our previous strategies had failed. The notion that a ''surge'' of a few brigades and a change of mission could transform the security situation in Iraq was ridiculed. Many experts and politicians proclaimed the futility of further military effort in Iraq. Imagine if they had been heeded.

Had al Qaeda been allowed to drive us from Iraq in disgrace, it would control safe havens throughout Anbar, in Baghdad, up the Tigris River valley, in Baquba, and in the ''triangle of death.'' Al Qaeda In Iraq had already proclaimed a puppet state, the Islamic State of Iraq, and was sending money and fighters to the international al Qaeda movement even as it was supplied with foreign suicide bombers and leaders by that movement. The boasts of Osama bin Laden that his movement had defeated the Soviet Union were silly—al Qaeda did not exist when the Soviet Union fell—but they were still a powerful recruiting tool. How much more powerful a tool would have been the actual defeat of the United States, the last remaining superpower, at the hands of Al Qaeda In Iraq? How much more dangerous would have been a terrorist movement with bases in an oil-rich Arab country at the heart of al Qaeda's mythical ''Caliphate'' than al Qaeda was when based in barren, poverty-stricken Afghanistan, a country where Arabs are seen as untrustworthy outsiders?

Instead, Al Qaeda In Iraq today is broken. Individual al Qaeda cells persist, in steadily shrinking areas of the country, but they can no longer mount the sort of coherent operations across Iraq that had become the norm in 2006. The elimination of key leaders and experts has led to a significant reduction in the effectiveness of the al Qaeda bombings that do occur, hence the steady and dramatic declines in overall casualty rates.

Al Qaeda leaders seem aware of their defeat. General Ray Odierno noted in a recent briefing that some of al Qaeda's foreign leaders have begun to flee Iraq. Documents recovered from a senior Al Qaeda In Iraq leader, Abu Usama al-Tunisi, portray a movement that has lost the initiative and is steadily losing its last places to hide. According to Brigadier General Joseph Anderson, chief of staff for the multinational coalition in Iraq, al-Tunisi wrote that ''he is surrounded, communications have been cut, and he is desperate for help.''

How did we achieve this success? Before the surge began, American forces in Iraq had attempted to fight al Qaeda primarily with the sort of intelligence-driven, targeted raids that many advocates of immediate withdrawal claim they want to continue. Those efforts failed. Our skilled soldiers captured and killed many al Qaeda leaders, including Abu Musab al Zarqawi, but the terrorists were able to replace them faster than we could kill them. Success came with a new strategy.

Al Qaeda excesses in Anbar Province and elsewhere had already begun to generate local resentment, but those local movements could not advance without our help. The takfiris—as the Iraqis call the sectarian extremists of al Qaeda—brutally murdered and tortured any local Sunni leaders who dared to speak against them, until American troops began to work to clear the terrorist strongholds in Ramadi in late 2006. But there were not enough U.S. forces in Anbar to complete even that task, let alone to protect local populations throughout the province and in the Sunni areas of Iraq. The surge of forces into Anbar and the Baghdad belts allowed American troops to complete the clearing of Ramadi and to clear Falluja and other takfiri strongholds.

The additional troops also allowed American commanders to pursue defeated al Qaeda cells and prevent them from reestablishing safe-havens. The so-called ''water balloon effect,'' in which terrorists were simply squeezed from one area of the country to another, did not occur in 2007 because our commanders finally had the resources to go after the terrorists wherever they fled. After the clearing of the city of Baquba this year, al Qaeda fighters attempted to flee up the Diyala River valley and take refuge in the Hamrin Ridge. Spectacular bombings in small villages in that area, including the massive devastation in the Turkmen village of Amerli, roughly 100 miles north of Baghdad, that killed hundreds, were intended to provide al Qaeda with the terror wedge it needed to gain a foothold in the area. But with American troops in hot pursuit, the terrorists had to stay on the run, breaking their movement into smaller and more disaggregated cells. The addition of more forces, the change in strategy to focus on protecting the population, both Sunni and Shia, and the planning and execution of multiple simultaneous, and sequential operations across the entire theater combined with a shift in attitudes among the Sunni population to revolutionize the situation.

Some now say that, although America's soldiers were successful in this task, the next battle is hopeless. We cannot control the Shia militias, they say. The Iraqis will never ''reconcile.'' The government will not make the decisions it must make to sustain the current progress, and all will collapse. Perhaps. But those who now proclaim the hopelessness of future efforts also ridiculed the possibility of the success we have just achieved. If one predicts failure long enough, one may turn out to be right. But the credibility of the prophets of doom—those who questioned the veracity and integrity of General David Petraeus when he dared to report progress—is at a low ebb.

There is a long struggle ahead in Iraq, in Afghanistan, and elsewhere against al Qaeda and its allies in extremism. We can still lose. American forces and Afghan allies defeated al Qaeda in Afghanistan in 2001 as completely as we are defeating it in Iraq. But mistakes and a lack of commitment by both the United States and the NATO forces to whom we handed off responsibility have allowed a resurgence of terrorism in Afghanistan. We must not repeat that mistake in Iraq where the stakes are so much higher. America must not try to pocket the success we have achieved in Iraq and declare a premature and meaningless victory. Instead, let us be heartened by success. We have avoided for the moment a terrible danger and created a dramatic opportunity. Let's seize it.

50TH ANNIVERSARY OF THE MACKINAC BRIDGE

Mr. LEVIN. Mr. President, the State of Michigan today celebrates the 50th anniversary of the bridging of Michigan's two peninsulas through the engineering feat known as the Mackinac Bridge. A suspension bridge spanning a 5 mile stretch of the Straits of Mackinac, the Mighty Mac or Big Mac has become an icon of Michigan.

Although dreams of connecting the Upper and Lower Peninsula by bridge began in the 1880s, it would take more than 70 years for that dream to become a reality. In the meantime, ideas for crossing the straits ranged from the improbable—a floating tunnel to the impractical—a series of bridges and causeways—to the doable—a ferry service.

In 1923, Michigan began car ferry service across the Straits of Mackinac between Mackinaw City and St. Ignace. Traffic on the car ferries became so heavy within just five years that another option—a bridge—needed to be seriously considered. The State Highway Department undertook a feasibility study that reported favorably on a bridge.

Although the need and the know-how were there, the money was not. The Mackinac Straits Bridge Authority of Michigan, established in 1934 by the State legislature, tried twice that decade to obtain Federal funds from the federal Public Works Administration but was refused. World War II stopped further progress on a bridge.

In January 1951, the Mackinac Straits Bridge Authority issued a favorable feasibility study. Legislation to finance and build the bridge passed in early 1952. The Authority was ready to offer bonds for sale by March 1953, but the money market had weakened. Later that spring, the Michigan Legislature passed a bill to pay for the annual operating and maintenance costs of the bridge from gasoline and license plate taxes. The market strengthened by the end of the year and almost $1 billion worth of Mackinac Bridge bonds were sold.

Prentiss M. Brown, a former U.S. Senator and chairman of the board of Detroit Edison Company, served as the first chairman of the Mackinac Bridge Authority and shepherded the process of securing financing for the Mackinac Bridge. In the words of Jack Carlisle, an announcer for WWJ radio in Detroit, Brown ''refused to accept defeat when it seemed inevitable. Prentiss M. Brown just wouldn't stay licked.''

Construction of the bridge officially began on May 7 and 8, 1954, with ceremonies in St. Ignace and Mackinaw City. Designed by Dr. David B. Steinman, building the Mackinac Bridge required a complex choreography of engineering detail and construction skill as evidenced by the 4,000 engineering drawings and 85,000 blueprints. Over 11,000 people worked on the bridge including 350 engineers, 3,500 workers on site and 7,500 workers at quarries, mills, and shops elsewhere.

On November 1, 1957, the Mighty Mac opened to traffic with the formal dedication taking place the following June. The dream of bridging the Upper and Lower Peninsula had finally become a reality.

At 552 feet above the water, the main towers of Big Mac are almost exactly as high as the Washington Monument, which stands at 555 feet. When measured by its total length of 26,372 feet, the Mackinac Bridge qualifies as the longest suspension bridge in the United States, but falls to third place behind the Golden Gate Bridge and Verrazano Narrows Bridge if only the suspended portion of the bridge is counted.

Once a year, the Big Mac opens its span to the oldest form of transportation—walking. Begun in 1958, the annual Mackinac Bridge Walk has become a Labor Day tradition for Michigan families on both peninsulas. The bridge's beautiful silhouette beckons thousands with the promise of an exhilarating 5-mile walk and spectacular views of shoreline and water from 200 feet above the Straits of Mackinac.

Over the past 50 years, the Mackinac Bridge has become an elegant landmark for our State and a source of pride for all of us. Today Michigan commemorates the 50th anniversary of the Mackinac Bridge with a celebration at Bridge View Park in St. Ignace. My heart is with all the people who are there celebrating, and I wish the rest of me were there too. Congratulations, Big Mac.

ENERGY AND NATURAL RESOURCES COMMITTEE, EN BLOC HOTLINES

Mr. COBURN. Mr. President, I wish to share my concerns regarding the process currently being utilized by the Energy and Natural Resources Committee to pass legislation on the Senate floor. As many of my colleagues know, I am currently objecting to unanimous consent on two en bloc packages reported by the committee, containing more than 40 bills.

I want to make clear to my colleagues that I do not object to all of the bills contained in the two packages. In fact, I have offered to give consent to all those bills where I have no fiscal or policy concerns. Unfortunately, the committee is insisting on passing all of the legislation en bloc and will not allow the noncontroversial bills to be released for passage. These bills are in effect being held hostage by the committee.

As my colleagues know, I evaluate all unanimous consent requests, in part, on whether the proposed legislation increases authorizations for spending. If it does, I also look to see whether the new cost has been offset by a corresponding reduction in another program authorization. I also review each bill for specific policy concerns.

Of most concern to me, the two packages authorize over $150 million in new spending, without a single offset. This does not include the $640 million reauthorization for the Geologic Mapping Program. I have offered to work with the committee to identify possible offsets that would allow the en bloc packages to move forward. Given the considerable program oversight performed by the committee, I am eager to hear where it believes other programs may not be working as intended or where they may have become of a lesser priority than the bills currently under consideration.

As stewards of the Federal tax dollar, I believe it is imperative we proceed with the hard but necessary work of prioritizing our spending. Every American taxpayer is forced to do this every day, and so should we. Prioritization begins with the authorization process, and so does long-term fiscal discipline.

I renew my pledge to work with any Member of this body to identify offsets, to ensure that our actions today never add to the already heavy financial burden we have placed on the next generation of Americans.

It is my hope the committee will abandon the practice of en bloc unanimous consent requests. Each bill should be considered on its merits, and if it is truly worthwhile, should be allowed to stand on its own. As an institution, this Senate is more than capable of this task.

To make the RECORD absolutely clear, I am including the list of noncontroversial bills in these packages that should be cleared and allowed to pass under unanimous consent: S. 216, S. 266, S. 241, S. 202, S. 232, S. 262, S. 220, H.R. 386, S. 320, S. 553, H.R. 497, H.R. 658, S. 1139, H.R. 235, H.R. 482, H.R. 467.

VETERANS HOSPITALS COMBAT STAPH INFECTIONS

Mr. AKAKA. Mr. President, I find it disturbing and disheartening to know that efforts to heal through modern medicine end up creating new medical problems, in addition to those that are preexisting. Unfortunately, this is what is occurring with the rise of dangerous drug-resistant forms of staph that have become prevalent as of late. I want to talk about the potential dangers of these infections, especially in a medical environment where patients are most vulnerable, and also give much-deserved praise to the Department of Veterans Affairs for their work to combat staph infections in their hospitals.

There are many types of staph bacteria. While some forms of staph are harmless, others are fatal. A recent study conducted by the Association for Professionals in Infection Control and Epidemiology suggests that as many as 1.2 million U.S. hospital patients are infected every year by a form of staph that is resistant to drugs.

Drug-resistant staph, often referred to as MRSA, Methicillin-resistant Staphylococcus aureus, has adapted in response to common antibiotics which have been used to combat these and other infections. Most staph infections arise from visits to the hospital and other health care settings.

The Department of Veterans Affairs is taking effective steps to reduce staph infections in their hospitals. Based on a successful pilot program at VA's Pittsburgh health care system, VA has instituted a staph prevention program in all 153 of their hospitals. Their prevention system is based on a strategy of enhanced hygiene and culture change among health care workers. Patients are monitored, proven precautions are followed for those affected, and close attention is paid to common sources of infection. The Pittsburgh pilot led to a 50-percent decline in staph infections, something Acting VA Secretary Gordon Mansfield referred to as ''dramatic reductions'' in staph infections, and I look forward to similarly positive outcomes across the veterans' health care system.

It is my hope that VA will continue to improve their prevention programs and share information with other health care providers. This will help VA safeguard our veterans and their families from staph infections, serve as a successful model for our country's hospitals and medical facilities, and improve the well-being of our Nation's citizens.

TAX RELIEF

Mr. ROBERTS. Mr. President, I rise today to discuss several important tax relief measures that expire this year.

As several of my colleagues have noted, these provisions are important to many of our folks back home and have a direct impact on their daily lives and pocketbook. This tax relief has put more money in taxpayers' pockets rather than the government coffers and needs to be extended.

I am pleased to introduce legislation to extend two expiring tax relief measures.

The first measure ensures that we continue to provide a 7-year depreciation schedule for motorsports complexes. This is an important tax relief provision to hundreds of race facilities across the country, both large and small.

In Kansas, more than 30 tracks can benefit from this depreciation schedule. It allows race facilities to make important safety and modernization investments under a depreciation schedule that reflects the ongoing need to maintain these facilities.

The largest track in Kansas, the Kansas Speedway, which was just completed in 2001, has been the economic driver in the revitalization of Kansas City, KS. What was once one of the most economically depressed areas in Kansas is now one of the fastest growing. The speedway alone contributed more than $150 million to the local economy in its first year, creating 3,300 new jobs and generating $10 million in property taxes and $26 million in sales taxes.

The track has spurred new investment in the area, including a 400-acre retail and entertainment center that has brought in more than 90 businesses and 5,500 jobs. Because of this growth, an additional $750 million in development in the area is underway. The area has become the largest tourist attraction in Kansas, bringing in 12 million visitors per year.

As we look at extending tax relief, I hope we will be mindful of the tremendous economic benefit that these facilities generate in our home States.

I am also pleased to introduce legislation to extend an important charitable giving provision that we initially passed last year as part of the Pension Protection Act. This provision allows individuals age 70½ or older, who must begin taking distributions from their individual retirement accounts, to donate those distributions to a charitable organization without incurring tax on the distribution. Individuals many donate up to $100,000.

I have heard from many charitable organizations in Kansas that have already seen the benefits of this legislation, including colleges and universities, that tell me that many donors are making good use of this tax relief provision.

At the University of Kansas for example, this provision has helped generate 94 gifts totaling more than $2.8 million. The gifts have ranged from $100 to $100,000—the rollover maximum.

Smaller colleges are also benefitting. Sterling College, located in central Kansas, has an enrollment of 607 students. Last year the college raised a total of $2 million dollars in unrestricted gifts. More than 10 percent of that amount, $253,000, was raised as a result of this provision. In addition, one donor who had previously given $1,000, increased her gift to over $80,000 as a direct result of the IRA charitable rollover provision.

This provision has proven to be an important incentive to encourage small donors to give, and is an important tool for charities to attract new donors. I encourage my colleagues to support an extension of this measure.

I would also like to share my support for two other measures that extend expiring tax relief. The first is the deduction for tuition and higher education expenses, introduced by Senator CORNYN. I am pleased to cosponsor this legislation.

This deduction is an important benefit for many families who are looking for ways to pay for a college education. It allows a deduction of up to $4,000 for tuition and related expenses. Nearly 49,000 Kansas taxpayers benefitted from this deduction in 2005. Across the country, more than 4.5 million taxpayers claimed the deduction.

We have taken a number of steps in Congress to help families manage the cost of a college education. This deduction is another important benefit that we need to extend to aid families paying for college.

In addition, I am pleased to cosponsor legislation introduced by Senator INHOFE that extends an important tax incentive for marginal oil and gas wells.

Recognizing the value of oil and gas wells decline over time, the tax code allows depletion deductions to recover investments in marginal oil and gas wells.

Under one method of depletion deduction—percentage depletion—15 percent of the taxpayer's gross income from an oil- or gas-producing property is allowed as a deduction in each taxable year. The amount deducted generally may not exceed 100 percent of the net income from that property in any year. However, this limitation is suspended for marginal wells prior to January 1, 2008.

Extending this provision is critical for marginal wells, which are a key source of domestic oil and gas production and create thousands of jobs.

Marginal wells account for 17 percent of the oil produced domestically and about 9 percent of natural gas. There are more than 401,000 marginal oil wells in the U.S. which comprise 80 percent of all of the Nation's oil wells. They produced more than 321 million barrels of oil in 2005. This production prevented the U.S. from spending an additional $16 billion on imported oil. Kansas ranks third among States in the number of marginal wells; and fourth in production from these wells.

The number of marginal gas wells has steadily increased over the past 10 years and production has increased accordingly. Over the past 10 years, production from the Nation's 288,000 marginal gas wells has nearly doubled. Kansas has the largest continuous natural gas reservoir in the lower 48 States and ranks eighth in the number of marginal gas wells, and second in production from these wells.

As we look to reduce reliance on foreign oil it is important we keep in mind that marginal oil and gas wells are an key source of domestic production. We need to maintain existing tax incentives to encourage these small producers.

HONORING FORMER U.S. REPRESENTATIVE PETER HOAGLAND

Mr. NELSON of Nebraska. Mr. President, I rise today to pay tribute to a good friend and great Nebraskan, former U.S. Representative Peter Hoagland, who passed away Tuesday at the age of 66. Peter was a very special friend to all who knew him. His tenure in Congress coincided with my first 4 years serving as Governor of the State of Nebraska, and I will always remember Peter's thoughtful advice and advocacy on issues important to our mutual constituents.

Peter worked to do what he believed was right for his district and our state. An Omaha native and alumnus of Omaha Central High School, Peter represented the good people of Nebraska's largest metropolitan area in one capacity or another for 14 years through two terms in the Nebraska Legislature and three representing Nebraska's Second District in the U.S. House of Representatives.

Elected to the Nebraska Unicameral in 1978, Peter later assumed a leadership role as chairman of the Judiciary Committee. This role suited him well, as he was a Yale-educated attorney, having completed his law degree in 1968 after serving our country as a U.S. Army intelligence officer. Peter was active on important topics such as ground water protection, and he spearheaded the passage of landmark drunk-driving legislation.

Peter was elected to the U.S. House of Representatives in 1988, where he served three terms. He focused his efforts on the inner workings of his committees. Peter was a workhorse, not a show horse; and he made his presence felt on many issues, particularly those pertaining to banking and the environment.

Peter Hoagland was a true leader; and while he may have left public service, he never left public life. As a tribute to his immense legacy, Nebraska Democrats honored Peter with the Hall of Fame Award at the Morrison-Exon Dinner earlier this year. I am grateful we had that opportunity to let Peter know how much he meant to all of us.

I offer my most sincere condolences to Peter's wife Barbara and their family. Peter's passion for service, his dynamic leadership, and his unwavering dedication will remain a source of inspiration to all who knew him.

ADDITIONAL STATEMENTS

COMMENDING HAWAII'S YOUTH

• Mr. AKAKA. Mr. President, I congratulate a number of young adults from Hawaii for being selected to perform on the National Public Radio, NPR, program, ''From the Top.'' ''From the Top'' is a weekly, hour-long show featuring America's most talented, young musicians. It is one of the most listened to programs on public radio with an audience of approximately 750,000 each week, over 250 stations nationwide. The show is hosted by pianist Christopher O'Riley and recorded in front of a live audience.

The young adults include those from the Hawaii Youth Opera Chorus Nä Leo Küho'okahi ensemble: Sienna Achong, Juliana Besenbruch, Olivia Borges, Ka'iulani Bowers, Karyn Castro, Hina Felmet, Pili Gardner, Makena Hamilton, Marika Ikehara, Alana Mueller, Jade Olszowka, Noe Ramirez, Erin Richardson, Sarah Sagarang, Kanoe Tjorvatjoglou, Krysti Uranaka, and Kiyoe Wellington. Also performing are: Laura Bleakley, Maile Cha, Jacob DeForest, Asia Doike, Irwin Jiang, Annie Kwok, Alda Lam, Andrew Ramos, Tyler Ramos, Yulia Sharipova, Rachel Stanton, and T.J. Tario.

The program will be produced during two performances. The first performance will be at Oahu's historic Hawaii Theatre on November 14, and the second at Maui Arts and Cultural Center on November 16. In addition to being taped, the students will be participating in assemblies at eight schools on three islands. Approximately 100 young people are chosen each year to appear on ''From the Top,'' so to have Hawaii's youth be selected is truly an honor.

The students' hard work and devotion to music has allowed them to excel in the performing arts. However, they would not have been able to succeed without the support of their family, friends, and instructors. Instructors play an essential role in guiding a student, and they need to be commended for their hard work and dedication to teaching as well.●

CONGRATULATING MISS LESLIE OSBORN

● Mr. AKAKA. Mr. President, I congratulate Leslie K. Osborn for earning Hawaii's first Silver Award in Venturing, the highest award in the Venturing program of the Boy Scouts of America. Leslie will be honored with this award at the annual Aloha Council Eagle Scout Banquet in April of 2008.

Venturing was created by the Boy Scouts of America in 1998 to provide positive experiences for young men and women and the tools needed to become responsible and caring adults.

Involvement in the Boy Scouts of America is a long-standing tradition in the Osborn family. Both Leslie's older brother, Bobby, and her younger sister, Heather, are active in the program. Parents, LTC John and Patricia Osborn, teach their children strong family values and respect for God and country. Leslie is a strong young woman who is motivated by the desire to prove that she has the same capabilities as boys. She spends much of her time building her strength in wilderness survival through such activities as camping, climbing, and hiking.

Leslie is also an exceptional student. She has maintained a 4.0 GPA at Kalaheo High School while enjoying hobbies such as dancing jazz and ballet. She is very involved in community services, both on her own time through her work at the Marine Corps commissary and through her activities in the Boy Scouts program. She has participated in numerous community outreach programs, including the annual Toys for Tots program as well as beach cleanups. She plans to attend college with the goal of becoming a veterinarian.

I look forward to hearing more about Leslie's successes as she continues to pursue her education and personal goals. Congratulations to her parents John and Patricia, who have raised their daughter to be a remarkable young lady. I wish Leslie and the rest of the Osborn family the very best in their future endeavors.●

100TH ANNIVERSARY OF CONGREGATION B'NAI ABRAHAM

● Mr. FEINGOLD. Mr. President, I am so pleased to congratulate Congregation B'nai Abraham in Beloit, WI, on their 100th anniversary. Congregation B'nai Abraham was established on November 7, 1907, and during the past 100 years it has thrived due to its outstanding leadership, a wonderful congregation, and a supportive community. I have many happy memories of my visits to this synagogue, particularly with the Beloit/Janesville BBYO.

Generations of Wisconsinites have proudly called Congregation B'nai Abraham their synagogue. Under the leadership of Rabbi Ira Youdovin, new generations will continue to flourish. Today we celebrate this outstanding achievement and the people over the last 100 years who have built this wonderful congregation. Mazel Tov on this remarkable anniversary, and I wish Congregation B'nai Abraham the best for the next 100 years.●

TRIBUTE TO LOUISIANA WWII VETERANS

● Ms. LANDRIEU. Mr. President, I would like to take a moment to pay tribute to a group of 84 World War II veterans from the Acadiana region of Louisiana that is making its way to Washington this weekend. Here the veterans will visit the World War II, Korea, Vietnam and Iwo Jima memorials as well as Arlington National Cemetery to lay a wreath at the Tomb of the Unknowns.

The trip to the Nation's Capital this Saturday is being sponsored by a group in Lafayette, LA, called Louisiana HonorAir. The organization is honoring each surviving World War II Louisiana veteran by giving them a chance to see the memorials dedicated to their service. So far this year, there have been four trips to these Washington landmarks, and this weekend's trip will be the final one this year.

World War II was one of the greatest achievements in American history, and was also the deadliest conflict. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen, and marines. The years 1941–1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today about 44,000 living WWII veterans, and every one of them has their own heroic tale of their experience in achieving the noble victory of freedom over tyranny. Veterans in this group began their service in 1940 before the bombing of Pearl Harbor, and served as late as 1957, between the Korean and Vietnam wars. They served in every branch of the military—35 members in the Army; including a Buffalo soldier based in Italy; 27 in the Navy; 16 in the Army Air Corps, now the Air Force; five in the Marines; and one in the Coast Guard. The spent their service in the European and Pacific theaters as well as stateside and participated in many famous battles, including the attack on Pearl Harbor, the Battle of Normandy and the Battle of the Bulge.

I ask the Senate to join me in honoring these 83 men and one woman, all Louisiana heroes, that we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.●

FOUNDER'S AWARD RECIPIENTS

● Mr. THUNE. Mr. President, today I wish to recognize David Pigott, Tonya Denke, Russell Bruner, and Abbi Wells, all of whom received the Founder's Award for Outstanding Achievement from the Black Hills Workshop in Rapid City, SD. This is a prestigious award that reflects the recipients' hard work and dedication to achieving independent living. It also reflects the valuable role they have played in giving back to their local community. Also, I would like to recognize McKie Automotive group for receiving the Community Connection Award.

David Pigott is a hard-working stocker at the Ellsworth Air Force Base Commissary. He is an excellent member of their staff and has been recognized for his hard work by being named the Employee of the Month twice and Employee of the Year in 2006. Due to David's success at his job, he was chosen to travel to Washington, DC, to meet with Members of Congress to discuss employment for individuals with disabilities.

Tonya Denke is an enthusiastic food service attendant at Ellsworth Air Force Base's Bandit Inn. She is a dependable worker who is well liked by her fellow staff members and customers. Beyond her work, Tonya enjoys quilting, reading, playing the piano, and leads a very active lifestyle. Her accomplishments in the Special Olympics can be seen in her numerous gold and silver medals.

Russell Bruner stocks shelves and performs custodial work for the Ellsworth Air Force Base Commissary. He has been an excellent employee ever since he started the position in 2001 as is shown by his framed Employee of the Month award. Outside of work, Russell loves to read, especially about history, and to travel. His adventures have taken him to Seattle, Alaska, Florida and Washington, DC, just to name a few.

Abbi Wells works at the Black Hills Workshop on an assembly contract for Balanced Systems Incorporated of Sioux Falls. In 1994 she was an Easter Seals poster child. Abbi's brilliant smile and passion for life make her well liked by all the people she meets. In her spare time, she enjoys writing

short stories and volunteers at the United Blood Services, Rapid City Boys and Girls Club, National Federation of the Blind, and the Journey Museum.

McKie Automotive Group received the Community Connection Award from the Black Hills Workshop. This award is presented to an organization that has gone above and beyond in their support by providing job opportunities to people with disabilities. McKie Automotive Group currently employs five members of the Black Hills Workshop.

It gives me great pleasure to recognize David Pigott, Tonya Denke, Russell Bruner, Abbi Wells, and McKie Automotive Group and to congratulate them on receiving these well-earned awards and wish them continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY RELATIVE TO THE ACTIONS AND POLICIES OF THE GOVERNMENT OF SUDAN AS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision I have sent the enclosed notice to the *Federal Register* for publication, stating that the Sudan emergency is to continue in effect beyond November 3, 2007.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 1, 2007.*

MESSAGES FROM THE HOUSE

At 10:06 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1236. An act to amend title 39, United States Code, to extend the authorization of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

H.R. 2787. An act to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States.

H.R. 3307. An act to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the ''Dennis P. Collins Post Office Building''.

H.R. 3446. An act to designate the facility of the Untied States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the ''Michael W. Schragg Post Office Building''.

H.R. 3867. An act to update and expand the procurement programs of the Small Business Administration, and for other purposes.

H. J. Res. 58. Joint resolution expressing support for designation of the month of October 2007 as ''Country Music Month'' and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism.

At 1:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. OBEY, Mrs. LOWEY, Ms. DELAURO, Messrs. JACKSON of Illinois, KENNEDY, Ms. ROYBAL-ALLARD, Ms. LEE, Messrs. UDALL of New Mexico, HONDA, Ms. MCCOLLUM of Minnesota, Messrs. RYAN of Ohio, MURTHA, EDWARDS, WALSH of New York, REGULA, PETERSON of Pennsylvania, WELDON of Florida, SIMPSON, REHBERG, YOUNG of Florida, WICKER and LEWIS of California as managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

At 3:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1808. An act to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

H.R. 2779. An act to recognize the Navy UDT-SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALs and their predecessors.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1236. 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; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2787. An act to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3307. An act to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the ''Dennis P. Collins Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3446. An act to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the ''Michael W. Schragg Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3867. An act to update and expand the procurement programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.J. Res. 58. Joint resolution expressing support for designation of the month of October 2007 as ''Country Music Month'' and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2293. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax, and for other purposes.

S. 2294. A bill to strengthen immigration enforcement and border security and for other purposes.

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–3833. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Indian Tribal Land Acquisition Program Loan Writedowns'' (RIN0560–AG87) received on October 26, 2007; to the Committee on Indian Affairs.

EC–3834. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a report relative to the views of the Department on S. 453, the ''Deceptive Practices and Voter Intimidation Prevention Act of 2007''; to the Committee on the Judiciary.

EC–3835. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''National Source Tracking of Sealed Sources; Revised Compliance Dates'' (RIN3150–AI22) received on October 25, 2007; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2284. An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes (Rept. No. 110–214).

S. 2285. An original bill to reauthorize the Federal terrorism risk insurance program, and for other purposes (Rept. No. 110–215).

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1518. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes (Rept. No. 110–216).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 2168. A bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2286. An original bill to establish a nonpartisan commission on natural catastrophe risk management and insurance, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

*Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

*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.

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. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 2280. A bill to amend the Deficit Reduction Act of 2005; to the Committee on Finance.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 2281. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 2282. A bill to increase the number of full-time personnel of the Consumer Product Safety Commission assigned to duty stations at United States ports of entry or to inspect overseas production facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO:

S. 2283. A bill to preserve the use and access of pack and saddle stock animals on public land administered by the National Park Service, and Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 2284. An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DODD:

S. 2285. An original bill to reauthorize the Federal terrorism risk insurance program, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DODD:

S. 2286. An original bill to establish a nonpartisan commission on natural catastrophe risk management and insurance, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. FEINGOLD (for himself, Ms. CANTWELL, and Mrs. FEINSTEIN):

S. 2287. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 2288. A bill to establish portfolio quality standards, improve lender oversight by the Small Business Administration, create economic outcome and performance measurements, strengthen the loan programs under section 7(a) of the Small Business Act and title V of the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. ALEXANDER (for himself, Mr. PRYOR, Mr. KYL, Mr. NELSON of Nebraska, Mr. CORNYN, Mr. CORKER, Mr. COCHRAN, Mrs. HUTCHISON, and Mr. DOMENICI):

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; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2290. A bill to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Mrs. MCCASKILL, Mr. CARPER, and Mr. LEVIN):

S. 2291. A bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 2292. A bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LOTT (for himself, Mr. GRASSLEY, Mr. KYL, Mr. SMITH, Mr. BUNNING, Mr. CRAPO, Mr. ROBERTS, Mr. HATCH, Ms. SNOWE, and Mr. ENSIGN):

S. 2293. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax, and for other purposes; read the first time.

By Mr. KYL (for himself, Mr. GRAHAM, Mr. CORNYN, Mr. MARTINEZ, Mr. SESSIONS, Mr. SPECTER, and Mr. MCCONNELL):

S. 2294. A bill to strengthen immigration enforcement and border security and for other purposes; read the first time.

By Mr. NELSON of Florida (for himself and Mr. WHITEHOUSE):

S. 2295. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. SCHUMER:

S. 2296. A bill to provide for improved disclosures by all mortgage lenders at the loan approval and settlement stages of all mortgage loans; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE:

S. 2297. A bill to require the FCC to conduct an economic study on the impact that low-power FM stations will have on full-power commercial FM stations; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 2298. A bill to prohibit an applicant from obtaining a low-power FM license if an applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 2299. A bill to require the Secretary of Agriculture to establish an advisory committee to develop recommendations regarding the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 2300. A bill to improve the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. REID (for Mr. OBAMA):

S.J. Res. 23. A joint resolution clarifying that the use of force against Iran is not authorized by the Authorization for the Use of Military Force Against Iraq, any resolution previously adopted, or any other provision of law; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself and Mr. BURR):

S. Res. 363. A resolution expressing the sense of the Senate regarding the treatment of Social Security ''notch babies''; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 364. A resolution commending the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans; to the Committee on Veterans' Affairs.

By Mrs. BOXER:

S. Con. Res. 52. A concurrent resolution encouraging the Association of Southeast Asian Nations to take action to ensure a peaceful transition to democracy in Burma; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 67

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 582

At the request of Mr. SMITH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 667

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 719

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 719, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 771

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 1003

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1132

At the request of Ms. MURKOWSKI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1132, a bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food.

S. 1159

At the request of Mr. HAGEL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1457

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1668

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1693

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1693, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1729

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1729, a bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing surcharges on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for authorized purposes.

S. 1782

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1782, a bill to amend chapter 1 of title 9 of United States Code with respect to arbitration.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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 names of the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors 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. 1943

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1943, a bill to establish uniform standards for interrogation techniques applicable to individuals under the custody or physical control of the United States Government.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Florida (Mr. NELSON) 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 names of the Senator from Ohio (Mr. BROWN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor 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. 2123

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2127

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2127, a bill to provide assistance to families of miners involved in mining accidents.

S. 2147

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 2147, a bill to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2228

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2228, a bill to extend and improve agricultural programs, and for other purposes.

S. 2233

At the request of Mr. ENSIGN, his name was added as a cosponsor of S. 2233, a bill to provide a permanent deduction for States and local general sales taxes.

S. 2250

At the request of Mr. CRAPO, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2250, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program.

S. 2257

At the request of Mr. BIDEN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2257, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

S. 2277

At the request of Mr. SMITH, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2277, a bill to amend the Internal Revenue Code of 1986 to increase the limitation on the issuance of qualified veterans' mortgage bonds for Alaska, Oregon, and Wisconsin and to modify the definition of qualified veteran.

S.J. RES. 22

At the request of Mr. SPECTER, his name was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 241

At the request of Mr. BROWN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 241, a resolution expressing the sense of the Senate that the United States should reaffirm the commitments of the United States to the 2001 Doha Declaration on the TRIPS Agreement and Public Health and to pursuing trade policies that promote access to affordable medicines.

S. RES. 356

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

AMENDMENT NO. 3493

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 3493 intended to be proposed to H.R. 3963, a bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 2280. A bill to amend the Deficit Reduction Act of 2005; to the Committee on Finance.

Mr. COLEMAN. 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. 2280

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

SECTION 1. REGULATIONS.

Section 6052(b) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396n note) is amended to read as follows:

''(b) FINAL REGULATIONS.—The Secretary shall promulgate final regulations to carry out the amendment made by subsection (a) consistent with the notice and comment requirements in section 553 of title 5, United States Code, except that the period of public comment on the proposed regulations shall be not less than 180 days. Consistent with the requirements of section 801(a)(1)(A) of title 5, United States Code, the final regulations shall take effect not less than 90 days after publication in the Federal Register or presentation to each House of the Congress or the Comptroller General, whichever occurs later.''.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 2281. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LEVIN. Mr. President, today, I am introducing the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act to expand the boundaries of the existing sanctuary.

Created as a unique Federal-State partnership in October 2000, the Thunder Bay National Marine Sanctuary has been a resounding success. It has preserved the proud maritime history of the Great Lakes, offered educational opportunities to children and researchers, and provided a fascinating site for divers and snorklers to explore. Expanding the sanctuary will bring even greater benefits.

When the National Oceanic and Atmospheric Administration originally considered the Sanctuary, it recommended an area that was twice as big as what was eventually established. That proposal was scaled back to address concerns raised by some state and local communities who wanted to begin cautiously. Some of the doubters and most cautious at the beginning have now become the biggest supporters of the sanctuary. Today, the expansion has broad support throughout the area.

Specifically, this bill would extend the sanctuary's boundaries to include the waters off Alcona, Alpena and Presque Isle Counties in Michigan and

would extend the sanctuary east to the International boundary. This would be a significant increase in total area. The current sanctuary includes 448 square miles of water and 115 miles of shoreline, and the expansion would include 3,722 square miles and include 226 miles of shoreline.

This expansion is needed to protect the maritime history of Michigan and the Great Lakes. Historically, this region was influenced by the demand for natural resources. Because local roads were so inadequate, the Great Lakes became an important passageway and trading route for settlement and industrialization. The geography of Thunder Bay and the weather patterns in the lakes, however, caused dozens of ships to perish in what mariners call ''Shipwreck Alley.'' Many of these shipwrecks are well-preserved because they are in freshwater and of great interest to researchers and students.

The current sanctuary holds 116 shipwrecks though many, many more shipwrecks in this area have been mentioned in historical records. In addition to shipwrecks, the sanctuary protects and interprets the remains of commercial fishing sites, historic docks, and other underwater archaeological sites.

Expanding the boundaries as provided for in this bill will protect an estimated 178 additional shipwrecks. For example, it would protect the *Cornelia B. Windiate*, which is a three-mast wooden schooner and one of the Great Lakes' most intact shipwrecks. The ship sank in December 1875 when bound from Milwaukee to Buffalo with a cargo of wheat, and was featured in an episode of Deep Sea Detectives on the History Channel. Expansion would also cover the *H.P. Bridge*, a three-mast wooden barkentine, containing many artifacts such as pottery, clothing, and ship tackle and hardware.

These shipwrecks are not only historically important, they are very popular with divers. Deep water wrecks are popular for technical divers, and because the sites are often well preserved in the cold freshwater, they contain many artifacts and provide a treasure of information about the past. Many of the shallow water wrecks are accessible by snorkelers, boaters and kayakers. These sites offer a tremendous amount of archaeological data on ship architecture and are generally easier to document.

The sanctuary is also making important contributions to research and education. Using real-time video links, students in Alpena interact with divers exploring underwater worlds with people who are thousands of miles away. In the near future, students from around the country will be able to control remote submarines that allow them to explore the *E.B. Allen* or the steamship *Montana*. Visitors to Thunder Bay can also view artifacts and interpretive exhibits and watch films about Thunder Bay and all of our Nation's Maritime Sanctuaries. Scientists from around the world dock their vessels in the Thunder Bay River as they use the facility for their research.

The sanctuary has also been a real asset for the local community, and the community has responded in kind. Since the establishment of the sanctuary, the community has worked with it to improve the Alpena County George N. Fletcher Library, to provide volunteers at festivals and outreach events, and to help digitize the Thunder Bay Sanctuary Research Collection.

The Thunder Bay National Marine Sanctuary deserves to be expanded. Doing so will preserve important maritime history and will continue the success of the current Sanctuary. It is a unique treasure that needs our support. I hope my colleagues will join me in supporting this bill.

By Ms. SNOWE:

S. 2282. A bill to increase the number of full-time personnel of the Consumer Product Safety Commission assigned to duty stations at United States ports of entry or to inspect overseas production facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am introducing a bill to increase the number of full-time personnel of the Consumer Product U.S. Safety Commission assigned to duty stations at U.S. ports of entry or to inspect overseas production facilities to ensure that the Consumer Product Safety Commission has the personnel necessary to adequately address the growing problem of import safety. This bill would more than triple the current number of commission staff assigned to U.S. ports of entry, by requiring that no less than 50 full-time import inspectors be in place at the beginning of the next fiscal year. Additionally, it would expressly authorize the CPSC to send such inspectors to examine the operations at overseas factories which manufacture consumer products destined for the U.S.

This legislation is critically necessary, given that an ever-increasing number of the consumer products now sold on our shelves are manufactured in countries with appalling safety and quality control standards, such as China. Sine the year 2000, foreign imports to the U.S. have increased 67 percent by value, with imports from China nearly tripling, growing from $100 billion in 2000 to $288 billion last year. Almost 20 percent of consumer products sold in the U.S. today were made in China. Particularly troubling is that Chinese manufacturers have cornered the U.S. market on toys, with over 80 percent of all toys sold in the U.S. coming from China. Since March 2007, over 8 million pieces of these Chinese-made toys have been recalled due to lead contamination alone.

Outrageously, the number of CPSC personnel dedicated to monitoring import compliance with U.S. health and safety requirements has been slashed along with other Commission resources during the very period in which trade liberalization has allowed foreign producers greater access to our markets. With over 60 percent of CPSC staff having been cut over the past 27 years—from almost 1,000 employees in 1980 to a record low of 420 employees in 2007—there remain only 15 full-time Commission personnel assigned to inspect imports at U.S. ports. According to a September 2, 2007, New York Times article, this handful of import inspectors ''are hard pressed to find dangerous cargo before it enters the country; instead, they rely on other Federal agents, who mostly act as trademark enforcers.'' Similarly unacceptable is the fact that the CPSC lacks the staff to send a single inspector to the foreign factories making the goods that we put on our kitchen counters and in the hands of our children.

These facts unquestionably reveal, as a Consumers Union official told the Senate Committee on Finance earlier this month, that the CPSC has not kept up with the globalization of the marketplace. That is why I have proposed this bill, which would rapidly shore-up the commission's import inspection staff, who are so critical to protecting us from dangerous foreign products. I urge my colleagues to support this common-sense solution to an urgent problem.

By Mr. FEINGOLD (for himself, Ms. CANTWELL, and Mrs. FEINSTEIN):

S. 2287. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am very pleased to be joined by Senators CANTWELL and FEINSTEIN in introducing legislation to eliminate from the Federal tax code the ''Percentage Depletion Allowance'' for hardrock minerals mined on Federal public lands. Elimination of this double subsidy will produce estimated savings of at least $500 million over 5 years, based on the most recent year for which figures are available from the Joint Committee on Taxation and the Clinton administration's fiscal year 2001 budget proposal. These savings will help fund the reclamation and restoration of abandoned mines through an Abandoned Mine Reclamation Fund, that my bill creates, and the remaining ¾ of savings will be returned to the Federal treasury.

Percentage depletion allowances were initiated by the Corporation Excise Act of 1909. That is right, these allowances were initiated nearly 100 years ago. Provisions for a depletion allowance based on the value of the mine were made under a 1912 Treasury Department regulation, but difficulty in applying this accounting principle to mineral production led to the initial codification of the mineral depletion allowance in the Tariff Act of 1913. The

Revenue Act of 1926 established percentage depletion much in its present form for oil and gas. The percentage depletion allowance was then extended to metal mines, coal, and other hardrock minerals by the Revenue Act of 1932, and has been adjusted several times since.

Percentage depletion allowances were historically placed in the tax code to reduce the effective tax rates in the mineral and extraction industries far below tax rates on other industries, providing incentives to increase investment, exploration, and output. The problem, however, is that percentage depletion also makes it possible to recover many times the amount of the original investment.

There are two methods of calculating a deduction to allow a firm to recover the costs of its capital investment: cost depletion and percentage depletion. Cost depletion allows for the recovery of the actual capital investment—the costs of discovering, purchasing, and developing a mineral reserve—over the period during which the reserve produces income. Under the cost depletion method, the total deductions cannot exceed the original capital investment.

Under percentage depletion, however, the deduction for recovery of a company's investment is a fixed percentage of ''gross income,'' namely, sales revenue from the sale of the mineral. Under this method, total deductions typically exceed the capital that the company invested. The set rates for percentage depletion are quite significant. Section 613 of the Internal Revenue Code contains depletion allowances for more than 70 metals and minerals, at rates ranging from 10 to 22 percent.

There is no restriction in the tax code to ensure that over time companies do not deduct more than the capital that a company has invested. Furthermore, a Percentage Deduction Allowance makes sense only so long as the deducting company actually pays for the investment for which it claims the deduction.

The result is a double subsidy for hardrock mining companies: first they can mine on public lands for free under the General Mining Law of 1872, and then they are allowed to take a deduction for capital investment that they have not made for the privilege to mine on public lands. My legislation would eliminate the use of the Percentage Depletion Allowance for mining on public lands, resulting in an estimated savings of $450 million over 5 years, while continuing to allow companies to recover reasonable cost depletion.

My bill would also create a new fund, called the Abandoned Mine Reclamation Fund. One-fourth of the revenue raised by the bill, or approximately $110 million, would be deposited into an interest-bearing fund in the Treasury to be used to clean up abandoned hardrock mines in states that are subject to the 1872 Mining Law. Though there is no comprehensive inventory of abandoned mines, estimates put the figure at upwards of 100,000 abandoned mines on public lands.

There are currently no comprehensive federal or state programs to address the need to clean up old mine sites. Reclaiming these sites requires the enactment of a program with explicit authority to clean up abandoned mine sites and the resources to do it. My legislation is a first step toward providing the needed authority and resources.

In today's budget climate, we are faced with the question of who should bear the costs of exploration, development, and production of natural resources: the taxpayers, or the users and producers of the resource? For more than a century, the mining industry has been paying next to nothing for the privilege of extracting minerals from public lands and then abandoning its mines. Now those mines are adding to the nation's environmental and financial burdens. We face serious budget choices this fiscal year, and one of those choices is whether to continue the special tax breaks provided to the mining industry.

The measure I am introducing is straightforward. It eliminates the Percentage Depletion Allowance for hardrock minerals mined on public lands while continuing to allow companies to recover reasonable cost depletion.

Though at one time there may have been an appropriate role for a government-driven incentive for enhanced mineral production, there is now sufficient reason to adopt a more reasonable depletion allowance that is consistent with depreciation rates given to other businesses. This corporate subsidy is simply not justified.

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. 2287

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 ''Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2007''.

SEC. 2. REPEAL OF PERCENTAGE DEPLETION ALLOWANCE FOR CERTAIN HARDROCK MINES.

(a) IN GENERAL.—Section 613(a) of the Internal Revenue Code of 1986 (relating to percentage depletion) is amended by inserting ''(other than hardrock mines located on lands subject to the general mining laws or on land patented under the general mining laws)'' after ''In the case of the mines''.

(b) GENERAL MINING LAWS DEFINED.—Section 613 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(f) GENERAL MINING LAWS.—For purposes of subsection (a), the term 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 3. ABANDONED MINE RECLAMATION FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following:

''SEC. 9511. ABANDONED MINE RECLAMATION FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Abandoned Mine Reclamation Trust Fund' (in this section referred to as 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Trust Fund amounts equivalent to 25 percent of the additional revenues received in the Treasury by reason of the amendments made by section 2 of the Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2007.

''(c) EXPENDITURES FROM TRUST FUND.—

''(1) IN GENERAL.—Amounts in the Trust Fund shall be available, as provided in appropriation Acts, to the Secretary of the Interior for—

''(A) the reclamation and restoration of lands and water resources described in paragraph (2) adversely affected by mineral (other than coal and fluid minerals) and mineral material mining, including—

''(i) reclamation and restoration of abandoned surface mine areas and abandoned milling and processing areas,

''(ii) sealing, filling, and grading abandoned deep mine entries,

''(iii) planting on lands adversely affected by mining to prevent erosion and sedimentation,

''(iv) prevention, abatement, treatment, and control of water pollution created by abandoned mine drainage, and

''(v) control of surface subsidence due to abandoned deep mines, and

''(B) the expenses necessary to accomplish the purposes of this section.

''(2) LANDS AND WATER RESOURCES.—

''(A) IN GENERAL.—The lands and water resources described in this paragraph are lands within States that have land and water resources subject to the general mining laws or lands patented under the general mining laws—

''(i) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status before the date of the enactment of this section,

''(ii) for which the Secretary of the Interior makes a determination that there is no continuing reclamation responsibility under State or Federal law, and

''(iii) for which it can be established to the satisfaction of the Secretary of the Interior that such lands or resources do not contain minerals which could economically be extracted through remining of such lands or resources.

''(B) CERTAIN SITES AND AREAS EXCLUDED.—The lands and water resources described in this paragraph shall not include sites and areas which are designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or which are listed for remedial action under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(3) GENERAL MINING LAWS.—For purposes of paragraph (2), the term 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161

and 162 of title 30 of the United States Code.''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 9511. Abandoned Mine Reclamation Trust Fund.''.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 2288. A bill to establish portfolio quality standards, improve lender oversight by the Small Business Administration, create economic outcome and performance measurements, strengthen the loan programs under section 7(a) of the Small Business Act and title V of the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today with Senator KERRY to introduce the Small Business Lending Oversight and Program Performance Improvements Act of 2007. I truly appreciate Senator Kerry's leadership on small business issues and his bipartisan work with me on this bill.

Small businesses have propelled our Nation's economic growth, producing more than 50 percent of our Gross Domestic Product, GDP, and creating between 60 to 80 percent of all new jobs annually. The Small Business Administration's loan guarantee programs are a vital source of financing for many of these small start-up firms, entrepreneurs seeking working capital, and small businesses that must purchase larger office space or secure factory equipment so they can continue to expand.

At the same time, the SBA's 7(a) and 504 lending programs will not endure if careless oversight, and a lack of standards, allow scandal to tarnish the good names of these programs. The 7(a) and 504 lending programs will not survive if we cannot prove to taxpayers that the money spent to guarantee small business loans actually produces economic vitality, opportunity, and new jobs, for our Nation. Make no mistake, the only way to protect these integral programs and demonstrate their effectiveness and economic growth capacity is through the use of concrete measurements.

In order for the SBA's lending portfolios to grow and allow more small firms to secure the capital they require, the SBA must quantify both quality and performance by establishing the specific criteria it will examine and then assess changes in these factors over time. Additionally, these benchmarks must be codified and transparent so that lenders and small businesses understand what is being measured.

The problem is this: although the SBA evaluates portfolio quality, and uses these assessments to conduct lender oversight, the SBA has failed to provide participating lenders with some of the criteria or formulas the Agency uses to determine if their portfolios are sound or substandard. This lack of transparency not only hinders the SBA's lender oversight capabilities, it causes participating 7(a) and 504 lenders to be critical of the SBA's ability to accurately assess portfolio quality. Regrettably, the SBA's current oversight and portfolio quality assessment methods have not prevented recent high-profile scandals from occurring.

Currently, the SBA has roughly $60 billion in outstanding loans issued to small businesses. Yet incredulously it does not track these businesses' economic performance. While the SBA's total loan volume has increased substantially over the last 10 years, the agency has no way to show how these loans benefitted the U.S. economy. Ultimately, the SBA is unaware of how many jobs these loans have created, whether company net-sales or revenues have increased after securing capital, or how many of these companies prepay, default, or go out of business. Though the purpose of these loans is to spur economic growth, the SBA does not assess the actual economic outcomes these loans help make possible. Without these measurements, how can the SBA attest to the incredible economic lift and vitality these loans help generate?

Two recent Government Accountability Office reports, one from July of this year and one from June of 2004, recommended that the SBA improve its economic performance and portfolio quality measurements. Our bill would implement the GAO's recommendations and improve the performance measures for 7(a) and 504 loans. Among other things, the bill would require the SBA to: create standards for lenders' portfolio quality; increase the transparency of the SBA's lender oversight evaluation measures; report on borrowers' economic performance; and create a 7(a) and 504 portfolio default rate that can be compared directly to commercial lenders' default rates.

We have an obligation not only to maintain, but to strengthen and improve the SBA's key loan programs that I have heard time and again are a critical lifeline to the job generators we call small businesses. The remedies that Senator KERRY and I are proposing today are necessary for the SBA's lending programs to expand, and reach all of the small businesses that must have access to capital.

I urge my colleagues to strongly support the Small Business Lending Oversight and Program Performance Improvements Act.

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. 2228

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 ''Small Business Lending Oversight and Program Performance Improvement Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Recent reports by the Government Accountability Office have recommended that the Small Business Administration develop better measurements and methods for measuring the performance of lending programs and the effectiveness of lender oversight.

(2) A July 2007 report by the Government Accountability Office entitled ''Small Business Administration: Additional Measures Needed to Assess 7(a) Loan Program's Performance'' found the following:

(A) Determining the success of the loan programs under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) ''is difficult as the performance measures show only outputs – the number of loans provided – and not outcomes, or the fate of the businesses borrowing with the guarantee.''.

(B) ''The current measures do not indicate how well the agency is meeting its strategic goal of helping small businesses.''.

(C) ''To better ensure that the 7(a) program is meeting its mission responsibility of helping small firms succeed through guaranteed loans, we recommend that the SBA administrator complete and expand the SBA's current work on evaluating the program's performance measures. As part of that effort, at a minimum, the SBA should further utilize the loan performance information it already collects, including but not limited to defaults, prepayments, and number of loans in good standing, to better report how small businesses fare after they participate in the 7(a) program.''.

(3) A June 2004 report by the Government Accountability Office entitled ''Small Business Administration: New Services for Lender Oversight Reflect Some Best Practices but Strategy for Use Lags Behind'' found that ''Best practices dictate the need for a clear and transparent understanding of how a risk management service and the tools it provides will be used.''.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''base year'' means the year in which a covered loan recipient receives a loan under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or the 504 Loan Program;

(3) the term ''covered lender'' means—

(A) a lender participating in the guarantee loan program under section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

(B) a State or local development company participating in the 504 Loan Program;

(4) the term ''covered loan recipient'' means a person that receives a loan under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or the 504 Loan Program;

(5) the term ''economic performance evaluation measurements'' means the economic performance evaluation measurements established under section 8(a);

(6) the term ''504 Loan Program'' means the program to provide financing to small business concerns by guarantees of loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), which are funded by debentures guaranteed by the Administrator;

(7) the term ''portfolio quality evaluation standards'' means the portfolio quality evaluation standards established under section 5(a)(1); and

(8) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 4. AUTHORITY.

Section 5 of the Small Business Act (15 U.S.C. 634) is amended—

(1) in subsection (b)(14), by striking ''other lender oversight activities'' and inserting ''used to improve portfolio performance and lender oversight through technology and software programs designed to increase program loan quality, management, accuracy, and efficiency and program underwriting accuracy and efficiency''; and

(2) by adding at the end the following:

''(i) In establishing lender oversight review fees described in subsection (b)(14), the Administrator shall follow cost containment and cost control best practices that ensure that such fees are reasonable and do not become burdensome or excessive.''.

SEC. 5. PORTFOLIO QUALITY EVALUATION STANDARDS.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and publish in the Federal Register portfolio quality evaluation standards for covered lenders, which shall include portfolio quality criteria, including—

(A) a liquidation rate;

(B) a currency rate;

(C) a recovery rate;

(D) a delinquency rate; and

(E) other portfolio risk indicators.

(2) USE.—The Administration shall use the portfolio quality evaluation standards—

(A) to determine the portfolio quality of a covered lender, in comparison to the portfolio quality of all covered lenders; and

(B) for conducting lender oversight of covered lenders.

(b) IMPLEMENTATION.—The Administrator shall—

(1) rank and determine a separate score for each covered lender, on each of the portfolio quality evaluation standards;

(2) combine the portfolio quality rankings described in paragraph (1) to establish the overall lender portfolio quality score for each covered lender, based on the compliance of that covered lender with the portfolio quality evaluation standards;

(3) provide a covered lender access to—

(A) the score of that covered lender for each of the portfolio quality evaluation standards; and

(B) the overall portfolio quality score for that covered lender; and

(4) provide a written explanation of the factors affecting the score described in paragraph (3)(A) for a covered lender to that covered lender.

(c) QUARTERLY EVALUATIONS.—Not less frequently than once each quarter, the Administrator shall evaluate each covered lender to determine whether—

(1) there has been a statistically significant adverse change in the criteria evaluated under the portfolio quality evaluation standards relating to a covered lender; and

(2) the portfolio of that covered lender has a higher concentration of loans made to businesses in a specific North American Industry Classification System code (or any successor thereto) than is typical for businesses in that code, as determined by the Administrator.

(d) ADDITIONAL ONSITE REVIEW.—

(1) DETERIORATION IN LOAN PORTFOLIO.—If the Administrator determines that there is significant and sustained statistically adverse change in the loan portfolio of a covered lender, based on the quarterly evaluation of that covered lender under subsection (c), the Administrator shall—

(A) determine the reason for such deterioration;

(B) determine if the deterioration should lead to an onsite review of the loan portfolio of that covered lender;

(C) taking into consideration the opinion of the relevant district director of the Administration, determine whether it is appropriate for the Administrator to adjust the preferred lender or other loan making status of that covered lender;

(D) document the decision by the Administrator regarding whether to conduct an onsite review or adjust the loan making status of that covered lender; and

(E) inform that covered lender of any statistically adverse change in loan quality of the portfolio of that covered lender.

(2) ADVERSE CHANGES.—If the Administrator determines there has been a statistically significant adverse change in the criteria evaluated under the portfolio quality evaluation standards relating to a covered lender, the Administrator shall determine whether it is necessary to conduct an onsite review of that covered lender.

(3) SCOPE OF REVIEW.—Any onsite review of a covered lender under this subsection shall focus on—

(A) the credit quality of the loans within the portfolio of that covered lender;

(B) the soundness of the credit evaluation and underwriting processes and procedures of that covered lender;

(C) the adherence by that covered lender to the policies and procedures of the Administration; and

(D) any other measures that the Administrator determines appropriate.

(e) DEFAULTS.—The Administrator shall provide to a covered lender information relating to any indicator under the portfolio quality evaluation standards that indicate an increased risk of default for specific loans.

(f) DOCUMENT RETENTION.—The Administrator shall maintain an electronic copy of any document relating to any portfolio quality evaluation or onsite review under this section (including documents relating to any determination regarding whether to conduct such a review).

(g) DATA COLLECTION.—The Administrator shall enter into a contract with a fiscal and transfer agent of the Administration under which that fiscal and transfer agent shall provide to the Administrator the data necessary to conduct the quarterly evaluation of covered lenders using the portfolio quality evaluation standards under this section.

SEC. 6. DEFAULT RATE.

(a) IN GENERAL.—Using established industry standards for calculating loan default rates, and not later than 1 year after the date of enactment of this Act, and every year thereafter, the Administrator shall calculate a loan default rate for—

(1) loans under section 7(a) of the Small Business Act (15 U.S.C. 636(a));

(2) loans under the 504 Loan Program; and

(3) specialty loan programs under section 7(a) of the Small Business Act or the 504 Loan Program, including the Express Loan program under section 7(a)(31) of the Small Business Act and the Export Working Capital Program under section 7(a)(14) of the Small Business Act.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Administrator shall publish in the Federal Register the methodology the Administrator will use to calculate default rates under subsection (a).

(c) PURPOSE.—The purpose of the default rates calculated under subsection (a) is to provide a cumulative default rate for loans under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and loans under the 504 Loan Program that may be compared directly to the default rates of other commercial loans.

SEC. 7. COMPUTER MODELING.

(a) TRANSPARENCY IN RANKING CRITERIA.—The Administrator—

(1) shall provide each covered lender with the data, factors, statistical methods, ranking criteria, indicators, and other measures used to make the ranking described in section 5(b); and

(2) may not charge a fee for providing the information described in paragraph (1).

(b) FAILURE TO PROVIDE.—In ranking a covered lender under section 5(b), the Administrator may not use any data, factor, statistical method, ranking criteria, indicator, or other measure that the Administrator has not provided to that covered lender.

(c) CONTRACTS.—Before establishing or modifying any system or mechanism for evaluating the making of loans, the accounting for loans, the underwriting of loans, or otherwise overseeing loans made by covered lenders, the Administrator shall consult with relevant covered lenders.

SEC. 8. ECONOMIC PERFORMANCE EVALUATION MEASUREMENTS.

(a) MEASUREMENTS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and publish in the Federal Register economic performance evaluation measurements for evaluating the economic performance and economic outcomes of each covered loan recipient, which shall include—

(1) number of individuals employed by that covered loan recipient;

(2) the annual sales receipts of that covered loan recipient;

(3) an estimate of the total annual Federal income tax paid by that covered loan recipient;

(4) whether the covered loan recipient prepaid the covered loan;

(5) whether the covered loan recipient defaulted on the covered loan;

(6) the number of businesses operated by covered loan recipients that cease operations; and

(7) the number of covered loan recipients that establish a new business relating to the business for which that covered loan recipient received a loan under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or the 504 Loan Program.

(b) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—On and after the date that is 2 years after the date of enactment of this Act, the Administrator shall electronically collect, as part of the loan application process, from the person applying for a loan under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or the 504 Loan Program—

(A) the number of individuals employed by the applicant;

(B) the annual sales receipts of the applicant for the year before the date of the application; and

(C) an estimate of the total annual Federal income tax paid by that covered loan recipient.

(2) BASE YEAR.—The Administrator shall use the information collected under paragraph (1) to establish the base year statistics for the applicant.

(3) INFORMATION COMPLIANCE.—

(A) IN GENERAL.—During the 12-year period beginning on the date that a covered loan recipient receives a loan under section 7(a) of the Small Business Act or the 504 Loan Program, as the case may be, the covered loan recipient shall provide to the Administrator information relating to the economic performance evaluation measurements upon requested.

(B) FREQUENCY.—The Administrator shall request information from a covered loan recipient under subparagraph (A) not less frequently than once every 4 years.

(c) REPORTING.—

(1) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, and every 4 years thereafter, the Administrator shall publish a report assessing the information relating to the economic performance evaluation measurements submitted by covered loan recipients during the period described in paragraph (2), including an evaluation of the aggregate changes, if any, in the economic performance evaluation measurements since the relevant base years for such covered loan recipients.

(2) PERIOD.—The period described in this paragraph is—

(A) for the first report submitted under this subsection, not shorter than the 4-year period before the date of that report;

(B) for the second report submitted under this subsection, not shorter than the 8-year period before the date of that report; and

(C) for the third report submitted under this subsection, and each report submitted thereafter, not shorter than the 12-year period before the date of that report.

SEC. 9. PRIVACY.

In collecting data and preparing reports under this Act, the Administrator shall ensure that the privacy and information of covered loan recipients is protected.

SEC. 10. EXECUTIVE COMPENSATION.

Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended by adding at the end the following:

''(j) EXECUTIVE COMPENSATION.—

''(1) IN GENERAL.—Except as provided in paragraph (4), a State or local development company shall have a written contract with each executive or highly paid employee of that development company relating to the employment of that executive or highly paid employee, which shall include, for that executive or employee, the amount of compensation, benefits, and any transfer of anything of value to that executive or highly paid employee, including any rental or sale.

''(2) APPROVAL BY BOARD OF DIRECTORS.—

''(A) IN GENERAL.—A written contract described in paragraph (1) shall be approved by the board of directors of the State or local development company.

''(B) EVALUATION.—In evaluating a contract described in paragraph (1), the members of the board of directors of a State or local development company shall—

''(i) determine the fair market value of the benefits received by an executive or highly paid employee from that development company; and

''(ii) evaluate the amount paid by other State or local development companies and commercial lenders for comparable services, including, if a rental of property for that executive or highly paid employee is part of that contract, the amount of annual rent paid locally for comparable property.

''(C) DISTRIBUTION OF EVALUATION.—The board of directors of a State or local development company shall ensure that the information described in subparagraph (B) is made available to each member of that board of directors before the date of the meeting at which the board of directors will determine whether to approve the relevant contract and include the information described in subparagraph (B) in the minutes of that meeting.

''(D) PARTICIPATION.—An executive or highly paid official, and any other party with personal interest in a contract, shall not attend a meeting of the board of directors to determine whether to approve the contract with that executive or highly paid official, unless the members of the board of directors request that executive or highly paid official respond to questions.

''(E) VOTING.—An executive or highly paid official, and any other party with personal interest in a contract, shall not be present during, and shall not vote on, whether to approve the contract with that executive or highly paid official.

''(3) ANNUAL REPORTS.—A State or local development company shall report annually to the Administration regarding the terms of each contract with each executive or highly paid official of that development company.

''(4) EXCEPTION.—This subsection shall not apply to—

''(A) a small State or local development company;

''(B) a State or local development company that makes a low number of loans under the 504 Loan Program; or

''(C) a State or local development company regulated by a State or local government.

''(5) REGULATIONS.—The Administrator shall promulgate regulations to carry out this subsection, including defining the terms 'executive', 'highly paid', 'small State or local development company', and 'low number of loans'.''.

SEC. 11. STUDY AND REPORT ON EXAMINATION AND REVIEW FEES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the loan guaranty program under section 7(a) of the Small Business Act to determine—

(1) the scope of lender oversight needed by the Administration;

(2) what other entities regulate the lenders that participate in that loan guaranty program, what activities are being reviewed, and the scope of such reviews;

(3) how the amounts of examination and review fees are determined by such other regulatory entities, who pays for such fees, and how they compare with examination and review fees proposed in regulations issued by the Administration on May 4, 2007;

(4) how examination and review fees factor into the risk-adjusted return on capital (or ''RAROC'') ratings of lenders;

(5) what would be reasonable fees to be charged for Administration lender oversight;

(6) whether Administration lender oversight functions can be executed in conjunction with other lender reviews currently required by other regulatory entities, including those that review Federal banks, credit unions, or entities reviewed by the Farm Credit Administration; and

(7) the impact of lender oversight fees proposed by the Administration on lending to borrowers, including cost changes, availability of credit, and increased or decreased lender participation.

(b) REPORT.—The Comptroller General shall submit to Congress a report on the results of the study required by subsection (a) not later than 1 year after the date of enactment of this Act.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2290. A bill to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, today I am joined by my colleague, Senator FEINSTEIN in introducing legislation to designate the facility of the U.S. Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building.''

Beatrice ''Bea'' Watson was a former city clerk and councilwoman of Fontana who volunteered tirelessly for her community. In an Inland Valley Daily Bulletin profile last year, fellow Fontana residents described Bea as a generous person who was devoted to her city, her friends, and the many organizations with which she worked.

Over the 40 years of her residence in Fontana, Bea was involved with numerous civic and community service organizations, including the Fontana Woman's Club, the Fontana Historical Society, Chamber of Commerce, the Fontana Exchange Club, Parks and Recreation and the Fontana Parent Teacher Association.

Bea also was responsible for the continued existence of the Fontana Days Parade, the annual summer celebration of the city's 1913 founding by A.B. Miller, even dipping into her own pocket at times to keep the parade going.

This August, Bea Watson, ''Mrs. Fontana,'' passed away, and I know her loss has been deeply felt by her family and the community. The Fontana City Council asked Congress to honor Bea for bringing the whole community together for the betterment of Fontana. I am proud to introduce this bill, and encourage my colleagues to join me in recognizing Bea Watson's example of dedicated service.

By Mr. AKAKA (for himself, Mrs. MCCASKILL, Mr. CARPER, and Mr. LEVIN):

S. 2291. A bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Plain Language in Government Communications Act of 2007. I am pleased that Senators CLAIRE MCCASKILL, TOM CARPER, and CARL LEVIN have joined me as original cosponsors of this bill.

Our bill is very similar to H.R. 3548, introduced by Representative BRUCE BRALEY in September, along with original co-sponsors Representatives TODD AKIN, DAN BURTON, JAMES MCGOVERN, and NANCY BOYDA.

This bill would establish plain language as the standard writing style for Government documents issued to the public. Plain language is language that the intended audience can readily understand and use because it is clear, concise, well-organized, and follows other best practices of plain language writing.

This bill would extend an initiative that President Bill Clinton and Vice President Al Gore started nearly a decade ago as part of the Reinventing Government initiative. In 1998 President Clinton directed agencies to write in plain language. Although many agencies have made progress in writing

more clearly, the requirement never was fully implemented, and in recent years, the focus on writing in plain language has flagged. This legislation will renew that focus.

The benefits of requiring the Government to write in plain language are numerous.

For example, using plain language improves customer service. Veterans, taxpayers, senior citizens, and others who need to understand Government instructions and fill out Government forms should not have to wade through complicated, bureaucratic language. Needlessly complicated Government documents waste countless hours of taxpayers' time and cause unnecessary errors. The Federal Government works best for the American people if Government documents are clear and straightforward. Filling out Government forms should not be like solving a complex crossword puzzle.

Writing in plain language also will make the Government more efficient and cost effective. Agencies that write in plain language spend less time answering customer service questions, and they obtain better compliance because people make fewer mistakes.

Furthermore, using plain language makes Government more transparent. The American people cannot hold their Government accountable if no one can understand the information that the Government provides about its actions and its requirements.

Numerous organizations have called on Congress to require the Federal Government to use plain language. For example, the AARP wrote a letter in support of this legislation stating that every day AARP members contact AARP staff because they do not understand letters that they received from the Federal Government. The confusion is not the readers' fault. It is because many Federal Government letters are written in dense, complicated language that few people who are not lawyers could be expected to understand. Certainly, anyone who has ever filled out their own tax forms can sympathize.

Additionally, several small business organizations—including the National Small Business Association, the Small Business Legislative Council, and Women Impacting Public Policy—support the need for plain language. The reason is simple. Small businesses waste considerable time, effort, and money trying to decipher what the Federal Government requires of them.

This bill addresses two important elements for ensuring that use of plain language becomes standard in Federal agencies: training and oversight.

Each agency will report their plans to train employees to write in plain language. Writing in plain, clear, concise, and easily understandable language is a skill that Congress and Federal agencies must foster. As Thomas Jefferson once said, ''The most valuable of all talents is that of never using two words when one will do.'' As a former teacher and principal, I understand that even very smart people must be trained to write plainly.

Additionally, strong congressional oversight will ensure that agencies implement the plain language requirements. Agencies will be required to designate a senior official responsible for implementing plain language requirements. Each agency will be required to report to Congress how it will ensure compliance with the plain language requirement and on its progress.

A few examples of the documents that will be covered by the plain language requirement are Federal tax forms; veterans' benefit forms; information for workers about Federal health, safety, overtime pay, and medical leave laws; Social Security and Medicare benefit forms; and Federal college aid applications. These documents help the American people obtain important Government benefits and improve their quality of life.

To avoid imposing an unmanageable burden on agencies, agencies will not be required to re-write existing documents in plain language. Only new or substantially revised documents will be covered. Similarly, this bill does not cover regulations, so that agencies can focus first on improving their every day communications with the American people. We recognize that it will be more challenging to write regulations—which by their nature often will be complex and technical—in plain language.

Requiring agencies to write in plain language is an important step in improving the way the Federal Government communicates with the American people.

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. 2291

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 ''Plain Language in Government Communications Act of 2007''.

SEC. 2. PURPOSE.

The purpose of this Act is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''agency'' means an Executive agency, as defined under section 105 of title 5, United States Code.

(2) COVERED DOCUMENT.—The term ''covered document''—

(A) means any document (other than a regulation) issued by an agency to the public that—

(i) provides information about any Federal Government requirement or program; or

(ii) is relevant to obtaining any Federal Government benefit or service; and

(B) includes a letter, publication, form, notice, or instruction.

(3) PLAIN LANGUAGE.—The term ''plain language'' means language that the intended audience can readily understand and use because that language is clear, concise, well-organized, and follows other best practices of plain language writing.

SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.

(a) REQUIREMENT TO USE PLAIN LANGUAGE IN NEW DOCUMENTS.—Not later than 1 year after the date of enactment of this Act, each agency shall use plain language in any covered document of the agency issued or substantially revised after the date of enactment of this Act.

(b) GUIDANCE.—

(1) IN GENERAL.—

(A) DEVELOPMENT.—Not later than 6 months after the date of enactment of this Act, the Office of Management and Budget shall develop guidance on implementing the requirements of subsection (a).

(B) ISSUANCE.—The Office of Management and Budget shall issue the guidance developed under subpargraph (A) to agencies as a circular.

(2) INTERIM GUIDANCE.—Before the issuance of guidance under paragraph (1), agencies may follow the guidance of—

(A) the Plain English Handbook published by the Securities and Exchange Commission;

(B) the plain language guidelines developed by the Plain Language Action and Information Network; or

(C) guidance provided by the head of the agency that is consistent with the guidelines referred to under subparagraph (B).

SEC. 5. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the head of each agency 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 that describes how the agency intends to meet the following objectives:

(1) Communicating the requirements of this Act to agency employees.

(2) Training agency employees to write in plain language.

(3) Meeting the requirement under section 4(a).

(4) Ensuring ongoing compliance with the requirements of this Act.

(5) Designating a senior official to be responsible for implementing the requirements of this Act.

(b) ANNUAL AND OTHER REPORTS.—

(1) AGENCY REPORTS.—

(A) IN GENERAL.—The head of each agency shall submit reports on compliance with this Act to the Office of Management and Budget.

(B) SUBMISSION DATES.—The Office of Management and Budget shall notify each agency of the date each report under subparagraph (A) is required for submission to enable the Office of Management and Budget to meet the requirements of paragraph (2).

(2) REPORTS TO CONGRESS.—The Office of Management and Budget shall review agency reports submitted under paragraph (1) using the guidance issued under section 4(b)(1)(B) and submit a report on the progress of agencies to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of Representatives—

(A) annually for the first 2 years after the date of enactment of this Act; and

(B) once every 3 years thereafter.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 2292. A bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to address terrorist explosive threats, and

for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise to introduce the National Bombing Prevention Act of 2007, an important measure to strengthen our domestic defenses against terrorist attacks using explosives.

Terror bombings have a long and bloody history around the world and here in the United States. In 1920, for example, an anarchist bombing in front of the New York Stock Exchange killed 38 people and wounded hundreds more. More recently, the 1990s bombings of the World Trade Center and the Murrah Federal Building in Oklahoma City, and attacks in Indonesia, Spain, and Great Britain remind us of the vicious and indiscriminate threat posed by bombs. As Secretary of Homeland Security Michael Chertoff has noted, they are the weapon of choice for terrorists.

The FBI and the Department of Homeland Security tell us that threat from these devices is not only real, but growing. Furthermore, the National Intelligence Estimate has identified improvised explosive devices or IEDs as a significant homeland-security threat.

As recent years' bombings demonstrate, the costs of inadequate precautions can be horrendous. And as the threat of bomb attacks by home-grown terrorist rises—witness the plot to bomb the JFK airport in New York—we must be increasingly on guard. Much effort and much funding has been directed to train and equip law-enforcement and other personnel to detect and disrupt bomb plots, yet we still lack a formal, full-fledged national strategy to coordinate and improve the effectiveness of those efforts.

The legislation I introduce today will improve our defenses against these weapons. I am proud to be working again with the bill's chief co-sponsor, Senator JOE LIEBERMAN, on this new effort to protect our nation.

The bill has also won the support of people directly involved in the fight against the threat of terrorist bombings. They include the U.S. Department of Homeland Security; the National Bomb Squad Commanders Advisory Board; the National Tactical Officers Association; the International Association of Bomb Technicians and Investigators; the Maine Emergency Management Agency; and the police departments of Bangor and Portland, Maine.

The National Bombing Prevention Act of 2007 has three main elements: First, the bill will clarify the responsibilities of the DHS Office of Bombing Prevention and authorize $25 million funding in both FY 2009 and 2010, up from the current Senate-passed funding level of $10 million in the Homeland Security Appropriations bill now pending at conference.

Our national fight against terrorist bombings is a large and multi-faceted undertaking. It includes screening airline passengers, checking cargo, securing dangerous chemicals, protecting critical infrastructure, promoting research and development of anti-IED technology, and sharing information among Government and private-sector partners. The DHS Office of Bombing Prevention is a leader in this fight.

The Collins-Lieberman bill builds on the Office's past efforts. Among other things, the bill designates the Office of Bombing Protection as the lead agency in DHS for combating terrorist explosive attacks; tasks OBP with coordinating national and intergovernmental bombing-prevention activities; and assigns it responsibility for assisting state and local governments and cooperating with the private sector.

A key element of Federal assistance is training. Last week, for example, members of several Maine and Connecticut police departments received DHS training and briefings here in Washington, as well as an FBI update, and fresh information on improvised explosive devices. My bill will bring more of that training to the States and make it more accessible to local law-enforcement officers.

Second, the bill directs the President to accelerate the release of the National Strategy for Bombing Prevention and to update it every four years. As terrorists' tactics change, we must review and adjust our counter-measures to defeat them.

Third, the bill will promote more research and development of counter-explosive technologies and facilitate the transfer of military technologies for domestic anti-terror use.

My legislation is badly needed. We need to make sure that bomb squads have the latest and most accurate information on bombing threats. We need to raise awareness of the signs of possible threats, including purchases of pre-cursor materials and other suspicious activities. We need to improve information sharing and coordination of activities among all levels of government as well as the private sector.

Under my legislation, the Department of Homeland Security will have the legal authority, the responsibility, and the resources to ensure that state and local law-enforcement personnel receive the training and information they need to protect us.

The National Bombing Prevention Act of 2007 will give our country important new protections. The need for that protection has been amply demonstrated by repeated acts of savagery, and the threat of terrorist bombs continues to grow. I urge my colleagues to support this measure.

Mr. LIEBERMAN. Mr. President, I rise today to join my Ranking Member on the Homeland Security and Governmental Affairs Committee, Senator COLLINS, in introducing bipartisan legislation to strengthen our Nation's ability to deter, detect, prevent, and respond to attacks using improvised explosive devices, IED, in the U.S.

As we have seen in Iraq, London, and Germany, IEDs are a weapon of choice for terrorists. The reality is that an IED is relatively easy and inexpensive to make and can cause mass casualties, even to armored military personnel. IEDs are a global threat, and the American public, here at home, is not immune.

Federal efforts to address this threat, however, have not been adequate. The Department of Homeland Security, Office of Bombing Prevention, which is the Department's lead agent for IED countermeasure coordination, is currently operating with a substantially reduced budget of $5 million, down from the $14 million it received in fiscal years 2005 and 2006. Only $6 million has been requested for 2008. By contrast, the DHS Office of Health Affairs, which has a similar coordination responsibility for biosecurity and medical preparedness, has a proposed budget for personnel and coordination activities of $28 million for 2008. Given the likelihood of an IED attack, we need to make a comparable commitment in this area. As Secretary Chertoff said in an October 19 speech, ''although we can conceive of a terrorist attack that would be focused on a biological infection or some kind of a chemical spray, the reality is the vast majority of terrorist attacks are conducted with bombs. And of those, the vast majority are improvised explosive devices.''

The National Bombing Prevention Act of 2007, NBPA, would formally authorize the Office of Bombing Prevention, OBP, and increase its budget to $25 million. In addition to leading bombing prevention activities within DHS, OBP would be directed to coordinate with other Federal, State, and local agencies and fill the existing gaps that are not covered by another Federal agency's current bombing prevention efforts. For example, OBP would work with state and local officials to conduct a national analysis of bomb squad capabilities. This type of comprehensive assessment does not currently exist at any level of government, yet it is integral to understanding what resources are available in the event of an explosion and where we should invest in order to better prepare the Nation as a whole. OBP would also improve information sharing with state and local bomb squads by providing regular updates on terrorist tactics, techniques, and procedures.

The NBPA would require the President to deliver a long awaited National Strategy for Improvised Explosive Devices. This Strategy was supposed to be delivered to Congress by DHS in January 2007 but was then reassigned to the Department of Justice by presidential directive. Turf battles have caused further delay. This is simply unacceptable. Regardless of who takes the lead, the Nation must have a coherent strategy guiding its counter IED efforts that will clarify the roles and responsibilities of all Federal agencies.

Finally, our legislation would require DHS to establish a program expediting

the transfer of counter IED technology to first responders. Under this program, the Department would work with other Federal agencies, including the Department of Defense, the private sector, and state and local bomb experts to identify existing technologies that could help deter, detect, prevent, or respond to an explosive attack. Often, there is a significant lag time between the research and development of such technologies and deployment by the end user. This bill would hold DHS accountable for seeing products through to the deployment phase. Specifically, DHS would be required to develop an electronic countermeasures capability to disable radio controlled bombs. Radio ''jammers'' have been developed by DoD for Iraq and Afghanistan, but that technology needs to be significantly modified for the civilian environment.

Improvised explosive devices are one of the most popular weapons terrorists are using today. They can be easily assembled from instructions available on the Internet with readily available chemicals such as peroxide or ammonium nitrate. And, most importantly, terrorists all over the world have demonstrated their intent and ability to use these weapons to kill and maim large numbers of people. If DHS is to plan effectively for future attacks here at home, it must have a cohesive and robust defense against the most likely threats. I ask my colleagues to join us in ensuring DHS and its partners have the necessary tools to protect the U.S. from an improvised explosive device.

By Mr. LOTT (for himself, Mr. GRASSLEY, Mr. KYL, Mr. SMITH, Mr. BUNNING, Mr. CRAPO, Mr. ROBERTS, Mr. HATCH, Ms. SNOWE, and Mr. ENSIGN):

S. 2293. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax, and for other purposes; read the first time.

Mr. LOTT. 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 placed in the RECORD, as follows:

S. 2293

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 ''Individual Alternative Minimum Tax Repeal Act of 2007''.

SEC. 2. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) of the Internal Revenue Code of 1986 (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

''For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2006, shall be zero.''.

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 of the Internal Revenue Code of 1986 (relating to credit for prior year minimum tax liability) is amended to read as follows:

''(c) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

''(B) the tentative minimum tax for the taxable year.

''(2) TAXABLE YEARS BEGINNING AFTER 2006.—In the case of any taxable year beginning after 2006, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. ONE-TIME ESTIMATED TAX SAFE HARBOR FOR ALTERNATIVE MINIMUM TAX LIABILITY.

For purposes of any taxable year beginning in 2006, in the case of any individual with respect to whom there was no liability for the tax imposed under section 55 of the Internal Revenue Code of 1986 for the preceding taxable year—

(1) the tax shown on the return under section 6654(d)(1)(B)(i) of such Code shall be reduced (but not below zero) by the amount of tax imposed by such section 55 shown on the return,

(2) the tax for the taxable year under section 6654(d)(2)(B)(i) of such Code (before multiplication by the applicable percentage) shall be reduced (but not below zero) by the tax imposed by such section 55, and

(3) the amount of tax for the taxable year for purposes of section 6654(e)(1) of such Code shall be reduced (but not below zero) by the amount of tax imposed by such section 55.

By Mr. NELSON of Florida (for himself and Mr. WHITEHOUSE):

S. 2295. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

Mr. NELSON of Florida. Mr. President, today, joined by Senator WHITEHOUSE, I am introducing the Voter Confidence and Increased Accessibility Act of 2007. As we enter the month of November, next year's national election is just one year away, and we must act now to ensure that the next time Americans go to the polls nationwide, they have the chance to cast their vote and have their vote counted as intended.

Our bill will require all voting machines—beginning in the 2008 election—to produce a paper record of each ballot that can be verified by the voter before a ballot is submitted to be counted. This also is the first bill to propose a nationwide ban, by 2012, on the use of touch-screen voting machines in Federal elections.

We are introducing this bill to address the problems that have plagued the accuracy and integrity of our voting systems. We know all too well the problems that have occurred in Florida—in the 2000 election and, most recently in the 2006 congressional election in the 13th Congressional District—but my State is not alone. Recent studies in California and elsewhere have demonstrated that touch-screen voting machines are unreliable and vulnerable to error.

The bottom line is we have to ensure that every vote is counted—and counted properly. Citizens must have confidence in the integrity of their elections.

Florida, under the leadership of Governor Charlie Crist and Secretary of State Kurt Browning, has acted decisively, and on a bipartisan basis, to require the replacement of paperless touch-screen voting machines throughout the State with optical scan equipment. By using op-scan machines, voters will have the opportunity to complete a paper ballot that will be verified by the voter before it is electronically counted. By 2012, touchscreen voting machines will be a thing of the past in Florida. Using Florida's model, the bill I am filing today will phase out touch-screen voting machines in Federal elections nationwide by 2012.

This morning I met with Secretary Browning to discuss my intent to file legislation modeled on Florida's initiative. Secretary Browning indicated his support for a ban on touch-screen voting machines.

In addition to banning touch-screen machines by 2012, and requiring a voter-verified paper ballot for every vote that is cast, beginning in November 2008, other highlights of the bill are as follows.

It will require and fund routine random audits to be conducted by hand count in 3 percent of precincts in all Federal elections. If the vote is very close, that percentage goes up to 5 or 10 percent. On the other hand, if the winning candidate received more than 80 percent of the vote, no audit of that race will be necessary.

The bill will authorize adequate funding—$1 billion—for replacing and upgrading voting equipment.

Our legislation will require that every voter has the opportunity to vote by paper ballot if the voting machine in their precinct is broken, and beginning in 2012, for any reason.

Finally, the bill will establish an arms-length relationship between test labs and voting machine vendors, to prevent any efforts, malicious or otherwise, to compromise the accuracy and integrity of voting machines.

A companion version of our bill was introduced in the House by Representative RUSH HOLT of New Jersey, and was passed out of Committee. The bill now awaits a vote by the full Chamber. I hope my colleagues in the House will act to pass this important legislation, and I invite my colleagues in the Senate to join me by co-sponsoring our bill in the Senate. Florida not only provides a model for what can be done to increase our confidence in the integrity of elections, it provides a model for

how to do it—on a bipartisan basis, with the support of election officials, voting integrity groups and, most importantly, the millions of voters in my state who have a constitutional right to vote and want to be sure that their votes are counted—and counted accurately.

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 placed in the RECORD, as follows:

S. 2295

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 ''Voter Confidence and Increased Accessibility Act of 2007''.

SEC. 2. PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH VOTER-VERIFIED PERMANENT PAPER BALLOT.

(a) BALLOT VERIFICATION AND AUDIT CAPACITY.—

(1) IN GENERAL.—Section 301(a)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is amended to read as follows:

''(2) BALLOT VERIFICATION AND AUDIT CAPACITY.—

''(A) VOTER-VERIFIED PAPER BALLOTS.—

''(i) VERIFICATION.—(I) The voting system shall require the use of or produce an individual, durable, voter-verified, paper ballot of the voter's vote that shall be created by or made available for inspection and verification by the voter before the voter's vote is cast and counted. For purposes of this subclause, the term 'individual, durable, voter-verified, paper ballot' includes (but is not limited to) a paper ballot marked by the voter for the purpose of being counted by hand or read by an optical scanner or other similar device, a paper ballot prepared by the voter to be mailed to an election official (whether from a domestic or overseas location), a paper ballot created through the use of a nontabulating ballot marking device or system, or, in the case of an election held before 2012, a paper ballot produced by a direct recording electronic voting machine, so long as in each case the voter is permitted to verify the ballot in a paper form in accordance with this subparagraph.

''(II) The voting system shall provide the voter with an opportunity to correct any error made by the system in the voter-verified paper ballot before the permanent voter-verified paper ballot is preserved in accordance with clause (ii).

''(III) The voting system shall not preserve the voter-verified paper ballots in any manner that makes it possible, at any time after the ballot has been cast, to associate a voter with the record of the voter's vote.

''(ii) PRESERVATION.—The individual, durable, voter-verified, paper ballot produced in accordance with clause (i) shall be used as the official ballot for purposes of any recount or audit conducted with respect to any election for Federal office in which the voting system is used, and shall be preserved—

''(I) in the case of votes cast at the polling place on the date of the election, within the polling place in a secure manner; or

''(II) in any other case, in a secure manner which is consistent with the manner employed by the jurisdiction for preserving paper ballots in general.

''(iii) MANUAL AUDIT CAPACITY.—(I) Each paper ballot produced pursuant to clause (i) shall be suitable for a manual audit equivalent to that of a paper ballot voting system, and shall be counted by hand in any recount or audit conducted with respect to any election for Federal office.

''(II) In the event of any inconsistencies or irregularities between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified, paper ballots produced pursuant to clause (i), and subject to subparagraph (B), the individual, durable, voter-verified, paper ballots shall be the true and correct record of the votes cast.

''(B) SPECIAL RULE FOR TREATMENT OF DISPUTES WHEN PAPER BALLOTS HAVE BEEN SHOWN TO BE COMPROMISED.—

''(i) IN GENERAL.—In the event that—

''(I) there is any inconsistency between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified, paper ballots produced pursuant to subparagraph (A)(i) with respect to any election for Federal office; and

''(II) it is demonstrated by clear and convincing evidence (as determined in accordance with the applicable standards in the jurisdiction involved) in any recount, audit, or contest of the result of the election that the paper ballots have been compromised (by damage or mischief or otherwise) and that a sufficient number of the ballots have been so compromised that the result of the election could be changed,

the determination of the appropriate remedy with respect to the election shall be made in accordance with applicable State law, except that the electronic tally shall not be used as the exclusive basis for determining the official certified vote tally.

''(ii) RULE FOR CONSIDERATION OF BALLOTS ASSOCIATED WITH EACH VOTING MACHINE.—For purposes of clause (i), only the paper ballots deemed compromised, if any, shall be considered in the calculation of whether or not the result of the election could be changed due to the compromised paper ballots.''.

(2) CONFORMING AMENDMENT CLARIFYING APPLICABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—Section 301(a)(4) of such Act (42 U.S.C. 15481(a)(4)) is amended by inserting ''(including the paper ballots required to be produced under paragraph (2) and the notices required under paragraphs (7) and (13)(C)'' after ''voting system''.

(3) OTHER CONFORMING AMENDMENTS.—Section 301(a)(1) of such Act (42 U.S.C. 15481(a)(1)) is amended—

(A) in subparagraph (A)(i), by striking ''counted'' and inserting ''counted, in accordance with paragraphs (2) and (3)'';

(B) in subparagraph (A)(ii), by striking ''counted'' and inserting ''counted, in accordance with paragraphs (2) and (3)'';

(C) in subparagraph (A)(iii), by striking ''counted'' each place it appears and inserting ''counted, in accordance with paragraphs (2) and (3)''; and

(D) in subparagraph (B)(ii), by striking ''counted'' and inserting ''counted, in accordance with paragraphs (2) and (3)''.

(b) ACCESSIBILITY AND BALLOT VERIFICATION FOR INDIVIDUALS WITH DISABILITIES.—

(1) IN GENERAL.—Section 301(a)(3)(B) of such Act (42 U.S.C. 15481(a)(3)(B)) is amended to read as follows:

''(B)(i) satisfy the requirement of subparagraph (A) through the use of at least one voting system equipped for individuals with disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired, at each polling place; and

''(ii) meet the requirements of subparagraph (A) and paragraph (2)(A) by using a system that—

''(I) allows the voter to privately and independently verify the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote selections from the same printed or marked information that would be used for any vote counting or auditing;

''(II) ensures that the entire process of ballot verification and vote casting is equipped for individuals with disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired; and

''(III) does not preclude the supplementary use of Braille or tactile ballots; and''.

(2) SPECIFIC REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF ACCESSIBLE BALLOT VERIFICATION MECHANISMS.—

(A) STUDY AND REPORTING.—Subtitle C of title II of such Act (42 U.S.C. 15381 et seq.) is amended—

(i) by redesignating section 247 as section 248; and

(ii) by inserting after section 246 the following new section:

''SEC. 247. STUDY AND REPORT ON ACCESSIBLE BALLOT VERIFICATION MECHANISMS.

''(a) STUDY AND REPORT.—The Director of the National Institute of Standards and Technology shall study, test, and develop best practices to enhance the accessibility of ballot verification mechanisms for individuals with disabilities, for voters whose primary language is not English, and for voters with difficulties in literacy, including best practices for the mechanisms themselves and the processes through which the mechanisms are used. In carrying out this section, the Director shall specifically investigate existing and potential methods or devices, including non-electronic devices, that will assist such individuals and voters in creating voter-verified paper ballots and presenting or transmitting the information printed or marked on such ballots back to such individuals and voters.

''(b) COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.—The Director shall coordinate the activities carried out under subsection (a) with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Director and Commission determine necessary to provide for the advancement of accessible voting technology.

''(c) DEADLINE.—The Director shall complete the requirements of subsection (a) not later than December 31, 2008.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a) $3,000,000, to remain available until expended.''.

(B) CLERICAL AMENDMENT.—The table of contents of such Act is amended—

(i) by redesignating the item relating to section 247 as relating to section 248; and

(ii) by inserting after the item relating to section 246 the following new item:

''Sec. 247. Study and report on accessible ballot verification mechanisms.''.

(3) CLARIFICATION OF ACCESSIBILITY STANDARDS UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In adopting any voluntary guidance under subtitle B of title III of the Help America Vote Act with respect to the accessibility of the paper ballot verification requirements for individuals with disabilities, the Election Assistance Commission shall include and apply the same accessibility standards applicable under the voluntary guidance adopted for accessible voting systems under such subtitle.

(c) ADDITIONAL VOTING SYSTEM REQUIREMENTS.—

(1) REQUIREMENTS DESCRIBED.—Section 301(a) of such Act (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraphs:

''(7) INSTRUCTION REMINDING VOTERS OF IMPORTANCE OF VERIFYING PAPER BALLOT.—

''(A) IN GENERAL.—The appropriate election official at each polling place shall cause to be placed in a prominent location in the polling place which is clearly visible from the voting booths a notice, in large font print accessible to the visually impaired, advising voters that the paper ballots representing their votes shall serve as the vote of record in all audits and recounts in elections for Federal office, and that they should not leave the voting booth until confirming that such paper ballots accurately record their vote.

''(B) SYSTEMS FOR INDIVIDUALS WITH DISABILITIES.—All voting systems equipped for individuals with disabilities shall present or transmit in accessible form the statement referred to in subparagraph (A), as well as an explanation of the verification process described in paragraph (3)(B)(ii).

''(8) PROHIBITING USE OF UNCERTIFIED ELECTION-DEDICATED VOTING SYSTEM TECHNOLOGIES; DISCLOSURE REQUIREMENTS.—

''(A) IN GENERAL.—A voting system used in an election for Federal office in a State may not at any time during the election contain or use any election-dedicated voting system technology—

''(i) which has not been certified by the State for use in the election; and

''(ii) which has not been deposited with an accredited laboratory described in section 231 to be held in escrow and disclosed in accordance with this section.

''(B) REQUIREMENT FOR AND RESTRICTIONS ON DISCLOSURE.—An accredited laboratory under section 231 with whom an election-dedicated voting system technology has been deposited shall—

''(i) hold the technology in escrow; and

''(ii) disclose technology and information regarding the technology to another person if—

''(I) the person is a qualified person described in subparagraph (C) who has entered into a nondisclosure agreement with respect to the technology which meets the requirements of subparagraph (D); or

''(II) the laboratory is required to disclose the technology to the person under State law, in accordance with the terms and conditions applicable under such law.

''(C) QUALIFIED PERSONS DESCRIBED.—With respect to the disclosure of election-dedicated voting system technology by a laboratory under subparagraph (B)(ii)(I), a 'qualified person' is any of the following:

''(i) A governmental entity with responsibility for the administration of voting and election-related matters for purposes of reviewing, analyzing, or reporting on the technology.

''(ii) A party to pre- or post-election litigation challenging the result of an election or the administration or use of the technology used in an election, including but not limited to election contests or challenges to the certification of the technology, or an expert for a party to such litigation, for purposes of reviewing or analyzing the technology to support or oppose the litigation, and all parties to the litigation shall have access to the technology for such purposes.

''(iii) A person not described in clause (i) or (ii) who reviews, analyzes, or reports on the technology solely for an academic, scientific, technological, or other investigation or inquiry concerning the accuracy or integrity of the technology.

''(D) REQUIREMENTS FOR NONDISCLOSURE AGREEMENTS.—A nondisclosure agreement entered into with respect to an election-dedicated voting system technology meets the requirements of this subparagraph if the agreement—

''(i) is limited in scope to coverage of the technology disclosed under subparagraph (B) and any trade secrets and intellectual property rights related thereto;

''(ii) does not prohibit a signatory from entering into other nondisclosure agreements to review other technologies under this paragraph;

''(iii) exempts from coverage any information the signatory lawfully obtained from another source or any information in the public domain;

''(iv) remains in effect for not longer than the life of any trade secret or other intellectual property right related thereto;

''(v) prohibits the use of injunctions barring a signatory from carrying out any activity authorized under subparagraph (C), including injunctions limited to the period prior to a trial involving the technology;

''(vi) is silent as to damages awarded for breach of the agreement, other than a reference to damages available under applicable law;

''(vii) allows disclosure of evidence of crime, including in response to a subpoena or warrant;

''(viii) allows the signatory to perform analyses on the technology (including by executing the technology), disclose reports and analyses that describe operational issues pertaining to the technology (including vulnerabilities to tampering, errors, risks associated with use, failures as a result of use, and other problems), and describe or explain why or how a voting system failed or otherwise did not perform as intended; and

''(ix) provides that the agreement shall be governed by the trade secret laws of the applicable State.

''(E) ELECTION-DEDICATED VOTING SYSTEM TECHNOLOGY DEFINED.—For purposes of this paragraph:

''(i) IN GENERAL.—The term 'election-dedicated voting system technology' means the following:

''(I) The source code used for the trusted build and its file signatures.

''(II) A complete disk image of the pre-build, build environment, and any file signatures to validate that it is unmodified.

''(III) A complete disk image of the post-build, build environment, and any file signatures to validate that it is unmodified.

''(IV) All executable code produced by the trusted build and any file signatures to validate that it is unmodified.

''(V) Installation devices and software file signatures.

''(ii) EXCLUSION.—Such term does not include 'commercial-off-the-shelf' software and hardware defined under under the 2005 voluntary voting system guidelines adopted by the Commission under section 222.

''(9) PROHIBITION OF USE OF WIRELESS COMMUNICATIONS DEVICES IN VOTING SYSTEMS.—No voting device upon which ballots are programmed or votes are cast or tabulated shall contain, use, or be accessible by any wireless, power-line, or concealed communication device, except that enclosed infrared communications devices which are certified for use in such device by the State and which cannot be used for any remote or wide area communications or used without the knowledge of poll workers shall be permitted.

''(10) PROHIBITING CONNECTION OF SYSTEM OR TRANSMISSION OF SYSTEM INFORMATION OVER THE INTERNET.—

''(A) IN GENERAL.—No voting device upon which ballots are programmed or votes are cast or tabulated shall be connected to the Internet at any time.

''(B) RULE OF CONSTRUCTION.—Nothing contained in this paragraph shall be deemed to prohibit the Commission from conducting the studies under section 242 or to conduct other similar studies under any other provision of law in a manner consistent with this paragraph.

''(11) SECURITY STANDARDS FOR VOTING SYSTEMS USED IN FEDERAL ELECTIONS.—

''(A) IN GENERAL.—No voting system may be used in an election for Federal office unless the manufacturer of such system and the election officials using such system meet the applicable requirements described in subparagraph (B).

''(B) REQUIREMENTS DESCRIBED.—The requirements described in this subparagraph are as follows:

''(i) The manufacturer and the election officials shall document the secure chain of custody for the handling of all software, hardware, vote storage media, ballots, and voter-verified ballots used in connection with voting systems, and shall make the information available upon request to the Commission.

''(ii) The manufacturer shall disclose to an accredited laboratory under section 231 and to the appropriate election official any information required to be disclosed under paragraph (8).

''(iii) After the appropriate election official has certified the election-dedicated and other voting system software for use in an election, the manufacturer may not—

''(I) alter such software; or

''(II) insert or use in the voting system any software not certified by the State for use in the election.

''(iv) At the request of the Commission—

''(I) the appropriate election official shall submit information to the Commission regarding the State's compliance with this subparagraph; and

''(II) the manufacturer shall submit information to the Commission regarding the manufacturer's compliance with this subparagraph.

''(C) DEVELOPMENT AND PUBLICATION OF BEST PRACTICES ON DOCUMENTATION OF SECURE CHAIN OF CUSTODY.—Not later than August 1, 2008, the Commission shall develop and make publicly available best practices regarding the requirement of subparagraph (B)(i).

''(D) DISCLOSURE OF SECURE CHAIN OF CUSTODY.—The Commission shall make information provided to the Commission under subparagraph (B)(i) available to any person upon request.

''(12) DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.—

''(A) DURABILITY REQUIREMENTS FOR PAPER BALLOTS.—

''(i) IN GENERAL.—All voter-verified paper ballots required to be used under this Act (including the paper ballots provided to voters under paragraph (13)) shall be marked, printed, or recorded on durable paper.

''(ii) DEFINITION.—For purposes of this Act, paper is 'durable' if it is capable of withstanding multiple counts and recounts by hand without compromising the fundamental integrity of the ballots, and capable of retaining the information marked, printed, or recorded on them for the full duration of a retention and preservation period of 22 months.

''(B) READABILITY REQUIREMENTS FOR MACHINE-MARKED OR PRINTED PAPER BALLOTS.—All voter-verified paper ballots completed by the voter through the use of a marking or printing device shall be clearly readable by the voter without assistance (other than eyeglasses or other personal vision enhancing devices) and by a scanner or other device equipped for individuals with disabilities.

''(13) MANDATORY AVAILABILITY OF PAPER BALLOTS AT POLLING PLACES.—

''(A) REQUIRING BALLOTS TO BE OFFERED AND PROVIDED.—

''(i) IN GENERAL.—The appropriate election official at each polling place in any election for Federal office shall offer each individual

who is eligible to cast a vote in the election at the polling place the opportunity to cast the vote using a blank pre-printed paper ballot which the individual may mark by hand and which is not produced by the direct recording electronic voting machine. The official shall provide the individual with the ballot and the supplies necessary to mark the ballot.

''(ii) SPECIAL RULE FOR LOCATIONS USING DRE VOTING SYSTEMS.—In the case of a polling place that uses a direct recording electronic voting device, if the individual accepts the offer to cast the vote using a paper ballot, the official shall ensure (to the greatest extent practicable) that the waiting period for the individual to cast a vote is not greater than the waiting period for an individual who does not agree to cast the vote using such a paper ballot under this paragraph.

''(B) TREATMENT OF BALLOT.—Any paper ballot which is cast by an individual under this paragraph shall be counted and otherwise treated as a regular ballot for all purposes (including by incorporating it into the final unofficial vote count (as defined by the State) for the precinct) and not as a provisional ballot, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot.

''(C) POSTING OF NOTICE.—The appropriate election official shall ensure there is prominently displayed at each polling place a notice that describes the obligation of the official to offer individuals the opportunity to cast votes using a pre-printed blank paper ballot.

''(D) TRAINING OF ELECTION OFFICIALS.—The chief State election official shall ensure that election officials at polling places in the State are aware of the requirements of this paragraph, including the requirement to display a notice under subparagraph (C), and are aware that it is a violation of the requirements of this title for an election official to fail to offer an individual the opportunity to cast a vote using a blank pre-printed paper ballot.''.

(2) REQUIRING LABORATORIES TO MEET STANDARDS PROHIBITING CONFLICTS OF INTEREST AS CONDITION OF ACCREDITATION FOR TESTING OF VOTING SYSTEM HARDWARE AND SOFTWARE.—

(A) IN GENERAL.—Section 231(b) of such Act (42 U.S.C. 15371(b)) is amended by adding at the end the following new paragraphs:

''(3) PROHIBITING CONFLICTS OF INTEREST; ENSURING AVAILABILITY OF RESULTS.—

''(A) IN GENERAL.—A laboratory may not be accredited by the Commission for purposes of this section unless—

''(i) the laboratory certifies that the only compensation it receives for the testing carried out in connection with the certification, decertification, and recertification of the manufacturer's voting system hardware and software is the payment made from the Testing Escrow Account under paragraph (4);

''(ii) the laboratory meets such standards as the Commission shall establish (after notice and opportunity for public comment) to prevent the existence or appearance of any conflict of interest in the testing carried out by the laboratory under this section, including standards to ensure that the laboratory does not have a financial interest in the manufacture, sale, and distribution of voting system hardware and software, and is sufficiently independent from other persons with such an interest;

''(iii) the laboratory certifies that it will permit an expert designated by the Commission to observe any testing the laboratory carries out under this section; and

''(iv) the laboratory, upon completion of any testing carried out under this section, discloses the test protocols, results, and all communication between the laboratory and the manufacturer to the Commission.

''(B) AVAILABILITY OF RESULTS.—Upon receipt of information under subparagraph (A), the Commission shall make the information available promptly to election officials and the public.

''(4) PROCEDURES FOR CONDUCTING TESTING; PAYMENT OF USER FEES FOR COMPENSATION OF ACCREDITED LABORATORIES.—

''(A) ESTABLISHMENT OF ESCROW ACCOUNT.—The Commission shall establish an escrow account (to be known as the 'Testing Escrow Account') for making payments to accredited laboratories for the costs of the testing carried out in connection with the certification, decertification, and recertification of voting system hardware and software.

''(B) SCHEDULE OF FEES.—In consultation with the accredited laboratories, the Commission shall establish and regularly update a schedule of fees for the testing carried out in connection with the certification, decertification, and recertification of voting system hardware and software, based on the reasonable costs expected to be incurred by the accredited laboratories in carrying out the testing for various types of hardware and software.

''(C) REQUESTS AND PAYMENTS BY MANUFACTURERS.—A manufacturer of voting system hardware and software may not have the hardware or software tested by an accredited laboratory under this section unless—

''(i) the manufacturer submits a detailed request for the testing to the Commission; and

''(ii) the manufacturer pays to the Commission, for deposit into the Testing Escrow Account established under subparagraph (A), the applicable fee under the schedule established and in effect under subparagraph (B).

''(D) SELECTION OF LABORATORY.—Upon receiving a request for testing and the payment from a manufacturer required under subparagraph (C), the Commission shall select at random (to the greatest extent practicable), from all laboratories which are accredited under this section to carry out the specific testing requested by the manufacturer, an accredited laboratory to carry out the testing.

''(E) PAYMENTS TO LABORATORIES.—Upon receiving a certification from a laboratory selected to carry out testing pursuant to subparagraph (D) that the testing is completed, along with a copy of the results of the test as required under paragraph (3)(A)(iv), the Commission shall make a payment to the laboratory from the Testing Escrow Account established under subparagraph (A) in an amount equal to the applicable fee paid by the manufacturer under subparagraph (C)(ii).

''(5) DISSEMINATION OF ADDITIONAL INFORMATION ON ACCREDITED LABORATORIES.—

''(A) INFORMATION ON TESTING.—Upon completion of the testing of a voting system under this section, the Commission shall promptly disseminate to the public the identification of the laboratory which carried out the testing.

''(B) INFORMATION ON STATUS OF LABORATORIES.—The Commission shall promptly notify Congress, the chief State election official of each State, and the public whenever—

''(i) the Commission revokes, terminates, or suspends the accreditation of a laboratory under this section;

''(ii) the Commission restores the accreditation of a laboratory under this section which has been revoked, terminated, or suspended; or

''(iii) the Commission has credible evidence of significant security failure at an accredited laboratory.''.

(B) CONFORMING AMENDMENTS.—Section 231 of such Act (42 U.S.C. 15371) is further amended—

(i) in subsection (a)(1), by striking ''testing, certification,'' and all that follows and inserting the following: ''testing of voting system hardware and software by accredited laboratories in connection with the certification, decertification, and recertification of the hardware and software for purposes of this Act.'';

(ii) in subsection (a)(2), by striking ''testing, certification,'' and all that follows and inserting the following: ''testing of its voting system hardware and software by the laboratories accredited by the Commission under this section in connection with certifying, decertifying, and recertifying the hardware and software.'';

(iii) in subsection (b)(1), by striking ''testing, certification, decertification, and recertification'' and inserting ''testing''; and

(iv) in subsection (d), by striking ''testing, certification, decertification, and recertification'' each place it appears and inserting ''testing''.

(C) DEADLINE FOR ESTABLISHMENT OF STANDARDS, ESCROW ACCOUNT, AND SCHEDULE OF FEES.—The Election Assistance Commission shall establish the standards described in section 231(b)(3) of the Help America Vote Act of 2002 and the Testing Escrow Account and schedule of fees described in section 231(b)(4) of such Act (as added by subparagraph (A)) not later than January 1, 2008.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Election Assistance Commission such sums as may be necessary to carry out the Commission's duties under paragraphs (3) and (4) of section 231 of the Help America Vote Act of 2002 (as added by subparagraph (A)).

(3) SPECIAL CERTIFICATION OF BALLOT DURABILITY AND READABILITY REQUIREMENTS FOR STATES NOT CURRENTLY USING DURABLE PAPER BALLOTS.—

(A) IN GENERAL.—If any of the voting systems used in a State for the regularly scheduled 2006 general elections for Federal office did not require the use of or produce durable paper ballots, the State shall certify to the Election Assistance Commission not later than 90 days after the date of the enactment of this Act that the State will be in compliance with the requirements of sections 301(a)(2) and 301(a)(12) of the Help America Vote of 2002, as added or amended by this subsection, in accordance with the deadlines established under this Act, and shall include in the certification the methods by which the State will meet the requirements.

(B) CERTIFICATIONS BY STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this paragraph, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.

(4) GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-DEDICATED VOTING SYSTEM SOFTWARE.—

(A) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following new part:

"PART 7—GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-DEDICATED VOTING SYSTEM SOFTWARE

"SEC. 297. GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-DEDICATED VOTING SYSTEM SOFTWARE.

''(a) IN GENERAL.—The Director of the National Science Foundation (hereafter in this

part referred to as the 'Director') shall make grants to not fewer than 3 eligible entities to conduct research on the development of election-dedicated voting system software.

''(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Director (at such time and in such form as the Director may require) an application containing—

''(1) certifications regarding the benefits of operating voting systems on election-dedicated software which is easily understandable and which is written exclusively for the purpose of conducting elections;

''(2) certifications that the entity will use the funds provided under the grant to carry out research on how to develop voting systems that run on election-dedicated software and that will meet the applicable requirements for voting systems under title III; and

''(3) such other information and certifications as the Director may require.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $1,500,000 for each of fiscal years 2008 and 2009, to remain available until expended.''.

(B) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle D of title II the following:

''PART 7—GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-DEDICATED VOTING SYSTEM SOFTWARE

''Sec. 297. Grants for research on development of election-dedicated voting system software.''.

(d) AVAILABILITY OF ADDITIONAL FUNDING TO ENABLE STATES TO MEET COSTS OF REVISED REQUIREMENTS.—

(1) EXTENSION OF REQUIREMENTS PAYMENTS FOR MEETING REVISED REQUIREMENTS.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

''(4) For fiscal year 2008, $1,000,000,000, except that any funds provided under the authorization made by this paragraph shall be used by a State only to meet the requirements of title III which are first imposed on the State pursuant to the amendments made by section 2 of the Voter Confidence and Increased Accessibility Act of 2007, or to otherwise modify or replace its voting systems in response to such amendments.''.

(2) USE OF REVISED FORMULA FOR ALLOCATION OF FUNDS.—Section 252(b) of such Act (42 U.S.C. 15402(b)) is amended to read as follows:

''(b) STATE ALLOCATION PERCENTAGE DEFINED.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the 'State allocation percentage' for a State is the amount (expressed as a percentage) equal to the quotient of—

''(A) the voting age population of the State (as reported in the most recent decennial census); and

''(B) the total voting age population of all States (as reported in the most recent decennial census).

''(2) SPECIAL RULE FOR PAYMENTS FOR FISCAL YEAR 2008.—

''(A) IN GENERAL.—In the case of the requirements payment made to a State for fiscal year 2008, the 'State allocation percentage' for a State is the amount (expressed as a percentage) equal to the quotient of—

''(i) the sum of the number of noncompliant precincts in the State and 50% of the number of partially noncompliant precincts in the State; and

''(ii) the sum of the number of noncompliant precincts in all States and 50% of the number of partially noncompliant precincts in all States.

''(B) NONCOMPLIANT PRECINCT DEFINED.—In this paragraph, a 'noncompliant precinct' means any precinct (or equivalent location) within a State for which the voting system used to administer the regularly scheduled general election for Federal office held in November 2006 did not meet either of the requirements described in subparagraph (D).

''(C) PARTIALLY NONCOMPLIANT PRECINCT DEFINED.—In this paragraph, a 'partially noncompliant precinct' means any precinct (or equivalent location) within a State for which the voting system used to administer the regularly scheduled general election for Federal office held in November 2006 met only one of the requirements described in subparagraph (D).

''(D) REQUIREMENTS DESCRIBED.—The requirements described in this subparagraph with respect to a voting system are as follows:

''(i) The primary voting system required the use of or produced durable paper ballots (as described in section 301(a)(12)(A)) for every vote cast.

''(ii) The voting system provided that the entire process of paper ballot verification was equipped for individuals with disabilities.''.

(3) REVISED CONDITIONS FOR RECEIPT OF FUNDS.—Section 253 of such Act (42 U.S.C. 15403) is amended—

(A) in subsection (a), by striking ''A State is eligible'' and inserting ''Except as provided in subsection (f), a State is eligible''; and

(B) by adding at the end the following new subsection:

''(f) SPECIAL RULE FOR FISCAL YEAR 2008.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, a State is eligible to receive a requirements payment for fiscal year 2008 if, not later than 90 days after the date of the enactment of the Voter Confidence and Increased Accessibility Act of 2007, the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official—

''(A) certifies to the Commission the number of noncompliant and partially noncompliant precincts in the State (as defined in section 252(b)(2)); and

''(B) files a statement with the Commission describing the State's need for the payment and how the State will use the payment to meet the requirements of title III (in accordance with the limitations applicable to the use of the payment under section 257(a)(4)).

''(2) CERTIFICATIONS BY STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out any activity covered by any certification submitted under this subsection, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.''.

(4) PERMITTING USE OF FUNDS FOR REIMBURSEMENT FOR COSTS PREVIOUSLY INCURRED.—Section 251(c)(1) of such Act (42 U.S.C. 15401(c)(1)) is amended by striking the period at the end and inserting the following: '', or as a reimbursement for any costs incurred after November 2004 in meeting the requirements of title III which are imposed pursuant to the amendments made by section 2 of the Voter Confidence and Increased Accessibility Act of 2007 or in otherwise upgrading or replacing voting systems in a manner consistent with such amendments (so long as the voting systems meet any of the requirements that apply with respect to elections for Federal office held in 2012 and each succeeding year).''.

(5) RULE OF CONSTRUCTION REGARDING STATES RECEIVING OTHER FUNDS FOR REPLACING PUNCH CARD, LEVER, OR OTHER VOTING MACHINES.—Nothing in the amendments made by this subsection or in any other provision of the Help America Vote Act of 2002 may be construed to prohibit a State which received or was authorized to receive a payment under title I or II of such Act for replacing punch card, lever, or other voting machines from receiving or using any funds which are made available under the amendments made by this subsection.

(6) RULE OF CONSTRUCTION REGARDING USE OF FUNDS RECEIVED IN PRIOR YEARS.—

(A) IN GENERAL.—Nothing contained in this Act or the Help America Vote Act of 2002 may be construed to prohibit a State from using funds received under title I or II of the Help America Vote Act of 2002—

(i) to purchase or acquire by other means a voting system that meets the requirements of paragraphs (2) and (3) of section 301 of the Help America Vote Act of 2002 (as amended by this Act); or

(ii) to retrofit a voting system so that it will meet such requirements,

in order to replace or upgrade (as the case may be) voting systems purchased with funds received under the Help America Vote Act of 2002 that do not require the use of or produce paper ballots.

(B) WAIVER OF NOTICE AND COMMENT REQUIREMENTS.—The requirements of subparagraphs (A), (B), and (C) of section 254(a)(11) of the Help America Vote Act of 2002 shall not apply to any State using funds received under such Act for the purposes described in clause (i) or (ii) of subparagraph (A).

(7) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to fiscal years beginning with fiscal year 2008.

(e) RESTRICTION ON USE OF DIRECT RECORDING ELECTRONIC VOTING SYSTEMS.—Section 301 of such Act (42 U.S.C. 15481), as amended by this section, is amended—

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

(2) by inserting after subsection (a) the following new subsection:

''(b) RESTRICTION ON USE OF DIRECT RECORDING ELECTRONIC VOTING SYSTEMS.—A direct recording electronic voting system may not be used to administer any election for Federal office held in 2012 or any subsequent year.''

(f) EFFECTIVE DATE FOR NEW REQUIREMENTS.—Section 301(d) of such Act (42 U.S.C. 15481(d)), as redesignated by subsection (e), is amended to read as follows:

''(d) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

''(2) SPECIAL RULE FOR CERTAIN REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of this section which are first imposed on a State and jurisdiction pursuant to the amendments made by section 2 of the Voter Confidence and Increased Accessibility Act of 2007 shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each succeeding election for Federal office.

''(B) DELAY FOR JURISDICTIONS USING CERTAIN PAPER BALLOT PRINTERS OR CERTAIN PAPER BALLOT-EQUIPPED ACCESSIBLE MACHINES IN 2006.—

''(i) DELAY.—In the case of a jurisdiction described in clause (ii), subparagraph (A) shall apply to the jurisdiction as if the reference in such subparagraph to 'the regularly scheduled general election for Federal

office held in November 2008 and each succeeding election for Federal office' were a reference to 'elections for Federal office occurring during 2012 and each succeeding year', but only with respect to the following requirements of this section:

''(I) Paragraph (3)(B)(ii)(I) and (II) of subsection (a) (relating to access to verification from the durable paper ballot).

''(II) Paragraph (12) of subsection (a) (relating to durability and readability requirements for ballots).

''(ii) JURISDICTIONS DESCRIBED.—A jurisdiction described in this clause is—

''(I) a jurisdiction which used thermal reel-to-reel voter verified paper ballot printers attached to direct recording electronic voting machines for the administration of the regularly scheduled general election for Federal office held in November 2006 and which will continue to use such printers (or other printers which meet the requirements of paragraph (3)(B)(ii)(I) and (II) of subsection (a)) attached to such voting machines for the administration of elections for Federal office held in years before 2012; or

''(II) a jurisdiction which used voting machines which met the accessibility requirements of paragraph (3) of subsection (a) (as in effect with respect to such election) for the administration of the regularly scheduled general election for Federal office held in November 2006 and which used or produced a paper ballot, and which will continue to use such voting machines (or other voting machines which meet the requirements of this section) for the administration of elections for Federal office held in years before 2012.''.

SEC. 3. ENHANCEMENT OF ENFORCEMENT OF HELP AMERICA VOTE ACT OF 2002.

Section 401 of such Act (42 U.S.C. 15511) is amended—

(1) by striking ''The Attorney General'' and inserting ''(a) IN GENERAL.—The Attorney General''; and

(2) by adding at the end the following new subsections:

''(b) FILING OF COMPLAINTS BY AGGRIEVED PERSONS.—

''(1) IN GENERAL.—A person who is aggrieved by a violation of section 301, 302, or 303 which has occurred, is occurring, or is about to occur may file a written, signed, notarized complaint with the Attorney General describing the violation and requesting the Attorney General to take appropriate action under this section. The Attorney General shall immediately provide a copy of a complaint filed under the previous sentence to the entity responsible for administering the State-based administrative complaint procedures described in section 402(a) for the State involved.

''(2) RESPONSE BY ATTORNEY GENERAL.—The Attorney General shall respond to each complaint filed under paragraph (1), in accordance with procedures established by the Attorney General that require responses and determinations to be made within the same (or shorter) deadlines which apply to a State under the State-based administrative complaint procedures described in section 402(a)(2). The Attorney General shall immediately provide a copy of the response made under the previous sentence to the entity responsible for administering the State-based administrative complaint procedures described in section 402(a) for the State involved.

''(c) CLARIFICATION OF AVAILABILITY OF PRIVATE RIGHT OF ACTION.—Nothing in this section may be construed to prohibit any person from bringing an action under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) (including any individual who seeks to enforce the individual's right to a voter-verified paper ballot, the right to have the voter-verified paper ballot counted in accordance with this Act, or any other right under subtitle A of title III) to enforce the uniform and nondiscriminatory election technology and administration requirements under sections 301, 302, and 303.

''(d) NO EFFECT ON STATE PROCEDURES.—Nothing in this section may be construed to affect the availability of the State-based administrative complaint procedures required under section 402 to any person filing a complaint under this subsection.''.

SEC. 4. REQUIREMENT FOR MANDATORY MANUAL AUDITS BY HAND COUNT.

(a) MANDATORY MANUAL AUDITS.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle C—Mandatory Manual Audits

''SEC. 321. REQUIRING AUDITS OF RESULTS OF ELECTIONS.

''(a) REQUIRING AUDITS.—

''(1) IN GENERAL.—In accordance with this subtitle, each State shall administer, without advance notice to the precincts selected, audits of the results of elections for Federal office held in the State (and, at the option of the State or jurisdiction involved, of elections for State and local office held at the same time as such election) consisting of random hand counts of the voter-verified paper ballots required to be produced and preserved pursuant to section 301(a)(2).

''(2) EXCEPTION FOR CERTAIN ELECTIONS.—A State shall not be required to administer an audit of the results of an election for Federal office under this subtitle if the winning candidate in the election—

''(A) had no opposition on the ballot; or

''(B) received 80% or more of the total number of votes cast in the election, as determined on the basis of the final unofficial vote count.

''(b) DETERMINATION OF ENTITY CONDUCTING AUDITS; APPLICATION OF GAO INDEPENDENCE STANDARDS.—The State shall administer audits under this subtitle through an entity selected for such purpose by the State in accordance with such criteria as the State considers appropriate consistent with the requirements of this subtitle, except that the entity must meet the general standards established by the Comptroller General and as set forth in the Comptroller General's Government Auditing Standards to ensure the independence (including the organizational independence) of entities performing financial audits, attestation engagements, and performance audits.

''(c) REFERENCES TO ELECTION AUDITOR.—In this subtitle, the term 'Election Auditor' means, with respect to a State, the entity selected by the State under subsection (b).

''SEC. 322. NUMBER OF BALLOTS COUNTED UNDER AUDIT.

''(a) IN GENERAL.—Except as provided in subsection (b), the number of voter-verified paper ballots which will be subject to a hand count administered by the Election Auditor of a State under this subtitle with respect to an election shall be determined as follows:

''(1) In the event that the unofficial count as described in section 323(a)(1) reveals that the margin of victory between the two candidates receiving the largest number of votes in the election is less than 1 percent of the total votes cast in that election, the hand counts of the voter-verified paper ballots shall occur in at least 10 percent of all precincts or equivalent locations (or alternative audit units used in accordance with the method provided for under subsection (b)) in the Congressional district involved (in the case of an election for the House of Representatives) or the State (in the case of any other election for Federal office).

''(2) In the event that the unofficial count as described in section 323(a)(1) reveals that the margin of victory between the two candidates receiving the largest number of votes in the election is greater than or equal to 1 percent but less than 2 percent of the total votes cast in that election, the hand counts of the voter-verified paper ballots shall occur in at least 5 percent of all precincts or equivalent locations (or alternative audit units used in accordance with the method provided for under subsection (b)) in the Congressional district involved (in the case of an election for the House of Representatives) or the State (in the case of any other election for Federal office).

''(3) In the event that the unofficial count as described in section 323(a)(1) reveals that the margin of victory between the two candidates receiving the largest number of votes in the election is equal to or greater than 2 percent of the total votes cast in that election, the hand counts of the voter-verified paper ballots shall occur in at least 3 percent of all precincts or equivalent locations (or alternative audit units used in accordance with the method provided for under subsection (b)) in the Congressional district involved (in the case of an election for the House of Representatives) or the State (in the case of any other election for Federal office).

''(b) USE OF ALTERNATIVE MECHANISM.—Notwithstanding subsection (a), a State may adopt and apply an alternative mechanism to determine the number of voter-verified paper ballots which will be subject to the hand counts required under this subtitle with respect to an election, so long as the alternative mechanism uses the voter-verified paper ballots to conduct the audit and the National Institute of Standards and Technology determines that the alternative mechanism will be at least as statistically effective in ensuring the accuracy of the election results as the procedure under this subtitle.

''SEC. 323. PROCESS FOR ADMINISTERING AUDITS.

''(a) IN GENERAL.—The Election Auditor of a State shall administer an audit under this section of the results of an election in accordance with the following procedures:

''(1) Within 24 hours after the State announces the final unofficial vote count (as defined by the State) in each precinct in the State, the Election Auditor shall determine and then announce the precincts or equivalent locations (or alternative audit units used in accordance with the method provided under section 322(b)) in the State in which it will administer the audits.

''(2) With respect to votes cast at the precinct or equivalent location on or before the date of the election (other than provisional ballots described in paragraph (3)), the Election Auditor shall administer the hand count of the votes on the voter-verified paper ballots required to be produced and preserved under section 301(a)(2)(A) and the comparison of the count of the votes on those ballots with the final unofficial count of such votes as announced by the State.

''(3) With respect to votes cast other than at the precinct on the date of the election (other than votes cast before the date of the election described in paragraph (2)) or votes cast by provisional ballot on the date of the election which are certified and counted by the State on or after the date of the election, including votes cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, the Election Auditor shall administer the hand count of the votes on the applicable voter-verified paper ballots required to be produced and preserved under section 301(a)(2)(A) and the comparison of the count of the votes on those ballots with

the final unofficial count of such votes as announced by the State.

''(b) USE OF PERSONNEL.—In administering the audits, the Election Auditor may utilize the services of the personnel of the State or jurisdiction, including election administration personnel and poll workers, without regard to whether or not the personnel have professional auditing experience.

''(c) LOCATION.—The Election Auditor shall administer an audit of an election—

''(1) at the location where the ballots cast in the election are stored and counted after the date of the election or such other appropriate and secure location agreed upon by the Election Auditor and the individual that is responsible under State law for the custody of the ballots; and

''(2) in the presence of the personnel who under State law are responsible for the custody of the ballots.

''(d) SPECIAL RULE IN CASE OF DELAY IN REPORTING ABSENTEE VOTE COUNT.—In the case of a State in which the final count of absentee and provisional votes is not announced until after the expiration of the 7-day period which begins on the date of the election, the Election Auditor shall initiate the process described in subsection (a) for administering the audit not later than 24 hours after the State announces the final unofficial vote count for the votes cast at the precinct or equivalent location on or before the date of the election, and shall initiate the administration of the audit of the absentee and provisional votes pursuant to subsection (a)(3) not later than 24 hours after the State announces the final unofficial count of such votes.

''(e) ADDITIONAL AUDITS IF CAUSE SHOWN.—

''(1) IN GENERAL.—If the Election Auditor finds that any of the hand counts administered under this section do not match the final unofficial tally of the results of an election, the Election Auditor shall administer hand counts under this section of such additional precincts (or equivalent jurisdictions) as the Election Auditor considers appropriate to resolve any concerns resulting from the audit and ensure the accuracy of the results.

''(2) ESTABLISHMENT AND PUBLICATION OF PROCEDURES GOVERNING ADDITIONAL AUDITS.—Not later than August 1, 2008, each State shall establish and publish procedures for carrying out the additional audits under this subsection, including the means by which the State shall resolve any concerns resulting from the audit with finality and ensure the accuracy of the results.

''(f) PUBLIC OBSERVATION OF AUDITS.—Each audit conducted under this section shall be conducted in a manner that allows public observation of the entire process.

''SEC. 324. SELECTION OF PRECINCTS.

''(a) IN GENERAL.—Except as provided in subsection (c), the selection of the precincts in the State in which the Election Auditor of the State shall administer the hand counts under this subtitle shall be made by the Election Auditor on an entirely random basis using a uniform distribution in which all precincts in a Congressional district have an equal chance of being selected, in accordance with procedures adopted by the National Institute of Standards and Technology, except that at least one precinct shall be selected at random in each county.

''(b) PUBLIC SELECTION.—The random selection of precincts under subsection (a) shall be conducted in public, at a time and place announced in advance.

''(c) MANDATORY SELECTION OF PRECINCTS ESTABLISHED SPECIFICALLY FOR ABSENTEE BALLOTS.—If a State establishes a separate precinct for purposes of counting the absentee ballots cast in an election and treats all absentee ballots as having been cast in that precinct, and if the state does not make absentee ballots sortable by precinct and include those ballots in the hand count administered with respect to that precinct, the State shall include that precinct among the precincts in the State in which the Election Auditor shall administer the hand counts under this subtitle.

''(d) DEADLINE FOR ADOPTION OF PROCEDURES BY COMMISSION.—The National Institute of Standards and Technology shall adopt the procedures described in subsection (a) not later than March 31, 2008, and shall publish them in the Federal Register upon adoption.

''SEC. 325. PUBLICATION OF RESULTS.

''(a) SUBMISSION TO COMMISSION.—As soon as practicable after the completion of an audit under this subtitle, the Election Auditor of a State shall— submit to the Commission the results of the audit, and shall include in the submission a comparison of the results of the election in the precinct as determined by the Election Auditor under the audit and the final unofficial vote count in the precinct as announced by the State and all undervotes, overvotes, blank ballots, and spoiled, voided, or cancelled ballots, as well as a list of any discrepancies discovered between the initial, subsequent, and final hand counts administered by the Election Auditor and such final unofficial vote count and any explanation for such discrepancies, broken down by the categories of votes described in paragraphs (2) and (3) of section 323(a).

''(b) PUBLICATION BY COMMISSION.—Immediately after receiving the submission of the results of an audit from the Election Auditor of a State under subsection (a), the Commission shall publicly announce and publish the information contained in the submission.

''(c) DELAY IN CERTIFICATION OF RESULTS BY STATE.—

''(1) PROHIBITING CERTIFICATION UNTIL COMPLETION OF AUDITS.—No State may certify the results of any election which is subject to an audit under this subtitle prior to—

''(A) to the completion of the audit (and, if required, any additional audit conducted under section 323(e)(1)) and the announcement and submission of the results of each such audit to the Commission for publication of the information required under this section; and

''(B) the completion of any procedure established by the State pursuant to section 323(e)(2) to resolve discrepancies and ensure the accuracy of results.

''(2) DEADLINE FOR COMPLETION OF AUDITS OF PRESIDENTIAL ELECTIONS.—In the case of an election for electors for President and Vice President which is subject to an audit under this subtitle, the State shall complete the audits and announce and submit the results to the Commission for publication of the information required under this section in time for the State to certify the results of the election and provide for the final determination of any controversy or contest concerning the appointment of such electors prior to the deadline described in section 6 of title 3, United States Code.

''SEC. 326. PAYMENTS TO STATES.

''(a) PAYMENTS FOR COSTS OF CONDUCTING AUDITS.—In accordance with the requirements and procedures of this section, the Commission shall make a payment to a State to cover the costs incurred by the State in carrying out this subtitle with respect to the elections that are the subject of the audits conducted under this subtitle.

''(b) CERTIFICATION OF COMPLIANCE AND ANTICIPATED COSTS.—

''(1) CERTIFICATION REQUIRED.—In order to receive a payment under this section, a State shall submit to the Commission, in such form as the Commission may require, a statement containing—

''(A) a certification that the State will conduct the audits required under this subtitle in accordance with all of the requirements of this subtitle;

''(B) a notice of the reasonable costs incurred or the reasonable costs anticipated to be incurred by the State in carrying out this subtitle with respect to the elections involved; and

''(C) such other information and assurances as the Commission may require.

''(2) AMOUNT OF PAYMENT.—The amount of a payment made to a State under this section shall be equal to the reasonable costs incurred or the reasonable costs anticipated to be incurred by the State in carrying out this subtitle with respect to the elections involved, as set forth in the statement submitted under paragraph (1).

''(3) TIMING OF NOTICE.—The State may not submit a notice under paragraph (1) until candidates have been selected to appear on the ballot for all of the elections for Federal office which will be the subject of the audits involved.

''(c) TIMING OF PAYMENTS.—The Commission shall make the payment required under this section to a State not later than 30 days after receiving the notice submitted by the State under subsection (b).

''(d) RECOUPMENT OF OVERPAYMENTS.—No payment may be made to a State under this section unless the State agrees to repay to the Commission the excess (if any) of—

''(1) the amount of the payment received by the State under this section with respect to the elections involved; over

''(2) the actual costs incurred by the State in carrying out this subtitle with respect to the elections involved.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for fiscal year 2008 and each succeeding fiscal year $100,000,000 for payments under this section.

''SEC. 327. EXCEPTION FOR ELECTIONS SUBJECT TO RECOUNT UNDER STATE LAW PRIOR TO CERTIFICATION.

''(a) EXCEPTION.—This subtitle does not apply to any election for which a recount under State law will commence prior to the certification of the results of the election, including but not limited to a recount required automatically because of the margin of victory between the 2 candidates receiving the largest number of votes in the election, but only if each of the following applies to the recount:

''(1) The recount commences prior to the determination and announcement by the Election Auditor under section 323(a)(1) of the precincts in the State in which it will administer the audits under this subtitle.

''(2) If the recount would apply to fewer than 100% of the ballots cast in the election—

''(A) the number of ballots counted will be at least as many as would be counted if an audit were conducted with respect to the election in accordance with this subtitle; and

''(B) the selection of the precincts in which the recount will be conducted will be made in accordance with the random selection procedures applicable under section 324.

''(3) The recount for the election meets the requirements of section 323(f) (relating to public observation).

''(4) The State meets the requirements of section 325 (relating to the publication of results and the delay in the certification of results) with respect to the recount.

''(b) CLARIFICATION OF EFFECT ON OTHER REQUIREMENTS.—Nothing in this section may be construed to waive the application of any other provision of this Act to any election (including the requirement set forth in section 301(a)(2) that the voter verified paper

ballots serve as the vote of record and shall be counted by hand in all audits and recounts, including audits and recounts described in this subtitle).

"SEC. 328. EFFECTIVE DATE.

''This subtitle shall apply with respect to elections for Federal office beginning with the regularly scheduled general elections held in November 2008.''.

(b) AVAILABILITY OF ENFORCEMENT UNDER HELP AMERICA VOTE ACT OF 2002.—Section 401 of such Act (42 U.S.C. 15511), as amended by section 3, is amended—

(1) in subsection (a), by striking the period at the end and inserting the following: '', or the requirements of subtitle C of title III.'';

(2) in subsection (b)(1), by striking ''303'' and inserting ''303, or subtitle C of title III,''; and

(3) in subsection (c)—

(A) by striking ''subtitle A'' and inserting ''subtitles A or C'', and

(B) by striking the period at the end and inserting the following: '', or the requirements of subtitle C of title III.''.

(c) GUIDANCE ON BEST PRACTICES FOR ALTERNATIVE AUDIT MECHANISMS.—

(1) IN GENERAL.—Not later than May 1, 2008, the Director of the National Institute for Standards and Technology shall establish guidance for States that wish to establish alternative audit mechanisms under section 322(b) of the Help America Vote Act of 2002 (as added by subsection (a)). Such guidance shall be based upon scientifically and statistically reasonable assumptions for the purpose of creating an alternative audit mechanism that will be at least as effective in ensuring the accuracy of election results and as transparent as the procedure under subtitle C of title III of such Act (as so added).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) $100,000, to remain available until expended.

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to title III the following:

''Subtitle C—Mandatory Manual Audits

''Sec. 321. Requiring audits of results of elections.
''Sec. 322. Number of ballots counted under audit.
''Sec. 323. Process for administering audits.
''Sec. 324. Selection of precincts.
''Sec. 325. Publication of results.
''Sec. 326. Payments to States.
''Sec. 327. Exception for elections subject to recount under State law prior to certification.
''Sec. 328. Effective date.''.

SEC. 5. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.

(a) IN GENERAL.—Section 205 of the Help America Vote Act of 2002 (42 U.S.C. 15325) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of the enactment of this Act.

SEC. 6. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall apply with respect to the regularly scheduled general election for Federal office in November 2008 and each succeeding election for Federal office.

By Ms. SNOWE:

S. 2297. A bill to require the FCC to conduct an economic study on the impact that low-power FM stations will have on full-power commercial FM stations; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would require the Federal Communications Commission to fulfill its obligation of conducting an economic study on the impact low-power FM stations have on full-power commercial stations. The reason it is imperative the FCC perform this study is because we don't have a comprehensive understanding as to the effect that low-power FM stations have on their full-power counterparts.

When Congress imposed the three-adjacent-channel restriction on low-power licensees in 2001, we tasked the FCC with conducting two studies because we were concerned about the interference LPFM stations could cause with being too close in frequency to full-power commercial stations. The two studies were to determine the impact that the presence of a low-power channel would have with respect to interference with a nearby full-power station and the economic impact the presence of low power stations would bring to the commercial licensees. However, the FCC completed only one study—the interference analysis.

My legislation calls for the FCC to complete an economic study on the impact LPFM stations have on full-power commercial radio stations within 18 months and report its findings to Congress.

Volunteer, non-profit LPFM stations have found a niche but they also provide competition to full-power stations without having to incur the same costs as those commercial stations, particularly with the absence of licensing fees and employees' salaries. Most of us have raised serious concerns about the continued media consolidation that is occurring and negatively affecting localism and diversity.

Part of the reason for this consolidation is because local, independently owned stations are seeing lower profit margins, which are making it more and more difficult to continue broadcasting. Due to shrinking profit, these stations either go out of business or are sold out to larger, nationwide companies. The buy-out of local stations by out-of-town firms does more to harm diverse and locally oriented broadcasting than anything else. So we must actively investigate this trend and determine what is contributing to the diminishing returns of independently owned stations.

Some may question why perform this study since Mitre Corporation, the company that performed the initial interference study, recommended the FCC should not undertake the additional expense of a formal listener test program or a Phase II economic analysis. The reason is because the Phase II economic analysis was only on the potential radio interference impact of LPFM on incumbent full-power stations and did not take into account other economic impacts that were outside the scope of that effort. The Government must ensure that by opening up low-power FM broadcast opportunities we are not causing any undue harm to the full-power radio stations, which we have obligations to as the issuer of their licenses.

I hope my colleagues join me in supporting the critical legislation.

By Ms. SNOWE:

S. 2298. A bill to prohibit an applicant from obtaining a low-power FM license if an applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would preserve the Federal Communications Commission's right to deny a low-power FM license if the applicant has run afoul of basic, longstanding Federal restrictions on the transmission of radio waves, such as if the applicant has been previously fined for running an unlicensed ''pirate'' radio station.

Before the issuance of low-power licenses, numerous individuals and entities operated low-power FM stations without a broadcast license. These ''pirate'' stations many times broadcasted in open defiance of the Commission's initial ban on LPFM broadcasts. From January 1998 to February 2000, the Commission shut down, on average, more than a dozen unlicensed radio stations each month. On several separate occasions, these unlicensed radio stations actually disrupted air traffic control communications.

Congress, through the enactment of the Radio Broadcast Preservation Act of 2000, directed the FCC to modify its low-power FM rules to ''prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934'' so the Commission could curtail these pirate stations and disruption occurrence.

My concern is by completely repealing section 632, which pending legislation proposes, it hinders the ability of the FCC to prohibit applicants from receiving low-power FM licenses. The Commission is responsible for making sure broadcasters follow the basic rules and regulations that are inherently essential to having a broadcast service that serves public interest since broadcasters are utilizing public spectrum. This legislation retains a targeted response to the problem of pirate broadcasting.

The commission is to grant a broadcast license only if the ''public interest, convenience, and necessity would be served.'' Completely repealing Section 632 could hinder the FCC from upholding this responsibility with respect to low-power FM broadcasters. For this

reason, we must act to preserve the FCC's authority to be able to prohibit low-power FM licenses to applicants that have violated basic tenets of broadcast policy—it is only logical that we do this to ensure businesses that use the public spectrum, in any capacity, adhered to laws government has put in place to serve and protect the public interest.

I hope my colleagues join me in supporting the critical legislation.

By Ms. SNOWE:

S. 2299. A bill to require the Secretary of Agriculture to establish an advisory committee to develop recommendations regarding the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that I believe is vital to the prosperity and competitiveness of an element of agriculture that is often overlooked: American aquaculture. Some experts estimate that to meet the demand for healthy, fresh aquacultural products, global production will have to double in the next 40 years. Yet in spite of this skyrocketing demand, America is at risk of being left behind by other nations who have thus far exhibited greater foresight than we have; putting into place a comprehensive infrastructure for sustainable seafood. While it is true that American aquaculture sales exceeded an impressive one billion dollars in 2005, this was a pittance when compared to the $70 billion market worldwide. In fact, in 2006 the U.S. had a trade deficit in seafood production of $9.1 billion. With demand rising so dramatically globally and, in particular, here at home, we cannot afford to fall behind any further.

That is why I have taken this opportunity to introduce the National Aquatic Animal Health Act. This legislation will begin the process of creating a national infrastructure that will attract investment, protect the valuable stocks of our aquaculture farmers from disease, and create a unique, flexible partnership between the Federal Government, State agencies, and industry groups. Dedicated to proactively monitoring seafood stocks for disease, this program will employ the resources and vast field experience of the Animal and Plant Health Inspection Service, or APHIS, coupled with experts on disease at various State agriculture and marine agencies and industry professionals to certify the health of all participating aquaculture species.

Modeled after similar animal monitoring programs already in place at APHIS, this program will provide a nationwide set of standards, the kind of uniformity that is currently absent in the aquaculture community. Instead, a myriad of jurisdictional conflicts and competing regulations among various states creates uncertainty and erects impediments to interstate commerce. But this bill is not a set of onerous regulations imposed upon the private sector by a federal agency; under the legislation, states are required to opt-in to the program. They must choose to utilize the assets available in this legislation to assist in preserving that state's particular aquaculture products.

My home State of Maine has tremendously benefited from aquaculture. There are nearly three dozen hatcheries in the State, handling both finfish and shellfish. Our 3,500 miles of coastline has served as an ideal incubator for the expansion of the aquaculture industry. The total economic activity generated from the industry State-wide was over $130 million last year, providing jobs for over 1,000 hard-working Mainers. This sort of productivity was not always the case. In 2001, nearly all the salmon stocks in Maine had to be eliminated due to an outbreak of a crippling, infectious disease known as ISA. It took the industry years to recover. Now, the Great Lakes face the threat of the virulent pathogen known as VHS. It is my hope that with swift passage of this legislation, we will no longer have to fear this kind of widespread disease and the subsequent containment costs that could cause inestimable damage to an industry that is struggling to catch up to its global competitors. I urge my colleagues to support this legislation as we move forward on debating Federal farm policy.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 2300. A bill to improve the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I am pleased today to be introducing legislation, the Small Business Contracting Revitalization Act of 2007, designed to protect the interests of small businesses in the Federal marketplace.

As the Chairman of the Senate Committee on Small Business and Entrepreneurship, I have focused a considerable amount of energy promoting the interests of small businesses in the Federal marketplace. The legislation that we are introducing today marks a critical step forward in this process.

It is no secret that the Committee on Small Business and Entrepreneurship places a great deal of importance on moving legislation forward in a bipartisan manner, the members of my Committee understand we represent the interests of all of our Nation's small businesses, the most important and dynamic segment of our economy. And nowhere is the bipartisan consensus stronger than in the area of Federal procurement and ensuring that our Nation's small businesses receive their fair share of procurement opportunities. I am pleased to once again be introducing bipartisan legislation with the Committee's ranking member, Senator OLYMPIA SNOWE. Regardless of who has chaired the Committee during our tenure together, we have both worked hard to improve small business Federal procurement opportunities.

The legislation we are introducing today has one ultimate purpose, to expand opportunities for small businesses to contract with the Federal government. And the reality is that small businesses need all the help they can get with respect to accessing the Federal marketplace. In fiscal year 2006 according to Eagle Eye Publishing, the Federal Government missed its 23 percent contracting goal by 3 percent. That 3 percent represents more than $12 billion in lost contracting dollars for small businesses. Service-disabled veterans fared the worst when it came to Federal contracting with only 0.87 percent of Federal dollars going to their firms. Women-owned firms only took in 2.57 percent of Federal dollars while they make up more than 30 percent of all privately held firms. Minority-owned firms continue to face barriers to Federal contracting. The SDB and 8(a) program only accounted for 6.75 percent of Federal contracting. These numbers tell the stark story of why this legislation is so important. If small business is the engine that drives our economy when it comes to Federal procurement that engine needs an overhaul. Our bill looks to make that overhaul as we look at making improvements in five key areas.

The first area we attempt to make improvements in is the area of contract bundling. Although contracting bundling may have started out as a good idea it has now become the prime example of the old saying that too much of a good thing can be very, very bad. The proliferation of bundled contracts coupled with a decimation of contracting professionals within the Government threatens to kill small businesses' ability to compete for Federal contracts. In our hearing on July 18, 2007, on contracting, we heard testimony about the damage to opportunities for small businesses because of the lack of oversight and contract bundling.

Our bill looks to address those issues by ensuring: accountability of senior agency management for all incidents of bundling; timely and accurate reporting of contract bundling information by all Federal agencies; and improved oversight of bundling regulation compliance by the Small Business Administration.

The bill also ensures that contract consolidation decisions made by a department or agency, other than the Defense Department and its agencies, provide small businesses with appropriate opportunities to participate as prime contractors and subcontractors.

The second area that this bill attempts to address is subcontracting. The Committee heard in the July 18 hearing and in a May 22, 2007, hearing on minority business about the challenges that many small business subcontractors face when dealing with

prime contractors. Witnesses related that the way subcontracting compliance is calculated creates opportunity for abuse. They also related that many small businesses will spend time, money and effort preparing bid proposals to be a part of a bid team and that once the contract is won they never hear from the prime contractor again. Many also complain about lack of timely payments after they have completed work.

This bill attempts to deal with some of these issues by including provisions designed to prevent misrepresentations in subcontracting by prime contractors. To accomplish this, the bill: provides guidelines and procedures for reviewing and evaluating subcontractor participation in prime contracts; authorizes agency pilot programs that will grant contractual incentives to prime contractors who exceed their small business goals; and requires prime contractors who fail to comply with subcontracting plans to fund mentor-protégé assistance programs for small businesses.

The third area that our legislation attempts to address is the updating of the socioeconomic programs administered by the SBA. In our first hearing of the year on January 31, 2007, we heard veterans with service connected disabilities speak about the difficulty that they are having accessing the Federal marketplace. It is clear that the Government is not doing enough. In fiscal year 2006, service-disabled veteran-owned businesses only got 0.87 percent of all Federal procurement—well short of the 3 percent statutory goal.

Our bill will assist service-disabled veteran-owned small businesses in obtaining Government contract and subcontract opportunities by expanding the authority for sole-source awards to SDV firms. In addition, the bill will allow: the surviving spouse of a service-disabled veteran to retain the business's SDV designation for up to 10 years following the veteran's death; the SBA to accept SDV firm certifications from the Department of Veterans Affairs; and the establishment of an SDV mentor-protégé program by the SBA. Our veterans are returning from Iraq and Afghanistan, and we owe it to them to give them every opportunity at fulfilling the dream of entrepreneurship.

We heard from women business owners in our September 20, 2007, hearing, on women's entrepreneurship that the time has come to implement the women's procurement program. The administration has continually postponed implementing a women's procurement program that became law 7 years ago. This bill tells SBA to get it done within 90 days.

Another program sorely needing our attention is the 8(a) program. This program was created to assist socially and economically disadvantaged small businesses, but, as we heard during the May 22, 2007, hearing, the financial threshold for inclusion in the program is out-dated and too restrictive. The net-worth thresholds have not been updated since 1989. This bill allows for an inflationary adjustment to be made to the threshold and it excludes qualified retirement accounts from consideration while calculating the threshold so that businesses that belong in this program won't be shut out.

This bill also makes a number of changes to the HUBZone program. The bill would expand HUBZones to areas adjacent to military installations affected by BRAC. It will also make other changes that will expand the HUBZone program to subcontracting as well as creating a mentor protege program. I understand the stated goal of this program is to develop areas of poverty through government contracting. And while I agree that this is a laudable goal I also remember the controversy that surrounded the creation of this program in 1996. I am keenly aware that the HUBZone program was created to supplant race-conscious programs like 8(a) and the small disadvantaged business program. I fought hard to preserve those programs then and I will continue to preserve and strengthen those programs in the future. In the interests of moving this bill forward and improving all of the programs I have agreed to include these priorities for Ranking Member SNOWE. I look forward to working with her to move the priorities that are important to all of the socio-economic groups in this legislation.

The fourth area that we intend to update is the acquisition process. This bill aims to increase the number of small business contracting opportunities by including additional provisions to reduce bundled contracts and by reserving more contracts for small business concerns. The bill accomplishes this by: authorizing small business set-asides in multiple-award, multi-agency contracting vehicles; and requiring that agencies include advance plans on small business spending in their budgets and submit a report describing the impact of each bundled contract awarded by an agency. The bill also directs the SBA to annually report to Congress on small business participation in overseas Government contracts.

The last area that we tackle in this legislation is small business size and status integrity. The Committee has heard from a number of small businesses about large businesses parading as small businesses. During our July hearing we looked at the list of the top 25 small businesses doing Federal contracting. On that list at least six clearly recognizable multi-billion dollar corporations were among the top 25 small businesses listed including SAIC at number two. I have been adamant that small business contracts must go to small businesses. Small businesses are losing billions of dollars in opportunities because of these size standard loopholes.

This bill attempts to address these issues by adding a new section, Sec. 38, to the Small Business Act that is designed to strengthen the Government's ability to enforce the size and status standards for small business certification. To achieve this, the new section establishes procedures for protests, through the SBA, of small business set-aside awards made to large businesses; requires the development of training programs for small business size standards; requires a government-wide policy on prosecutions of size and status fraud; and requires a detailed review of the size standards for small businesses by the SBA within 1 year.

In closing, I want to reiterate that this has been a truly bi-partisan effort and we look forward to working with the rest of the Senate as we move this legislation forward. It is well past time to provide greater opportunities for the thousands of small business owners who wish to do business with the Federal government. I believe that this legislation is a good step toward opening those doors of opportunity.

I hope all of my colleagues will join us in supporting this bill Mr. President, 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. 2300

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) SHORT TITLE.—This Act may be cited as the ''Small Business Contracting Revitalization Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—CONTRACT BUNDLING

Sec. 101. Leadership and oversight.
Sec. 102. Removal of impediments to contract bundling database implementation.
Sec. 103. Contract consolidation.
Sec. 104. Small business teams.

TITLE II—SUBCONTRACTING INTEGRITY

Sec. 201. GAO recommendations on subcontracting misrepresentations.
Sec. 202. Small business subcontracting improvements.
Sec. 203. Evaluating subcontracting participation.
Sec. 204. Pilot program.

TITLE III—SMALL BUSINESS PROCUREMENT PROGRAMS IMPROVEMENT

Subtitle A—Service-Disabled Veteran-Owned Small Business Program

Sec. 321. Certification.
Sec. 322. Transition period for surviving spouses or permanent care givers.
Sec. 323. Mentor-protege program.
Sec. 324. Improving opportunities for service disabled veterans.

Subtitle B—Women-Owned Small Business Program

Sec. 341. Implementation deadline.
Sec. 342. Certification.

Subtitle C—Small Disadvantaged Business Program

Sec. 361. Certification.
Sec. 362. Net worth threshold.

Sec. 363. Extension of socially and economically disadvantaged business program.

Subtitle D—Historically Underutilized Business Zones Programs

Sec. 381. HUBZone small business concerns.
Sec. 382. Military base closings.

Subtitle E—BusinessLINC Program

Sec. 391. BusinessLINC Program.

TITLE IV—ACQUISITION PROCESS

Sec. 401. Procurement improvements.
Sec. 402. Reservation of prime contract awards for small businesses.
Sec. 403. GAO study of reporting systems.
Sec. 404. Micropurchase guidelines.
Sec. 405. Reporting on overseas contracts.
Sec. 406. Agency accountability.

TITLE V—SMALL BUSINESS SIZE AND STATUS INTEGRITY

Sec. 501. Policy and presumptions.
Sec. 502. Annual certification.
Sec. 503. Meaningful protests of small business size and status.
Sec. 504. Training for contracting and enforcement personnel.
Sec. 505. Updated size standards.
Sec. 506. Small business size and status for purpose of multiple award contracts.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''service-disabled veteran'', ''small business concern'', and ''small business concern owned and controlled by service-disabled veterans'' have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the terms ''small business concern owned and controlled by socially and economically disadvantaged individuals'' and ''small business concern owned and controlled by women'' have the same meanings as in section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

TITLE I—CONTRACT BUNDLING

SEC. 101. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

''(q) BUNDLING ACCOUNTABILITY MEASURES.—

''(1) GOVERNMENTWIDE ACCOUNTABILITY ON BUNDLING.—

''(A) REINSTATEMENT OF REPORTING REQUIREMENTS.—In addition to submitting such annual reports on all incidents of bundling to the Administrator as may be required under Federal law, the head of each Federal agency shall submit an annual report on all incidents of bundling to the Administrator for Federal Procurement Policy.

''(B) REPORT TO CONGRESS.—The Administrator shall promptly review and annually report to Congress information on any discrepancies between the reports on bundled contracts from Federal agencies to the Administration, the Office of Federal Procurement Policy, and the Federal procurement data system described in subsection (c)(5).

''(2) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any contract award above the substantial bundling threshold of such agency a provision soliciting small business teams and joint ventures.

''(3) IMPLEMENTATION OF COMPTROLLER GENERAL'S RECOMMENDATIONS.—Not later than 270 days after the date of enactment of this subsection, the Administrator, with the concurrence of the Administrator for Federal Procurement Policy, shall ensure that, in response to the recommendations of the Comptroller General of the United States contained in Report No. GAO–04–454, titled 'Contract Management: Impact of Strategy to Mitigate Effects of Contract Bundling Is Uncertain'—

''(A) modifications are made to the Federal procurement data system described in subsection (c)(5) to capture information concerning the impact of bundling on small business concerns;

''(B) the Administrator receives from each Federal agency an annual report containing information concerning—

''(i) the number and dollar value of bundled contract actions and contracts;

''(ii) benefit analyses (including the total dollars saved) to justify why contracts are bundled;

''(iii) the number of small business concerns losing Federal contracts because of bundling;

''(iv) how contractors awarded bundled contracts complied with the agencies subcontracting plans; and

''(v) how mitigating actions, such as teaming arrangements, provided increased contracting opportunities to small business concerns.

''(4) GOVERNMENTWIDE REVIEW OF BUNDLING INTERPRETATIONS.—

''(A) IN GENERAL.—The Administrator, with the concurrence of the Chief Counsel for Advocacy and the Inspector General, shall conduct a governmentwide review of the Federal agencies legal interpretations of antibundling statutory and regulatory requirements.

''(B) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall submit to Congress a report containing the findings of the review conducted under subparagraph (A).

''(5) AGENCY POLICIES ON REDUCTION OF CONTRACT BUNDLING.—Not later than 180 days after the date of enactment of this subsection, the head of each Federal agency shall, with concurrence of the Administrator, issue a policy on the reduction of contract bundling.

''(6) BEST PRACTICES ON CONTRACT BUNDLING REDUCTION AND MITIGATION.—Not later than 60 days after the date of the enactment of this subsection, the Administrator shall publish a guide on best practices to reduce contract bundling, as directed by the Strategy and Report on Contract Bundling issued by the Office of Management and Budget on October 29, 2002.

''(7) CONTRACT BUNDLING MITIGATION THROUGH SUBCONTRACTING.—

''(A) IN GENERAL.—The Administrator shall ensure that each State is assigned a commercial market representative to provide services for that State.

''(B) ASSIGNMENT.—A commercial market representative may not be assigned by the Administrator to provide services for more than 2 States.

''(8) CONTRACT BUNDLING OVERSIGHT.—

''(A) POLICY.—It is the policy of Congress that the Administrator shall take appropriate actions to remedy contract bundling oversight problems identified by the Inspector General of the Administration in Report No. 5–14, titled 'Audit of the Contract Bundling Program'.

''(B) CORRECTIVE ACTION.—

''(i) ASSIGNMENT OF PROCUREMENT CENTER REPRESENTATIVES.—

''(I) IN GENERAL.—The Administrator shall assign not fewer than 1 procurement center representative to each major procurement center, as designated by the Administrator under section 8(l)(6).

''(II) REPORTING.—The Administrator shall annually submit to Congress a report—

''(aa) containing a list of designations of major procurement centers in effect during the relevant fiscal year;

''(bb) detailing the criteria for designations; and

''(cc) including a trend analysis concerning the impact of reviews and placements of procurement center representatives and breakout procurement center representatives.

''(ii) TIMELY REVIEW OF BUNDLED CONTRACTS.—Not later than 30 days after receiving a submission from a Federal agency, the Administrator shall review any potential bundled contract submitted to the Administrator for review by any Federal agency.''.

(b) TECHNICAL CORRECTION.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking ''Administrator of the Office of Federal Procurement Policy'' each place such term appears and inserting ''Administrator for Federal Procurement Policy''.

(c) PROCUREMENT CENTER REPRESENTATIVES.—Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) A procurement center representative shall carry out the activities described in paragraph (2), and shall be an advocate for the maximum practicable utilization of small business concerns, whenever appropriate.

''(B) A procurement center representative is authorized to assist contracting officers in the performance of market research in order to locate small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by veterans, and HUBZone small business concerns capable of satisfying agency needs.

''(C) Any procurement center representative assigned under this paragraph shall be in addition to the representative referred to in subsection (k).'';

(2) in paragraph (2)—

(A) by striking ''breakout'' each place that term appears;

(B) in subparagraph (F), by striking ''and'' at the end;

(C) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(H)(i) identify and review solicitations that involve contract consolidations for potential bundling of contract requirements; and

''(ii) recommend small business concern participation as contractors, including small business concern teams, whenever appropriate, prior to the issuance of a solicitation described in clause (i);

''(I) manage the activities of the breakout procurement center representative, commercial marketing representative, and technical assistant; and

''(J) submit an annual report to the Administrator containing—

''(i) the number of proposed solicitations reviewed;

''(ii) the contract recommendations made on behalf of small business concerns;

''(iii) the number and total amount of contracts broken out from bundled or consolidated contracts for full and open competition or small business concern set-aside; and

''(iv) the number and total amount of contract dollars awarded to small business concerns as a result of actions taken by the procurement center office.'';

(3) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(4) by striking paragraph (3) and inserting the following:

''(3)(A) The Administrator may assign a breakout procurement center representative, which shall be in addition to any representative assigned under paragraph (1).

''(B) A breakout procurement center representative—

''(i) shall be an advocate for the breakout of items for procurement through full and open competition or small business concern set-aside, whenever appropriate, from new, existing, bundled, or consolidated contracts; and

''(ii) is authorized—

''(I) to recommend small business concern participation in existing contracts that were previously not reviewed for small business concern participation;

''(II) to perform the duties described in paragraph (2), as necessary to perform the due diligence required for a breakout recommendation; and

''(III) to appeal the failure to act favorably on any recommendation made under subclause (I).

''(C) Any appeal under subparagraph (B)(ii)(III) shall be filed and processed in the same manner and subject to the same conditions and limitations as an appeal filed by the Administrator under subsection (a).

''(4)(A) The Administrator may assign a commercial marketing representative to identify and market small business concerns to large prime contractors and assist small business concerns in identifying and obtaining subcontracts.

''(B) A commercial marketing representative assigned under this paragraph shall—

''(i) conduct compliance reviews of prime contractors;

''(ii) counsel small business concerns on how to obtain subcontracts;

''(iii) conduct matchmaking activities to facilitate subcontracting to small business concerns;

''(iv) work in coordination with local small business development centers, technical assistance centers, and other regional economic development entities to identify small business concerns capable of competing for Federal contracts; and

''(v) provide orientation and training on the subcontracting assistance program under section 8(d)(4)(E) for both large and small business concerns.

''(C) Any commercial marketing representative assigned under this paragraph shall be in addition to any procurement center representative assigned under paragraph (1) or (3).'';

(5) in paragraph (5), as so designated by this section—

(A) in the second sentence, by inserting ''the procurement center representative and'' before ''the breakout procurement''; and

(B) in the third sentence, by striking ''(6)'';

(6) in paragraph (6), as so designated by this section—

(A) in subparagraph (A), by striking ''The breakout procurement center representative'' and inserting the following: ''The procurement center representative, breakout procurement center representative, commercial marketing representative,'';

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(7) in paragraph (7), as so designated by this section, by striking ''other than commercial items'' and all that follows through the end of the paragraph and inserting the following: ''commercial items for authorized resale, or other than commercial items, and which has the potential to incur significant savings or create significant procurement opportunities for small business concerns as the result of the placement of a breakout procurement center representative.''; and

(8) in paragraph (8), as so designated by this section—

(A) by striking ''breakout'' each place the term appears; and

(B) by adding at the end the following:

''(C) The procurement center representative shall conduct training sessions to inform procurement staff at Federal agencies about the reporting requirements for bundled contracts and potentially bundled contracts, and how to work effectively with the procurement center representative assigned to such agencies to locate capable small business concerns to meet the needs of the agencies.''.

SEC. 102. REMOVAL OF IMPEDIMENTS TO CONTRACT BUNDLING DATABASE IMPLEMENTATION.

Section 15(p)(5)(B) of the Small Business Act (15 U.S.C. 644(p)(5)(B) is amended by striking ''procurement information'' and all that follows through the end of the subparagraph and inserting the following: ''any relevant procurement information as may be required to implement this section, and shall perform, at the request of the Administrator, any other action necessary to enable completion of the contract bundling database authorized by this section by not later than 270 days after the date of enactment of the Small Business Contracting Revitalization Act of 2007.''.

SEC. 103. CONTRACT CONSOLIDATION.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 39; and

(2) by inserting after section 36 the following:

''SEC. 37. CONTRACT CONSOLIDATION.

''(a) POLICY.—Except for the Department of Defense and any agency of that department, the head of each Federal department or agency shall ensure that the decisions made by that department or agency regarding consolidation of contract requirements of that department or agency are made with a view to providing small business concerns with appropriate opportunities to participate in the procurements of that department or agency as prime contractors and appropriate opportunities to participate in such procurements as subcontractors.

''(b) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

''(1) IN GENERAL.—Except for the Department of Defense and any agency of that department, the head of a Federal department or agency may not execute an acquisition strategy that includes a consolidation of contract requirements of that department or agency with a total value in excess of $2,000,000, unless the senior procurement executive concerned first—

''(A) conducts market research;

''(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

''(C) determines that the consolidation is necessary and justified.

''(2) DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.—A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under subparagraph (B) of that paragraph. However, savings in administrative or personnel costs alone do not constitute, for such purposes, a sufficient justification for a consolidation of contract requirements in a procurement unless the total amount of the cost savings is expected to be substantial in relation to the total cost of the procurement.

''(3) BENEFITS TO BE CONSIDERED.—Benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

''(A) quality;

''(B) acquisition cycle;

''(C) terms and conditions; and

''(D) any other benefit.

''(c) DEFINITIONS.—In this section—

''(1) the terms 'consolidation of contract requirements' and 'consolidation', with respect to contract requirements of a Federal department or agency, mean a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of that department or agency for goods or services that have previously been provided to, or performed for, that department or agency under 2 or more separate contracts smaller in cost than the total cost of the contract for which the offers are solicited;

''(2) the term 'multiple award contract' means—

''(A) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

''(B) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal department or agency with 2 or more sources pursuant to the same solicitation; and

''(3) the term 'senior procurement executive concerned' means, with respect to a Federal department or agency, the official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for that department or agency.''.

SEC. 104. SMALL BUSINESS TEAMS.

If more than 1 business concern that is a small business concern based on the size standards established under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is participating in a contract that is subject to section 125.6 of title 13, Code of Federal Regulations (or any successor thereto), the portion of that contract performed by each such small business concern may be aggregated in determining whether the performance of that contract is in compliance with that section if—

(1) the head of the Federal department or agency concerned makes a determination in the solicitation that such aggregation will improve contracting opportunities for such small business concerns; and

(2) the Administrator does not object to such aggregation.

TITLE II—SUBCONTRACTING INTEGRITY

SEC. 201. GAO RECOMMENDATIONS ON SUBCONTRACTING MISREPRESENTATIONS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

''(o) PREVENTION OF MISREPRESENTATIONS IN SUBCONTRACTING; IMPLEMENTATION OF COMPTROLLER GENERAL'S RECOMMENDATIONS.—

''(1) STATEMENT OF POLICY.—It is the policy of Congress that the recommendations of the Comptroller General of the United States in Report No. 05–459, concerning oversight improvements necessary to ensure maximum practicable participation by small business concerns in subcontracting, shall be implemented governmentwide, to the maximum extent possible.

''(2) CONTRACTOR COMPLIANCE.—Compliance of Federal prime contractors with small

business subcontracting plans shall be evaluated as a percentage of obligated prime contract dollars, as well as a percentage of subcontracts awarded.

''(3) ISSUANCE OF AGENCY POLICIES.—Not later than 180 days after the date of enactment of this subsection, the head of each Federal agency shall issue a policy on small business subcontracting compliance, including assignment of compliance responsibilities between contracting, small business, and program offices and periodic oversight and review activities.''.

SEC. 202. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

(a) CERTIFICATIONS REQUIRED.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end, the following:

''(G) certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from small business concerns in the amount and quality used in preparing and submitting to the contracting agency the bid or proposal, unless such small business concerns are no longer in business or can no longer meet the quality, quantity, or delivery date.''.

(b) PENALTIES FOR FALSE CERTIFICATIONS.—Section 16(f) of the Small Business Act (15 U.S.C. 645(f)) is amended by striking ''of this Act'' and inserting ''or the reporting requirements of section 8(d)(11)''.

SEC. 203. EVALUATING SUBCONTRACTING PARTICIPATION.

(a) SIGNIFICANT FACTORS.—Section 8(d)(4)(G) of the Small Business Act (15 U.S.C. 637(d)(4)(G)) is amended by striking ''a bundled'' and inserting ''any''.

(b) EVALUATION REPORTS.—Section 8(d)(10) of the Small Business Act (15 U.S.C. 637(d)(10)) is amended—

(1) by striking ''is authorized to'' and inserting ''shall'';

(2) in subparagraph (B), by striking ''and'' at the end;

(3) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(D) report the results of each evaluation under subparagraph (C) to the appropriate contracting officers.''.

(c) CENTRALIZED DATABASE; PAYMENTS PENDING REPORTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by redesignating paragraph (11) as paragraph (14); and

(2) by inserting after paragraph (10) the following:

''(11) CERTIFICATION.—A report submitted by the prime contractor under paragraph (6)(E) to determine the attainment of a subcontract utilization goal under any subcontracting plan entered into with a Federal agency under this subsection shall contain the name and signature of the president or chief executive officer of the contractor, certifying that the subcontracting data provided in the report are accurate and complete.

''(12) CENTRALIZED DATABASE.—The results of an evaluation under paragraph (10)(C) shall be included in a national centralized governmentwide database.

''(13) PAYMENTS PENDING REPORTS.—Each Federal agency having contracting authority shall ensure that the terms of each contract for goods and services includes a provision allowing the contracting officer of an agency to withhold an appropriate amount of payment with respect to a contract (depending on the size of the contract) until the date of receipt of complete, accurate, and timely subcontracting reports in accordance with paragraph (11).''.

SEC. 204. PILOT PROGRAM.

Section 8 of the Small Business Act (15 U.S.C. 637), as amended by this Act, is amended by adding at the end the following:

''(p) SUBCONTRACTING INCENTIVES AND REMEDIAL ASSISTANCE.—

''(1) PILOT PROGRAM ON INCENTIVES AND MENTOR-PROTÉGÉ REMEDIAL ASSISTANCE.—

''(A) IN GENERAL.—Each Federal agency is authorized to operate a pilot program to provide contractual incentives to prime contractors that exceed their small business subcontracting goals and to direct prime contractors that fail to comply with their small business subcontracting plans to fund mentor-protégé assistance for small business concerns (in this subsection referred to as the 'program').

''(B) TERMINATION.—The authority under this paragraph shall terminate on September 30, 2010.

''(2) ASSESSMENT OF MENTOR-PROTÉGÉ ASSISTANCE FUNDING.—The mentor-protégé assistance funding assessed by an agency under the terms of the program shall be determined in relation to the dollar amount by which the prime contractor failed its small business subcontracting goals.

''(3) EXPENDITURE OF MENTOR-PROTÉGÉ ASSISTANCE FUNDING.—The prime contractor shall expend the mentor-protégé assistance funding assessed by the agency under the terms of the program on mentor-protégé assistance to small business concerns, as provided by a mentor-protégé agreement approved by the relevant Federal agency.

''(4) ANNUAL REPORT REQUIRED.—Each Federal agency described in paragraph (1) shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives containing a detailed description of the pilot program, as carried out by that agency, including the number of participating companies, any incentives provided to prime contractors, as appropriate, and the amounts and types of mentor-protégé assistance provided to small business concerns.''.

TITLE III—SMALL BUSINESS PROCUREMENT PROGRAMS IMPROVEMENT

Subtitle A—Service-Disabled Veteran-Owned Small Business Program

SEC. 321. CERTIFICATION.

(a) CONGRESSIONAL INTENT.—It is the intent of Congress that the Administrator should accept certifications by the Department of Veterans Affairs, under such criteria as the Administrator may prescribe, by regulation or order, in certifying small business concerns owned and controlled by service-disabled veterans

(b) REGULATIONS.—Before implementing subsection (a), the Administrator shall promulgate regulations or orders ensuring appropriate certification safeguards to be implemented by the Administration and the Department of Veterans Affairs.

(c) REGISTRATION PORTAL.—The Administrator and the Secretary of Veterans Affairs shall ensure that small business concerns owned and controlled by service-disabled veterans may apply to participate in all programs for such small business concerns of the Administrator or the Secretary through a single process.

SEC. 322. TRANSITION PERIOD FOR SURVIVING SPOUSES OR PERMANENT CARE GIVERS.

Section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) the management and daily business operations of which are controlled—

''(i) by 1 or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent care giver of such veteran; or

''(ii) for a period of not longer than 10 years after the death of a service-disabled veteran, by a surviving spouse or permanent caregiver thereof.''.

SEC. 323. MENTOR-PROTEGE PROGRAM.

The Administrator may establish a mentor-protege program for small business concerns owned and controlled by service-disabled veterans, modeled on the mentor-protege program of the Administration for small businesses participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

SEC. 324. IMPROVING OPPORTUNITIES FOR SERVICE DISABLED VETERANS.

Section 36(a) of the Small Business Act (15 U.S.C. 657f(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall''; and

(2) in paragraph (1), by striking ''and the contracting officer'' and all that follows through ''contracting opportunity''.

Subtitle B—Women-Owned Small Business Program

SEC. 341. IMPLEMENTATION DEADLINE.

Not later than 90 days after the date of enactment of this Act, the Administrator shall implement the procurement program for small business concerns owned and controlled by women under section 8(m) of the Small Business Act (15 U.S.C. 637(m)).

SEC. 342. CERTIFICATION.

(a) CONGRESSIONAL INTENT.—It is the intent of Congress that the Administrator should accept certifications by other Federal agencies and State and local governments and certifications from responsible national certifying entities, under such criteria as the Administrator may prescribe, by regulation or order, in certifying small business concerns owned and controlled by women for purposes of the program under section 8(m) of the Small Business Act (15 U.S.C. 637(m)).

(b) REGULATIONS.—Prior to implementing subsection (a), the Administrator shall promulgate regulations ensuring appropriate certification safeguards to be implemented by the Administration and the agencies and entities described in subsection (a).

Subtitle C—Small Disadvantaged Business Program

SEC. 361. CERTIFICATION.

(a) CONGRESSIONAL INTENT.—It is the intent of Congress that the Administrator should accept certifications by other Federal agencies and State and local governments and certifications from responsible national certifying entities, under such criteria as the Administrator may prescribe, by regulation or order, in certifying small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) REGULATIONS.—Prior to implementing subsection (a), the Administrator shall promulgate regulations or orders ensuring appropriate certification safeguards to be implemented by the Administration and the agencies and entities described in subsection (a).

SEC. 362. NET WORTH THRESHOLD.

Section 8(a)(6)(A) of the Small Business Act (15 U.S.C. 637(a)(6)(A)) is amended—

(1) by inserting ''(i)'' after ''(6)(A)'';

(2) by striking ''In determining the degree of diminished credit'' and inserting the following:

''(ii)(I) In determining the degree of diminished credit'';

(3) by striking ''In determining the economic disadvantage'' and inserting the following:

''(iii) In determining the economic disadvantage''; and

(4) by inserting after clause (ii)(I), as so designated by this section, the following:

''(II) In determining the assets and net worth of a socially disadvantaged individual under this subparagraph, the Administrator shall not consider any assets of such individual in a qualified retirement plan, as that term is defined in section 4974(c) of the Internal Revenue Code of 1986.

''(III) The Administrator shall establish procedures that—

''(aa) account for inflationary adjustments to, and include a reasonable assumption of, the average income and net worth of market dominant competitors; and

''(bb) require an annual inflationary adjustment to the average income and net worth requirements under this subsection.''.

SEC. 363. EXTENSION OF SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS PROGRAM.

(a) IN GENERAL.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 30 days after the date of enactment of this Act.

Subtitle D—Historically Underutilized Business Zones Programs

SEC. 381. HUBZONE SMALL BUSINESS CONCERNS.

Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3) is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(F) a small business concern owned and controlled by an organization described in section 8(a)(15).''.

SEC. 382. MILITARY BASE CLOSINGS.

(a) HUBZONE STATUS.—

(1) IN GENERAL.—Section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) is amended—

(A) by redesignating clauses (i), (ii), (iii), and (iv) as subclauses (I), (II), (III), and (IV), respectively, and adjusting the margin accordingly;

(B) by striking ''means lands'' and inserting the following ''means—

''(i) lands''; and

(C) by striking the period at the end and inserting the following: ''; and

''(ii) during the 5-year period beginning on the date that a military installation is closed or leased space is vacated under an authority described in clause (i), areas adjacent to or within a reasonable commuting distance of lands described in clause (i) (which shall not include any area that is more than 15 miles from the exterior boundary of that military installation) that are detrimentally, substantially, and directly economically affected by the closing of that military installation, as determined by the Secretary of Housing and Urban Development.''.

(2) FEASIBILITY STUDY.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study of the feasibility of, and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding, designating as a HUBZone (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act) any area that does not qualify as a HUBZone solely because that area is located within a county located within a metropolitan statistical area (as defined by the Office of Management and Budget). The report submitted under this paragraph shall include any legislative recommendations relating to the findings of the feasibility study conducted under this paragraph.

(b) SUBCONTRACTING GOAL.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by inserting ''and subcontract'' after ''not less than 3 percent of the total value of all prime contract''.

(c) MENTOR-PROTEGE PROGRAM.—The Administrator may establish a mentor-protege program for HUBZone small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) and small business concerns owned and controlled by women, modeled on the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

Subtitle E—BusinessLINC Program

SEC. 391. BUSINESSLINC PROGRAM.

Section 8(n) of the Small Business Act (15 U.S.C. 637(n)) is amended to read as follows:

''(n) BUSINESS GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—In accordance with this subsection, the Administrator shall make grants available to enter into cooperative agreements with any coalition of private entities, not-for-profit entities, public entities, or any combination of private, not-for-profit, and public entities—

''(A) to expand business-to-business relationships between large and small business concerns; and

''(B) to provide, directly or indirectly, with online information and a database of companies that are interested in mentor-protégé programs or community-based, statewide, or local business development programs.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for each of fiscal years 2008 through 2010, to remain available until expended.

''(3) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than April 30, 2009, and annually thereafter, the Associate Administrator of Business Development of the Administration shall collect data on the BusinessLINC Program and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the BusinessLINC Program.

''(B) CONTENTS.—Each report submitted under subparagraph (A) shall include, for the year covered by the report—

''(i) the number of programs administered in each State under the BusinessLINC Program;

''(ii) the number of grant awards under each program described in clause (i) and the date of each such award;

''(iii) the number of participating large businesses and participating small business concerns;

''(iv) the number and dollar amount of the contracts in effect in each State as a result of the programs run by each grant recipient under the BusinessLINC Program; and

''(v) the number of mentor-protégé, teaming relationships, or partnerships created as a result of the BusinessLINC Program.

''(4) DEFINITION.—In this subsection, the term 'BusinessLINC Program' means the grant program authorized under paragraph (1).''.

TITLE IV—ACQUISITION PROCESS

SEC. 401. PROCUREMENT IMPROVEMENTS.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

''(r) BUNDLING DATA FIELDS.—For each contract (including task or delivery orders against governmentwide or other multiple award contracts, indefinite quantity or indefinite delivery contracts, and blanket purchase agreements) that is bundled or consolidated, an agency shall report publicly, not later than 7 days after the date of the award, by means of the Federal governmentwide procurement data system described in subsection (c)(5)—

''(1) the number of contracts involving small business concerns that were displaced by the bundled or consolidated action;

''(2) the number of small business concerns that the contracting officer identified as able to bid on all or part of requirements; and

''(3) the projected cost savings anticipated as a result of bundling or consolidating the requirements.

''(s) GOVERNMENTWIDE SMALL BUSINESS TRAINING.—The Administrator, in conjunction with the head of any other appropriate Federal agency, shall coordinate the development of governmentwide training courses on small business contracting and subcontracting with small business concerns, with special focus on the role of the small business specialist as a vital part of the acquisition team.''.

SEC. 402. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

''(t) MULTIPLE AWARD CONTRACTS.—Not later than 180 days after the date of enactment of this subsection, the head of each Federal agency, with the concurrence of the Administrator, shall, by regulation, establish criteria for such agency—

''(1) setting aside part or parts of a multiple award contract for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

''(2) setting aside multiple award contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

''(3) reserving 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).''.

SEC. 403. GAO STUDY OF REPORTING SYSTEMS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of—

(1) the accuracy and timeliness of data collected under the Small Business Act (15 U.S.C. 631 et seq.) in the CCR database of the Administration, or any successor database, the Federal procurement data system described in section 15(c)(5) of the Small Business Act (15 U.S.C. 644(c)(5)), and the Subcontracting Reporting System; and

(2) the availability of small business information in these computer-based systems to Congress, Federal agencies, and the public.

(b) MATTERS COVERED.—The study conducted under subsection (a) shall include—

(1) an assessment of the accuracy and timeliness of the information provided by the data collection systems described in subsection (a)(1) and recommendations as to how any deficiencies in such systems can be eliminated;

(2) a review of the system manuals for such systems and a determination of the adequacy of such manuals in assisting proper operation and administration of the systems;

(3) a review of the user manuals for such systems and a determination of the clarity and ease of use of such manuals in assisting those reporting into such systems and those obtaining information from such systems;

(4) the adequacy of the training given to individuals responsible for reporting into such systems and recommendations for any necessary improvements;

(5) an assessment of the adequacy of any safeguards in such systems against the reporting of inaccurate and untimely data and the need for any additional safeguards; and

(6) the system architecture, Internet access, user-friendly characteristics, flexibility to add new data fields, ability to provide structured and unstructured reports, range of information necessary to meet user needs, and adequacy of system and user manuals and instructions of such systems.

(c) REPORT.—Not later than November 30, 2008, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of the study under this section.

SEC. 404. MICROPURCHASE GUIDELINES.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Federal Procurement Policy shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micropurchases, consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micropurchases.

SEC. 405. REPORTING ON OVERSEAS CONTRACTS.

Not later than 180 days after the end of each fiscal year, the Administrator shall submit to Congress a report identifying what portion of contracts and subcontracts awarded for performance outside of the United States were awarded to small business concerns.

SEC. 406. AGENCY ACCOUNTABILITY.

(a) IN GENERAL.—Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) in the first sentence, by striking ''shall, after consultation'' and inserting the following: ''shall—

''(i) after consultation'';

(3) by striking ''agency. Goals established'' and inserting the following: ''agency;

''(ii) identify a percentage of the procurement budget of the agency to be awarded to small business concerns, in consultation with the Office of Small and Disadvantaged Business Utilization of the agency, which information shall be included in the strategic plan required under section 306 of title 5, United States Code, and the annual budget submission to Congress by that agency, and, upon request, in any testimony provided by that agency before Congress in connection with the budget process; and

''(iii) report, as part of its annual performance plan, the extent to which the agency achieved the goals referred to in clause (ii), and appropriate justification for any failure to do so.

''(B) Goals established'';

(4) by striking ''Whenever'' and inserting the following:

''(C) Whenever'';

(5) by striking ''For the purpose of'' and inserting the following:

''(D) For the purpose of'';

(6) in the last sentence—

(A) by striking ''(A) contracts'' and inserting ''(i) contracts''; and

(B) by striking ''(B) contracts'' and inserting ''(ii) contracts''; and

(7) by adding at the end the following:

''(E)(i) Each procurement employee described in clause (ii)—

''(I) shall communicate to their subordinates the importance of achieving small business goals; and

''(II) shall have as a significant factor in the annual performance evaluation of that procurement employee, where appropriate, the success of that procurement employee in small business utilization, in accordance with the goals established under this subsection.

''(ii) A procurement employee described in this clause is a senior procurement executive, senior program manager, or small and disadvantaged business utilization manager of a Federal agency having contracting authority.''.

(b) ANNUAL REPORTS.—Section 10(d) of the Small Business Act (15 U.S.C. 639(d)) is amended—

(1) by inserting ''and each agency that is a member of the President's Management Council (or any successor thereto)'' after ''Department of Defense'' the first place that term appears; and

(2) by inserting ''or that agency'' after ''Department of Defense'' the second place that term appears.

TITLE V—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 501. POLICY AND PRESUMPTIONS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(s) PRESUMPTION.—

''(1) IN GENERAL.—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total dollars expended on such contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

''(2) DEEMED CERTIFICATIONS.—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

''(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

''(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify such bid or proposal, if awarded, as an award to a small business concern.

''(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

''(3) PAPER-BASED CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.—

''(A) IN GENERAL.—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking such Federal contract, subcontract, or grant.

''(B) CONTENT OF CERTIFICATIONS.—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by such business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of a director, officer, or counsel on the same page on which the certification is contained.

''(4) REGULATIONS.—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.''.

SEC. 502. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

''(t) ANNUAL CERTIFICATION.—

''(1) IN GENERAL.—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the CCR database of the Administration, or any successor thereto.

''(2) REGULATIONS.—Not later than 120 days after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

''(A) no business concern continues to be certified as a small business concern on the CCR database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

''(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.

''(3) DETERMINATION OF SIZE STATUS.—Small business size or status for purposes of this Act shall be determined at the time of the award of a Federal—

''(A) contract, provided that, in the case of interagency multiple award contracts, small business size, or status shall be determined annually, except for purposes of the award of each task or delivery order set aside or reserved for small business concerns;

''(B) subcontract;

''(C) grant;

''(D) cooperative agreement; or

''(E) cooperative research and development agreement.''.

SEC. 503. MEANINGFUL PROTESTS OF SMALL BUSINESS SIZE AND STATUS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 37, as added by this Act, the following:

''SEC. 38. SMALL BUSINESS SIZE AND STATUS PROTEST SYSTEM.

''(a) DEFINITIONS.—In this section:

''(1) PROTEST.—The term 'protest' means a written objection by an interested party to a violation of any small business size or status requirement established under any provision of law, including section 3, in connection with—

''(A) a solicitation or other request by a Federal agency for offers for a contract for the procurement of property or services;

''(B) the cancellation of such a solicitation or other request;

''(C) an award or proposed award of such a contract; or

''(D) a termination or cancellation of an award of such a contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract.

''(2) INTERESTED PARTY.—

''(A) IN GENERAL.—The term 'interested party', with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of

the contract or by failure to award the contract.

''(B) INCLUSIONS.—The term 'interested party' includes the official responsible for submitting the Federal agency tender in a public-private competition conducted under Office of Management and Budget Circular A–76 (or any successor thereto) regarding an activity or function of a Federal agency performed by more than 65 full-time equivalent employees of the Federal agency.

''(3) FEDERAL AGENCY.—The term 'Federal agency' has the same meaning as in section 102 of title 40, United States Code.

''(b) REVIEW OF PROTESTS; EFFECT ON CONTRACTS PENDING DECISION.—

''(1) IN GENERAL.—Under procedures established under subsection (d), the Administrator shall decide a protest submitted to the Administrator by an interested party.

''(2) RECEIPTS OF PROTESTS.—

''(A) IN GENERAL.—Not later than 1 day after the receipt of a protest, the Administrator shall notify the Federal agency involved of the protest.

''(B) AGENCIES.—Except as provided in subparagraph (C), a Federal agency receiving a notice of a protested procurement under subparagraph (A) shall submit to the Administrator a complete report (including all relevant documents) on the small business size or status aspects of the protested procurement—

''(i) not later than 30 days after the date of the receipt of that notice by the agency;

''(ii) if the Administrator, upon a showing by the Federal agency, determines (and states the reasons in writing) that the specific circumstances of the protest require a longer period, within the longer period determined by the Administrator; or

''(iii) in a case determined by the Administrator to be suitable for the express option under subsection (c)(1)(B), not later than 20 days after the date of the receipt of that determination by the agency.

''(C) EXCEPTIONS.—A Federal agency need not submit a report to the Administrator under subparagraph (B) if the agency is notified by the Administrator before the date on which such report is to be submitted that the protest concerned has been dismissed under subsection (c)(1)(D).

''(3) AWARD OF CONTRACTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a contract may not be awarded in any procurement after the Federal agency has received notice of a protest with respect to such procurement from the Administrator and while the protest is pending.

''(B) EXCEPTIONS.—The head of the procuring activity responsible for award of a contract may authorize the award of the contract (notwithstanding a protest of which the Federal agency has notice under this section)—

''(i) upon a written finding that urgent and compelling circumstances which significantly affect interests of the United States will not permit waiting for the decision of the Administrator under this section; and

''(ii) after the Administrator is advised of that finding.

''(C) URGENT AND COMPELLING CIRCUMSTANCES.—A finding may not be made under subparagraph (B)(i), unless the award of the contract is otherwise likely to occur within 30 days after the making of such finding.

''(4) PERFORMANCE.—

''(A) IN GENERAL.—A contractor awarded a Federal agency contract may, during the period described in subparagraph (D), begin performance of the contract and engage in any related activities that result in obligations being incurred by the United States under the contract, unless the contracting officer responsible for the award of the contract withholds authorization to proceed with performance of the contract.

''(B) AUTHORIZATION WITHHELD.—The contracting officer may withhold an authorization to proceed with performance of the contract during the period described in subparagraph (D) if the contracting officer determines in writing that—

''(i) a protest is likely to be filed with the Administrator alleging a violation of a small business size or status requirement; and

''(ii) the immediate performance of the contract is not in the best interests of the United States.

''(C) NOTICE OF PROTEST.—

''(i) IN GENERAL.—If the Federal agency awarding the contract receives notice of a protest in accordance with this subsection during the period described in subparagraph (D)—

''(I) the contracting officer may not authorize performance of the contract to begin while the protest is pending; or

''(II) if authorization for contract performance to proceed was not withheld in accordance with subparagraph (B) before receipt of the notice, the contracting officer shall immediately direct the contractor to cease performance under the contract and to suspend any related activities that may result in additional obligations being incurred by the United States under that contract.

''(ii) PERFORMANCE.—Performance and related activities suspended under clause (i)(II) by reason of a protest may not be resumed while the protest is pending.

''(iii) EXCEPTIONS.—The head of the procuring activity may authorize the performance of the contract (notwithstanding a protest of which the Federal agency has notice under this section)—

''(I) upon a written finding that—

''(aa) performance of the contract is in the best interests of the United States; or

''(bb) urgent and compelling circumstances that significantly affect interests of the United States will not permit waiting for the decision of the Administrator concerning the protest; and

''(II) after the Administrator is notified of that finding.

''(D) TIME PERIOD.—The period described in this subparagraph, with respect to a contract, is the period beginning on the date of the contract award and ending on the later of—

''(i) the date that is 10 days after the date of the contract award; or

''(ii) the date that is 5 days after the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required.

''(5) NONDELEGATION.—The authority of the head of the procuring activity to make findings and to authorize the award and performance of contracts under paragraphs (3) and (4) may not be delegated.

''(6) PROVISION OF DOCUMENTS.—

''(A) IN GENERAL.—Within such deadlines as the Administrator prescribes, and upon request, each Federal agency shall provide to an interested party any document relevant to a protested procurement action (including the report required by paragraph (2)(B)) that would not give that party a competitive advantage and that the party is otherwise authorized by law to receive.

''(B) PROTECTIVE ORDERS.—

''(i) IN GENERAL.—The Administrator may issue protective orders which establish terms, conditions, and restrictions for the provision of any document to a party under subparagraph (A), that prohibit or restrict the disclosure by the party of information described in clause (ii) that is contained in such a document.

''(ii) TYPES OF INFORMATION.—Information referred to in clause (i) is procurement sensitive information, trade secrets, or other proprietary or confidential research, development, or commercial information.

''(iii) INFORMATION TO THE FEDERAL GOVERNMENT.—A protective order under this subparagraph shall not be considered to authorize the withholding of any document or information from Congress or an executive agency.

''(7) INTERESTED PARTIES.—If an interested party files a protest in connection with a public-private competition described in subsection (a)(2)(B), a person representing a majority of the employees of the Federal agency who are engaged in the performance of the activity or function subject to the public-private competition may intervene in protest.

''(c) DECISIONS ON PROTESTS.—

''(1) IN GENERAL.—

''(A) INEXPENSIVE AND EXPEDITIOUS RESOLUTION.—To the maximum extent practicable, the Administrator shall provide for the inexpensive and expeditious resolution of protests under this section. Except as provided under subparagraph (B), the Administrator shall issue a final decision concerning a protest not later than 100 days after the date on which the protest is submitted to the Administration.

''(B) EXPRESS OPTION.—The Administrator shall, by regulation established under subsection (d), establish an express option for deciding those protests which the Administrator determines suitable for resolution, not later than 65 days after the date on which the protest is submitted.

''(C) AMENDMENTS.—An amendment to a protest that adds a new ground of protest, if timely made, should be resolved, to the maximum extent practicable, within the time limit established under subparagraph (A) for final decision of the initial protest. If an amended protest cannot be resolved within such time limit, the Administrator may resolve the amended protest through the express option under subparagraph (B).

''(D) FRIVOLOUS PROTESTS.—The Administrator may dismiss a protest that the Administrator determines is frivolous or which, on its face, does not state a valid basis for protest.

''(2) COMPLIANCE WITH LAW.—

''(A) IN GENERAL.—With respect to a solicitation for a contract, or a proposed award or the award of a contract, protested under this section, the Administrator may determine whether the solicitation, proposed award, or award complies with statutes and regulations regarding small business size or status. If the Administrator determines that the solicitation, proposed award, or award does not comply with a statute or regulation, the Administrator shall recommend that the Federal agency—

''(i) refrain from exercising any of its options under the contract;

''(ii) recompete the contract immediately;

''(iii) issue a new solicitation;

''(iv) terminate the contract;

''(v) award a contract consistent with the requirements of such statutes and regulations; or

''(vi) implement such other recommendations as the Administrator determines to be necessary in order to promote compliance with procurement statutes and regulations.

''(B) BEST INTERESTS OF UNITED STATES.—If the head of the procuring activity responsible for a contract makes a finding described in subsection (b)(4)(C)(iii)(I)(aa), the Administrator shall make recommendations under this paragraph without regard to any cost or disruption from terminating, recompeting, or reawarding the contract.

''(C) IMPLEMENTATION.—If the Federal agency fails to implement fully the recommendations of the Administrator under this paragraph with respect to a solicitation for a contract or an award or proposed award of a contract by the date that is 60 days after the date on which the agency received the recommendations, the head of the procuring activity responsible for that contract shall report such failure to the Administrator not later than 5 days after the end of such 60-day period.

''(3) PAYMENT OF COSTS.—

''(A) IN GENERAL.—If the Administrator determines that a solicitation for a contract or a proposed award or the award of a contract does not comply with a statute or regulation, the Administrator may recommend that the Federal agency conducting the procurement pay to an appropriate interested party the costs of—

''(i) filing and pursuing the protest, including reasonable attorney's fees and consultant and expert witness fees; and

''(ii) bid and proposal preparation.

''(B) COSTS NOT INCLUDED.—No party (other than a small business concern) may be paid, under a recommendation made under the authority of subparagraph (A)—

''(i) costs for consultant and expert witness fees that exceed the highest rate of compensation for expert witnesses paid by the Federal Government; or

''(ii) costs for attorney's fees that exceed $300 per hour, unless the agency determines, based on the recommendation of the Administrator on a case by case basis, that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

''(C) RECOMMENDATION TO PAY COSTS.—If the Administrator recommends under subparagraph (A) that a Federal agency pay costs to an interested party, the Federal agency shall—

''(i) pay the costs promptly; or

''(ii) if the Federal agency does not make such payment, promptly report to the Administrator the reasons for the failure to follow the Administrator's recommendation.

''(D) AGREEMENT ON AMOUNT.—If the Administrator recommends under subparagraph (A) that a Federal agency pay costs to an interested party, the Federal agency and the interested party shall attempt to reach an agreement on the amount of the costs to be paid. If the Federal agency and the interested party are unable to agree on the amount to be paid, the Administrator may, upon the request of the interested party, recommend to the Federal agency the amount of the costs that the Federal agency should pay.

''(4) DECISIONS.—Each decision of the Administrator under this section shall be signed by the Administrator or a designee for that purpose. A copy of the decision shall be made available to the interested parties, the head of the procuring activity responsible for the solicitation, proposed award, or award of the contract, and the senior procurement executive of the Federal agency involved.

''(5) REPORTS.—

''(A) FAILURE TO IMPLEMENT RECOMMENDATIONS.—

''(i) IN GENERAL.—The Administrator shall report promptly to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives any case in which a Federal agency fails to implement fully a recommendation of the Administrator under paragraph (2) or (3).

''(ii) CONTENTS.—Each report under clause (i) shall include—

''(I) a comprehensive review of the pertinent procurement, including the circumstances of the failure of the Federal agency to implement a recommendation of the Administrator; and

''(II) a recommendation regarding whether, in order to correct an inequity or to preserve the integrity of the procurement process, Congress should consider—

''(aa) private relief legislation;

''(bb) legislative rescission or cancellation of funds;

''(cc) further investigation by Congress; or

''(dd) other action.

''(B) ANNUAL REPORTS.—Not later than January 31 of each year, the Administrator shall transmit to Congress a report containing a summary of each instance in which a Federal agency did not fully implement a recommendation of the Administrator under subsection (b) or this subsection during the preceding year. The report shall also describe each instance in which a final decision in a protest was not rendered within 100 days after the date on which the protest was submitted to the Administrator.

''(d) REGULATIONS; AUTHORITY OF ADMINISTRATOR TO VERIFY ASSERTIONS.—

''(1) IN GENERAL.—The Administrator shall establish such procedures as may be necessary for the expeditious decision of protests under this section, including procedures for accelerated resolution of protests under the express option authorized by subsection (c)(1)(B). Such procedures shall provide that the protest process may not be delayed by the failure of a party to make a filing within the time provided for the filing.

''(2) COMPUTATION OF TIME.—The procedures established under paragraph (1) shall provide that, in the computation of any period described in this section—

''(A) the day of the act, event, or default from which the designated period of time begins to run not be included; and

''(B) the last day after such act, event, or default be included, unless—

''(i) such last day is a Saturday, a Sunday, or a legal holiday; or

''(ii) in the case of a filing of a paper at the Administration or another Federal agency, such last day is a day on which weather or other conditions cause the closing of the Administration or other Federal agency, in which event the next day that is not a Saturday, Sunday, or legal holiday shall be included.

''(3) ELECTRONIC FILING.—The Administrator may prescribe procedures for the electronic filing and dissemination of documents and information required under this section. In prescribing such procedures, the Administrator shall consider the ability of all parties to achieve electronic access to such documents and records.

''(e) ENFORCEMENT.—The Administrator may use any authority available under this Act or any other provision of law to verify assertions made by parties in protests under this section.

''(f) REGULATIONS.—The Administrator may issue regulations regarding the use of the protest authority to consider small business size or status challenges under this section in matters involving any other program for small business concerns.''.

SEC. 504. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the head of each appropriate Federal agency or entity shall, in consultation with the Administrator or the Inspector General of the Administration, as appropriate, develop courses concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

''(u) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 180 days after the date of enactment of this subsection, the head of each relevant Federal agency and the Inspector General of the Administration shall issue a Governmentwide policy on prosecution of small business size and status fraud.''.

SEC. 505. UPDATED SIZE STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) conduct a detailed review of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)); and

(2) if determined appropriate by the Administrator, promulgate revised size standards under that section.

(b) PUBLICATION.—Not later than 1 year after the date of enactment of this Act, the Administrator shall make publically available information regarding—

(1) the factors evaluated as part of the review conducted under subsection (a)(1); and

(2) the criteria used for any revised size standards promulgated under subsection (a)(2).

SEC. 506. SMALL BUSINESS SIZE AND STATUS FOR PURPOSE OF MULTIPLE AWARD CONTRACTS.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

''(w) SMALL BUSINESS SIZE AND STATUS FOR PURPOSE OF MULTIPLE AWARD CONTRACTS.—

''(1) IN GENERAL.—A business concern that enters a multiple award contract of any kind with the Federal Government shall in any year in which such a contract is in effect, submit an annual statement at the end of its fiscal year recertifying its small business size and status to the Federal agency which awarded the contract.

''(2) RELATION TO OTHER LAWS.—Compliance with paragraph (1) shall not affect the obligation of a business concern to comply with other provisions of law concerning small business size or status.''.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today to introduce, with Chairman KERRY, the Small Business Contracting Revitalization Act of 2007. This critical legislation is a product of consensus-building and compromise over the past few years and truly reflects the bipartisan nature of our Committee. Thank you, Chairman KERRY, for working to make this a truly bipartisan bill.

This legislation addresses the numerous barriers facing small businesses in securing their fair share of Federal contracting dollars. Currently, small businesses are eligible for $340 billion in Federal contracting dollars, yet receive only $77 billion. Regrettably, the Federal Government consistently fails to satisfy its 23 percent small business goal resulting in small businesses losing billions of dollars in contracting opportunities.

I am dismayed by the myriad ways that Government agencies have time and again egregiously failed to achieve

most of their small business statutory ''goaling'' requirements. For example, in fiscal year 2006, the Historically Underutilized Business Zone, HUBZone, program met only 2.1 percent of its three percent goal, while our Nation's service-disabled, veteran-owned small businesses received a Government-wide, paltry total of only 0.9 percent of its three percent small business goal. This longstanding area of concern is coupled with a litany of deficiencies that include ''contract bundling,'' subcontracting misrepresentations, inaccurate small business size determinations, flawed reporting data, and under-utilization of key small business contracting programs.

As the Chairman is well aware, these problems are not new, and our Committee has held countless hearings on various contracting concerns throughout the years. Business opportunities through Federal contracts provide vital economic benefits for small businesses, which is why last year, my Small Business Administration Reauthorization Bill, which passed our Committee unanimously, contained a robust package of small business contracting initiatives.

Our legislation builds on the contracting provisions of that bill, by improving all of the small business contracting programs—including the HUBZone, small disadvantaged business, women-owned small business, and service-disabled veteran-owned small business programs. It equips the SBA with additional tools to meet the demands of an ever-changing 21st century contracting environment.

This bipartisan measure also includes several other priorities that I have long championed—most notably, enhancing the HUBZone program. In my home state of Maine, only 118 of 41,026 small businesses are qualified HUBZone businesses. HUBZones represent a tremendous tool for replacing lost jobs for our Nation's declining manufacturing and industrial sectors—clearly, this program should be better utilized.

I look forward to working with my colleagues in the Senate to pass this bipartisan small business contracting legislation to ensure that all small business ''goals'' are not only met—but exceeded.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 363—EXPRESSING THE SENSE OF THE SENATE REGARDING THE TREATMENT OF SOCIAL SECURITY ''NOTCH BABIES''

Mr. COLEMAN (for himself and Mr. BURR) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 363

Whereas the Social Security Amendments of 1977, legislation designed to correct the Social Security benefit formula, resulted in a discrepancy in benefits – a ''notch'' – between individuals born in the years immediately following 1916 and other beneficiaries;

Whereas Senate legislation introduced in the 105th through 108th Congresses sought to correct the ''notch baby'' problem;

Whereas those born during the ''notch'' years are the same Americans who fought and sacrificed during World War II;

Whereas the ''notch babies'' who receive lower Social Security benefits than those individuals born between 1911 and 1916 are at the same time among the seniors hit hardest by rising health care costs; and

Whereas those affected by the ''notch'' are leaving us at a rapid rate, with the youngest ''notch babies'' now over 80 years old: Now, therefore, be it

Resolved, That the Senate—

(1) honors the sacrifice of those born in the ''notch'' years of 1917 through 1926;

(2) recognizes the difference in Social Security benefits calculated for those born in 1917 and the years following, as compared with those born between 1911 and 1916;

(3) expresses regret that there has been no resolution to the satisfaction of the millions of seniors born from 1917 through 1926; and

(4) should consider corrective legislation similar to bills introduced in the Senate in the 105th through 108th Congresses, to address the ''notch'' benefit disparity.

SENATE RESOLUTION 364—COMMENDING THE PEOPLE OF THE STATE OF WASHINGTON FOR SHOWING THEIR SUPPORT FOR THE NEEDS OF THE STATE OF WASHINGTON'S VETERANS AND ENCOURAGING RESIDENTS OF OTHER STATES TO PURSUE CREATIVE WAYS TO SHOW THEIR OWN SUPPORT FOR VETERANS

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 364

Whereas every day, American men and women risk their lives serving the country in the Armed Forces;

Whereas it is important to many Americans to be able to donate money directly to causes about which they care;

Whereas it is important for residents to have a tangible way to demonstrate their support for veterans;

Whereas despite Government funding for the Nation's veterans, many important needs of veterans remain unmet;

Whereas citizens in the State of Washington have banded together in a grassroots effort to create a Veterans Family Fund Certificate of Deposit;

Whereas any bank in the State of Washington can choose to offer a Veterans Family Fund Certificate of Deposit;

Whereas the Bank of Clark County has become the first institution to offer these Certificates of Deposit;

Whereas the Governor of the State of Washington and the Washington State Veterans Affairs Department have expressed the State's support for this program;

Whereas when a person buys a Veterans Family Fund Certificate of Deposit from a participating bank, half of the interest is automatically donated to the State of Washington's Veterans Innovation Program to address the unmet needs of the State of Washington's veterans and their families;

Whereas the Veterans Innovation Program provides emergency assistance to help current or former Washington National Guard or Reserve service members cope with financial hardships, unemployment, educational needs, and many basic family necessities; and

Whereas the Veterans Family Fund Certificate of Deposit will be officially launched on November 8, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people of the State of Washington for showing their support for the needs of the State of Washington's veterans; and

(2) encourages residents of other States to pursue creative ways to show their own support for veterans.

SENATE CONCURRENT RESOLUTION 52—ENCOURAGING THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS TO TAKE ACTION TO ENSURE A PEACEFUL TRANSITION TO DEMOCRACY IN BURMA

Mrs. BOXER submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 52

Whereas hundreds of thousands of citizens of Burma have risked their lives in demonstrations to demand a return to democracy and respect for human rights in their country;

Whereas the repressive military Government of Burma has conducted a brutal crackdown against demonstrators, which has resulted in mass numbers of killings, arrests, and detentions;

Whereas Burma has been a member of the Association of Southeast Asian Nations (ASEAN) since 1997;

Whereas foreign ministers of other ASEAN member nations, in reference to Burma, have ''demanded that the government immediately desist from the use of violence against demonstrators'', expressed ''revulsion'' over reports that demonstrators were being suppressed by violent and deadly force, and called for ''the release of all political detainees including Daw Aung San Suu Kyi'';

Whereas the foreign ministers of ASEAN member nations have expressed concern that developments in Burma ''had a serious impact on the reputation and credibility of ASEAN'';

Whereas Ibrahim Gambari, the United Nations (UN) Special Envoy to Burma, has called on the member nations of ASEAN to take additional steps on the Burma issue, saying, ''Not just Thailand but all the countries that I am visiting, India, China, Indonesia, Malaysia and the UN, we could do more'';

Whereas the ASEAN Security Community Plan of Action adopted October 7, 2003, at the ASEAN Summit in Bali states that ASEAN members ''shall promote political development . . . to achieve peace, stability, democracy, and prosperity in the region'', and specifically says that ''ASEAN Member Countries shall not condone unconstitutional and undemocratic changes of government'';

Whereas the Government of Singapore, as the current Chair of ASEAN, will host ASEAN's regional summit in November 2007 to approve ASEAN's new charter;

Whereas the current Foreign Minister of Singapore, George Yeo, has publicly expressed, ''For some time now, we had stopped trying to defend Myanmar internationally because it became no longer credible'';

Whereas, according to the chairman of the High Level Task Force charged with drafting

the new ASEAN Charter, the Charter ''will make ASEAN a more rules-based organization and . . . will put in place a system of compliance monitoring and, most importantly, a system of compulsory dispute settlement for noncompliance that will apply to all ASEAN agreements'';

Whereas upon its accession to ASEAN, Burma agreed to subscribe or accede to all ASEAN declarations, treaties, and agreements;

Whereas 2007 marks the 30th anniversary of the relationship and dialogue between the United States and ASEAN;

Whereas the Senate passed legislation in the 109th Congress that would authorize the establishment of the position of United States Ambassador for ASEAN Affairs, and the President announced in 2006 that an Ambassador would be appointed; and

Whereas ASEAN member nations and the United States share common concerns across a broad range of issues, including accelerated economic growth, social progress, cultural development, and peace and stability in the Southeast Asia region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) joins the foreign ministers of member nations of the Association of Southeast Asian Nations (ASEAN) that have expressed concern over the human rights situation in Burma;

(2) encourages ASEAN to take more substantial steps to ensure a peaceful transition to democracy in Burma;

(3) welcomes steps by ASEAN to strengthen its internal governance through the adoption of a formal ASEAN charter;

(4) urges ASEAN to ensure that all member nations live up to their membership obligations and adhere to ASEAN's core principles, including respect for and commitment to human rights; and

(5) would welcome a decision by ASEAN, consistent with its core documents and its new charter, to review Burma's membership in ASEAN and to consider appropriate disciplinary measures, including suspension, until such time as the Government of Burma has demonstrated an improved respect for and commitment to human rights.

Mrs. BOXER. Mr. President, I rise today to introduce a resolution to encourage the Association of Southeast Asian Nations, ASEAN, to take action to ensure a peaceful transition to democracy in Burma.

In late September, tens of thousands of Burmese citizens, including thousands of Buddhist monks, took to the streets to demand a return to democracy in Burma. Tragically, the world watched in horror as Burma's military junta implemented a brutal and ruthless crackdown resulting in the death of hundreds and the detention of thousands.

The current Burmese government, the State Peace and Development Council, SPDC, is a military dictatorship that refused to relinquish power even after the Burmese people voted them out in a democratic election in 1990. The winner of that election, the National League for Democracy was not allowed to take power, and its leader, Daw Aung San Suu Kyi, was placed under house arrest, where she remains today.

The world must not stay silent while the people of Burma struggle for democracy and basic human rights. We have a moral responsibility to speak out for the Burmese people who have been silenced by the junta.

The events of the last several weeks are reminiscent of the crackdown on a similar uprising in the summer of 1988, in which an estimated 3,000 people were killed. Today, the remaining leaders of that uprising, known as ''The 88 Generation Students,'' issued a letter to the Chairman of the Association of Southeast Asian Nations, asking that it ''consider suspending the SPDC's membership in ASEAN if it continues to ignore the requests of the international community.'' This resolution echos that suggestion.

ASEAN has expressed ''revulsion'' over reports that the SPDC is using deadly force to suppress demonstrators. I appreciate this strong statement. Unfortunately, it is clear that words alone are not enough to force change within Burma. Later this month, ASEAN will hold its regional summit—a prime opportunity for ASEAN to back its words with concrete action.

Yesterday, it was reported that the Buddhist monks were again marching in the streets of Burma in clear defiance of the military junta. It is time for Burma's neighbors to apply real pressure on the military government so that future violence can be avoided. I urge my colleagues to stand with the people of Burma and support this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3497. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 3498. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3963, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3497. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 117. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: '', and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term 'unborn child' means a member of the species Homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

''(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.''.

SA 3498. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 110. REQUIREMENT THAT INDIVIDUALS WHO ARE ELIGIBLE FOR CHIP AND EMPLOYER-SPONSORED COVERAGE USE THE EMPLOYER-SPONSORED COVERAGE INSTEAD OF CHIP.

Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 601(a)(1), is amended by adding at the end the following new paragraph:

''(13) REQUIREMENT REGARDING EMPLOYER-SPONSORED COVERAGE.—

''(A) IN GENERAL.—Subject to subparagraph (B), on and after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, no payment may be made under this title with respect to an individual who is eligible for coverage under a group health plan or health insurance coverage offered through an employer, either as an individual or as part of family coverage.

''(B) STATE OPTION TO OFFER PREMIUM ASSISTANCE FOR HIGH-COST PLANS.—

''(i) IN GENERAL.—In the case of an individual who is otherwise eligible for coverage under this title but for the application of subparagraph (A) and who is eligible for high-cost heath insurance coverage, a State may elect to offer a premium assistance subsidy for such coverage.

''(ii) AMOUNT.—The amount of a premium assistance subsidy under this paragraph shall be determined by the State but in no case shall exceed the lesser of—

''(I) an amount equal to the value of the coverage under this title that would otherwise apply with respect to the individual but for the application of subparagraph (A); or

''(II) an amount equal to the difference between—

''(aa) the amount of the employee's share of the premium costs for the high-cost health insurance coverage (for the family or the individual, as the case may be); and

''(bb) an amount equal to 20 percent of the total premium costs for such coverage, including both the employer and employee share, (for the family or the individual, as the case may be).

''(C) HIGH-COST HEALTH INSURANCE COVERAGE.—For purposes of this paragraph, the term 'high cost health insurance coverage' means a group health plan or health insurance coverage offered through an employer in which the employee is required to pay more than 20 percent of the premium costs.

''(D) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies under this paragraph shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, November 1, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to consider pending nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the Session of the Senate in order to conduct a hearing on the nominations of Gregory Jacob, of New Jersey, to be Solicitor of Labor for the U.S. Department of Labor, and the nomination of Howard Radzely, of Maryland, to be Deputy Secretary of Labor for the U.S. Department of Labor. The hearing will commence on Thursday, November 1, 2007, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, November 1, 2007, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct an oversight hearing on the Impact of the Flood Control Act of 1944 on Indian Tribes along the Missouri River.

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

COMMITTEE ON THE JUDICIARY

Mr. MENENDEZ. 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 an Executive Business Meeting on Thursday, November 1,2007, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Agenda

I. Bills: S. 1946, Public Corruption Prosecution Improvements Act (Leahy, Cornyn, Sessions); S. 2168, Identity Theft Enforcement and Restitution Act (Leahy, Specter, Durbin, Grassley); and S. 352, Sunshine in the Courtroom Act of 2007 (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin).

II. Nominations: John Daniel Tinder, to be United States Circuit Judge for the Seventh Circuit and Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 1, 2007 at 2:30 p.m. in order to hold a closed hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, November 1, 2007, at 2 p.m. in order to conduct a hearing entitled ''Small Business Administration: Is the 7 (a) Program Achieving Measurable Outcomes?''

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

SUBCOMMITTEE ON PRIVATE SECTOR AND CONSUMER SOLUTIONS TO GLOBAL WARMING AND WILDLIFE PROTECTION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection, be authorized to meet during the session of the Senate on Thursday, November 1, 2007, at 9 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a business meeting to consider the America's Climate Security Act of 2007, S. 2191.

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

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

APOLOGIES

Mr. REID. Mr. President, first of all, let me apologize to everyone for having a little downtime. I have been in a meeting for a couple hours with the Speaker and other Members and it was fairly intense and I could not break away to do this. I apologize for keeping everyone waiting.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2419

Mr. REID. Mr. President, I ask unanimous consent that on Monday, November 5, following the period of morning business, the Senate proceed to the consideration of Calendar No. 339, H.R. 2419, the farm bill.

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

EVENT FOR SENATORS AND SPOUSES

Mr. REID. Mr. President, there will be no vote on Monday. I remind everyone we do have an event—and people have spent a lot of time on this event—for Senators and their spouses Monday night. I would hope people would be considerate and keep that in mind. People have gone to a lot of trouble for that event, and I hope people will not let this no-vote day that is relatively new on the horizon stand in the way of attending this event and disappointing a lot of people who have worked hard to make this event for the spouses of Members. We do not get together that often. It will be a very nice evening for all of us.

CHARLES GEORGE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 2546 and the Senate proceed to its 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. 2546) to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the ''Charles George Department of Veterans Affairs Medical Center.''

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

Mr. REID. 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 any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 2546) was ordered to a third reading, was read the third time, and passed.

MEASURES READ THE FIRST TIME—S. 2293 AND S. 2294

Mr. REID. Mr. President, it is my understanding there are two bills at the desk, and I ask unanimous consent for their first reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 2293) to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax, and for other purposes.

A bill (S. 2294) to strengthen immigration enforcement and border security and for other purposes.

Mr. REID. Mr. President, I now ask for a second reading and, in order to place the bills on the calendar under rule XIV of the Senate, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider calendar Nos. 152, 357 through 370, and all nominations on the Secretary's desk; that the nominations be confirmed with the exception of the National Oceanic and Atmospheric Administration nominations; the motions to reconsider be laid on the table; the President be immediately notified of the Senate's action and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be lieutenant general

Maj. Gen. Edward A. Rice, Jr., 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Glenn F. Spears, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Carroll F. Pollett, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Benjamin R. Mixon, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David H. Huntoon, Jr., 0000

The following named officer for appointment as the Surgeon General, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3036:

To be lieutenant general

Maj. Gen. Eric B. Schoomaker, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be major general

Brig. Gen. David A. Rubenstein, 0000

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Samuel T. Helland, 0000

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Bernard J. McCullough, III, 0000

MOETROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Capt. Steven E. Day, 0000

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Capt. Kevin S. Cook, 0000
Capt. Daniel A. Neptun, 0000
Capt. Thomas P. Ostebo, 0000
Capt. Steven H. Ratti, 0000
Capt. Keith A. Taylor, 0000
Capt. James A. Watson, 0000

INTERNATIONAL MONETARY FUND

Daniel D. Heath, of New Hampshire, to be United States Alternate Executive Director of the International Monetary Fund.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Sean R. Mulvaney, of Illinois, to be an Assistant Administrator of the United States Agency for International Development.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN965 AIR FORCE nomination of Ernest Valdez, which was received by he Senate and appeared in he Congressional Record of September 27, 2007.

PN966 AIR FORCE nominations (3) beginning LAURA M. HUNTER, and ending GEORGE W. RYAN JR., which nominations were received by the Senate and appeared in the Congressional Record of September 27, 2007.

PN999 AIR FORCE nomination of Cheryl A. Kearney, which was received by the Senate and appeared in the Congressional Record of October 18, 2007.

PN1000 AIR FORCE nomination of Noel P. Kornett, which was received by the Senate and appeared in the Congressional Record of October 18, 2007.

PN1001 AIR FORCE nomination of Michael Maine Jr., which was received by the Senate and appeared in the Congressional Record of October 18, 2007.

PN1002 AIR FORCE nominations (2) beginning MICHAEL P BUTLER, and ending ROBERT CANNON, which nominations were received by the Senate and appeared in the Congressional Record of October 18, 2007.

IN THE ARMY

PN967 ARMY nomination of Max B. Bullen, which was received by the Senate and appeared in the Congressional Record of September 27, 2007.

PN969 ARMY nominations (4) beginning JOHN A. MCHENRY, and ending ALAN S. WALLER, which nominations were received by the Senate and appeared in the Congressional Record of September 27, 2007.

PN970 ARMY nominations (2) beginning EDWARD F. FREDERICK, and ending GREGORY CHARLTON, which nominations were received by the Senate and appeared in the Congressional Record of September 27, 2007.

IN THE COAST GUARD

PN981 COAST GUARD nominations (158) beginning ALBERT R. AGNICH, and ending Michael B. Zamperini, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2007.

IN THE MARINE CORPS

PN393–2 MARINE CORPS nomination of KEVIN M GONZALEZ, which was received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN957 MARINE CORPS nomination of Thomas J. Keating, which was received by the Senate and appeared in the Congressional Record of September 20, 2007.

PN971 MARINE CORPS nomination of Gerald R. Brown, which was received by the Senate and appeared in the Congressional Record of September 27, 2007.

IN THE NAVY

PN974 NAVY nomination of Stephen T. Vargo, which was received by the Senate and appeared in the Congressional Record of October 1, 2007.

PN1003 NAVY nominations (4) beginning GARY TABACH, and ending KELVIN L. REED which nominations were received by the Senate and appeared in the Congressional Record of October 18, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR FRIDAY, NOVEMBER 2, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until tomorrow morning at 10 a.m.; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that

there then be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:48 p.m., adjourned until Friday, November 2, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

CARL T. JOHNSON, OF VIRGINIA, TO BE ADMINISTRATOR OF THE PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, VICE THOMAS J. BARRETT.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JOSEPH R. CASTILLO, 0000
CAPT. DANIEL R. MAY, 0000
CAPT. PETER V. NEFFENGER, 0000
CAPT. CHARLES W. RAY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) WILLIAM D. BAUMGARTNER, 0000
REAR ADM. (LH) MANSON K. BROWN, 0000
REAR ADM. (LH) CYNTHIA A. COOGAN, 0000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be ensign

LLIAN G. K. BREEN
KYLE A. BYERS
PAUL M. CHAMBERLAIN
ANDREW R. COLEGROVE
JULIE L. EARP
HAROLD B. EMMONS III
LOREN M. EVORY
LAURA T. GALLANT
PATRICK B. K. JORGENSEN
COLIN T. KLIEWER
NICHOLAS C. MORGAN
MICHAEL W. O'NEAL
ANDREW J. OSTAPENKO
JEFFREY G. PEREIRA
PATRICK M. SWEENEY
ANNA-ELIZABETH B. VILLARD-HOWE

FOREIGN SERVICE

THE FOLLOWING NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JEFFERY A. LIFUR, OF NEVADA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

SABINUS FYNE ANAELE, OF TEXAS
YOHANNES A. ARAYA, OF VIRGINIA
JEFF RICHARD BRYAN, OF FLORIDA
SAMUEL CARTER, JR., OF VIRGINIA
THADDEUS S. CORLEY, OF NEVADA
LINDA S. CRAWFORD, OF FLORIDA
MATTHEW R. DRAKE, OF CALIFORNIA
STEVEN DEVANE EDMINSTER, OF MARYLAND
STEVEN M. FONDRIEST, OF THE DISTRICT OF COLUMBIA
WAYNE A. FRANK, OF HAWAII
JEFFERY T. GOEBEL, OF THE DISTRICT OF COLUMBIA
DAVID GOSNEY, OF CALIFORNIA
STEPHEN F. HERBALY, OF MONTANA
NICHOLAS B. HIGGINS, OF THE DISTRICT OF COLUMBIA
HUSSAIN WAHEED IMAM, OF VIRGINIA
MICHELLE A. JENNINGS, OF CALIFORNIA
MELISSA A. JONES, OF CALIFORNIA
TERENCE ERNEST JONES, OF FLORIDA
JESSICA J. JORDAN, OF FLORIDA
ERIN AUSTIN KRASIK, OF OHIO
AKUA N. KWATENG-ADDO, OF MARYLAND
LISA MAGNO, OF VIRGINIA
MICHAEL RICHARD MCCORD, OF MARYLAND
ERIN NICHOLSON PACIFIC, OF THE DISTRICT OF COLUMBIA
SHEILA R. ROQUITTE, OF WASHINGTON
DANIEL SANCHEZ-BUSTAMANTE, OF MARYLAND
NANCY M. SHALALA, OF NEW JERSEY
JEFFRY B. SHARP, OF ILLINOIS
JASON KENNEDY SINGER, OF THE DISTRICT OF COLUMBIA
KATHYRINE R. SOLIVEN, OF MARYLAND
MICHAEL B. STEWART, OF SOUTH DAKOTA
AYE AYE THWIN, OF VIRGINIA
SARA R. WALTER, OF KANSAS
JAMES MATTHEW PYE WEATHERILL, OF NEW JERSEY

THE FOLLOWING NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

THOMAS P. CASSIDY III, OF TEXAS
TANYA COLE, OF CALIFORNIA
NASIR KHAN, OF VIRGINIA
ASHLEY MILLER, OF MARYLAND
BRIAN D. ADKINS, OF OHIO
NUSHIN SADIK ALLOO, OF CALIFORNIA
LAURA E. ANDERSON, OF SOUTH CAROLINA
KATHLEEN N. ASTORITA, OF VIRGINIA
ALFREDO AYUSO, OF VIRGINIA
ADAM CHRISTOPHER BACON, OF VIRGINIA
ALEXANDER M. BAILEY, OF VIRGINIA
JENNIFER M. BAILEY, OF VIRGINIA
STEVEN C. BARLOW, OF VIRGINIA
JOSEPH GEORGE BERGEN, OF SOUTH CAROLINA
JAMES T. BERRY, OF VIRGINIA
SARAH E BOBBIN, OF VIRGINIA
DARREN PAUL BOLOGNA, OF VIRGINIA
BRIAN ANDREW BRESNAN, OF VIRGINIA
KENDRICK BENNETT BROWN, OF VIRGINIA
MARCY S BROWN, OF NEW YORK
MATTHEW CRANE BUFFINGTON, OF UTAH
MEAGAN CALL, OF NEW MEXICO
ANNE M. CAMUS, OF VIRGINIA
LINDSAY K. CAMPBELL, OF MARYLAND
DEAN D. CARAS, OF THE DISTRICT OF COLUMBIA
JAMES MICHAEL CICHON, OF VIRGINIA
WILLIAM PERCY COBB, JR., OF THE DISTRICT OF COLUMBIA
HENRY CLAY CONSTANTINE IV, OF VIRGINIA
CHRISTOPHER L. COOK, OF TEXAS
L.A. CORDERO, OF CALIFORNIA
ANDREA D. COREY, OF COLORADO
BRIAN F. CORTEVILLE, OF MICHIGAN
JEFFREY A. COURTEMANCHE, OF VIRGINIA
ANGELA VERNET DALRYMPLE, OF NEW YORK
RALPH DIXON III, OF VIRGINIA
MEERA DORAISWAMY, OF VIRGINIA
DAMON DUBORD, OF THE DISTRICT OF COLUMBIA
KHASHAYAR GHASHGHAI, OF TEXAS
FONTA J. GILLIAM, OF NORTH CAROLINA
SANDRINE SUSAN GOFFARD, OF FLORIDA
ANDREA LAUREN GOTTLICH, OF KANSAS
TERESA L. GRANTHAM, OF ARIZONA
ANDREA G. HALL, OF VIRGINIA
THOMAS NEAL HALPHEN, OF LOUISIANA
HARRY J. HANDLIN, OF MARYLAND
KATHRYN HARTMERE, OF MARYLAND
BRENDAN KYLE HATCHER, OF TENNESSEE
HEIDI S. HATTENBACH, OF COLORADO
CRISTIN HEINBECK, OF MICHIGAN
PRASHANT HEMADY, OF PENNSYLVANIA
JACQUELYN E. HENDERSON, OF INDIANA
ANNALIS HERMANN, OF VIRGINIA
NORMA C. HERNANDEZ, OF CALIFORNIA
ROY ARTURO HINES, OF CALIFORNIA
WINIFRED LOOP HOFSTETTER, OF COLORADO
MARK W. HOPKINS, OF VIRGINIA
CHARLES PHILLIP HORNBOSTEL, OF VIRGINIA
MATTHEW LANE HORNER, OF OREGON
ERIC S. HUGULEY, OF MARYLAND
FRANCINE I. KALNOSKE, OF MARYLAND
ZORAIDA TARIFA KELLEY, OF VIRGINIA
JAMES SEAN KENNEDY, OF CALIFORNIA
COLLEEN M. KENNING, OF THE DISTRICT OF COLUMBIA
ANNA M. KLIMASZEWSKA, OF VIRGINIA
RACHEL R KUTZLEY, OF OHIO
TYE M. LAGEMAN, OF VIRGINIA
JAMES G. LANKFORD, OF TEXAS
ERIC JAMES LEGALLAIS, OF VIRGINIA
MARIA DEL CARMEN LIAUTAUD, OF VIRGINIA
BRIAN JAY LUSTER, OF VIRGINIA
MARGARET GRACE MACLEOD, OF NEW YORK
DENISE M. MALONE, OF FLORIDA
JEFF D. MALSAM, OF VIRGINIA
AMANDA JOY MANSOUR, OF THE DISTRICT OF COLUMBIA
SARA ELIZABETH MARTZ, OF VIRGINIA
PAMELA S. MILLER, OF VIRGINIA
JAMES ALEXANDER MOORE, OF VIRGINIA
MATTHEW A. MORROW, OF OHIO
VICTOR G. MYERS, OF MARYLAND
VICTORIA A. NESTOR, OF PENNSYLVANIA
TYLER ROSS NICHOLES, OF VIRGINIA
SIOBHAN COLBY OAT-JUDGE, OF CONNECTICUT
CRAIG P. OSTH, OF VIRGINIA
STEVEN LYNN OVARD, OF UTAH
MATTHEW R. PETERSEN, OF VIRGINIA
GARRY PIERROT, OF FLORIDA
SHARON L. POLLARD, OF VIRGINIA
KATHRYN E. PORTER, OF ALABAMA
BRANDON POSSIN, OF WISCONSIN
RACHEL E. QUIROGA, OF VIRGINIA
AMY J. REARDON, OF WASHINGTON
RICHARD N. REILLY, OF FLORIDA
CHARLES A. REYNOLDS, OF GEORGIA
DAVID REYNOLDS, OF RHODE ISLAND
KRISTIN MARIE ROBERTS, OF VIRGINIA
MICHAEL ROSENTHAL, OF THE DISTRICT OF COLUMBIA
LINDSEY L. ROTHENBERG, OF THE DISTRICT OF COLUMBIA
SAMUEL FLOM ROTHENBERG, OF THE DISTRICT OF COLUMBIA
SARAH A. SADOW, OF VIRGINIA
ALEXANDER RAFAEL SCHAPER, OF VIRGINIA
JACOB TAYLOR SCHULTZ, OF FLORIDA
FRANK ERICK SELLIN, OF VIRGINIA
AMI U. SHAH, OF NEW JERSEY
PHILIP LEE SHAW, OF VIRGINIA
DAVID C. SHIAO, OF VIRGINIA
BETH NICHOLE SKUBIS, OF VIRGINIA
RHONDA LYNN SLUSHER, OF KANSAS
LACHRISHA D. SMITH, OF MARYLAND
JOHN STEVEN SOLTYS, OF VIRGINIA
JONATHAN W. SPITZER, OF VIRGINIA
KIMBERLY M STROLLO, OF FLORIDA
NIKHIL P. SUDAME, OF CONNECTICUT
ERIN P. SWEENEY, OF NEW JERSEY
MICHAEL J. SWEET, OF VIRGINIA
JUSTEN ALLEN THOMAS, OF WISCONSIN
SCOTT VANBEUGE, OF WASHINGTON
NANCY TAYLOR VANHORN, OF TEXAS
MARLAN C. WALKER, OF UTAH
DINEEN B. WILLATS, OF VIRGINIA
TIMOTHY LEE WITKIEWICZ, OF VIRGINIA
DANIEL WALLACE WRIGHT, OF VIRGINIA
KEVIN S. YATES, OF NORTH CAROLINA
ZAINAB ZAID, OF MARYLAND
MARWA ZEINI, OF FLORIDA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS F. METZ, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1211:

To be captain

MICHAEL V. SIEBERT, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

BRIAN D. ONEIL, 0000
MARK D. ROSE, 0000
FRANK R. VIDAL, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ANTHONY BARBER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

TIM C. LAWSON, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD D. FOX II, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN G. GOULET, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID L. PATTEN, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

MARK J. BENEDICT, 0000

REBECCA CARTER, 0000
KEVIN R. CASEY, 0000
RICHARD H. COOPER, 0000
RONALD D. DANIEL, 0000
JAMES V. DICROCCO III, 0000
LISTON L. EDGE, 0000
ORLANDO GUZMAN, 0000
ROGER L. HALL, 0000
MICHELLE HAMMOND, 0000
CHARLES E. JENKINS, 0000
ALAN S. KLYAP, 0000
JAMES W. MARSHALL III, 0000
GREGORY C. MCMAHAN, 0000
DANA M. MONTGOMERY, 0000
EDWIN MOTT, 0000
TOMMY L. NORRIS, 0000
JIMMY W. ORRICK, 0000
DAVID F. RITTER, 0000
GREGORY B. RIZZO, 0000
DAVID RUFF, 0000
NOAH K. STRONG, 0000

To be major

CYNTHIA J. BLEVINS, 0000
CHRISTOPHER S. BOU, 0000
RICARDO A. BRAVO, 0000
JAMES F. CARLISLE, 0000
COLEEN CARR, 0000
MICHELLE F. CLARK, 0000
ERIC J. DUCKWORTH, 0000
SHAWN F. FERNANDEZ, 0000
DONALD L. GROOM, 0000
DWAYNE H. HAMASAKI, 0000
ROBERT J. HOBBS, 0000
JACQUELINE E. HUBBARD, 0000
WANDA I. HUDDLESTON, 0000
BYRON K. JACKSON, 0000
WILLIE J. JACKSON, 0000
BRENT A. KAUFFMAN, 0000
ROBERT E. KJELDEN, 0000
MERRELL D. KNIGHT, 0000
ERIC D. LITTLE, 0000
ANDREW J. OLMSTED, 0000
MATTHEW J. OPALINSKI, 0000
GROVER W. PRICE, 0000
GEORGE M. SELF, 0000
STEVEN E. SEXTON, 0000
DAVID L. SOERGEL, 0000
TIMOTHY R. TEAGUE, 0000
JOSEPH M. TORRES, 0000
SCOTT D. VERVISCH, 0000
GUSTAV D. WATERHOUSE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MELVIN L. CHATTMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

DANA R. BROWN, 0000
JOSEPH E. CLEARY, 0000
BYRON W. LAWSON, 0000
JOHN J. LYNCH II, 0000
DAVID T. MIHOCKO, 0000
RICHARD E. NUTT, 0000
MARK R. REID, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JULIAN D. ARELLANO, 0000
MATTHEW T. ARMSTRONG, 0000
JOSEPH A. BAGGETT, 0000
ROBERTO A. BARBOSA, 0000
JASON BIRCH, 0000
JOHN R. BOWEN, 0000
LEE C. BROWN, 0000
RUSSELL D. BROWN, 0000
MILTON BUTLER III, 0000
DAVID C. CHEVRETTE, 0000
SCOTT M. CHIEREPKO, 0000
GILBERT E. CLARK, JR., 0000
CHRISTINA L. DALMAU, 0000
SEAN P. DONAGHAY, 0000
JARROD D. DONALDSON, 0000
PAUL S. DORRIS, 0000
DARREN T. DUGAN, 0000
ROGER C. FERGUSON, 0000
CHRISTOPHER J. GOELZE, 0000
ERIC C. GREIFENBERGER, 0000
GARY A. HARRINGTON II, 0000
GEORGE A. HOWELL, 0000
JOHN M. JONES, 0000
ALAN D. KENEIPP, 0000
VINCENT S. KING, 0000
GEORGE S. KOONS, 0000
KARL W. KRAUT, 0000
WILLIAM LAMPING III, 0000
JOSEPH L. LEPPO, 0000
CHRISTOPHER E. MARVIN, 0000
KEVIN P. MEEHAN, 0000
JOSHUA M. MENZEL, 0000
STEVEN F. MILGAZO, 0000
JASON L. MILLER, 0000
DIOMEDES L. MIRANDA, 0000
JAY J. MOORE, 0000
MARK OCONNELL, 0000
DAVID M. OLIVER, 0000
CHAD A. PARVIN, 0000
AARON C. PETERSON, 0000
CHRISTOPHER RIERSON, 0000
DARYL ROBBIN, 0000
MARTIN L. ROBERTSON, 0000
CRAIG R. SADRACK, 0000
BRIAN M. SANTIROSA, 0000
JUSTIN A. SARLESE, 0000
JON P. SCHAFFNER, 0000
MARTIN D. SHARPE, 0000
COLBY W. SHERWOOD, 0000
CHARLES A. SMITH, JR., 0000
JOHN A. STAHLEY II, 0000
BRETT J. STERNECKERT, 0000
SETH A. STONE, 0000
MARK J. STROMBERG, 0000
MEGAN A. THOMAS, 0000
MATTHEW A. WIENS, 0000
WILLIAM H. WILEY, 0000
SHAWN T. WILLIAM, 0000
JOHN C. WITTE, 0000
JARED W. WYRICK, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, November 1, 2007:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

CHARLES DARWIN SNELLING, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2012.

ROBERT CLARKE BROWN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 2011.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. STEVEN E. DAY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. KEVIN S. COOK, 0000
CAPT. DANIEL A. NEPTUN, 0000
CAPT. THOMAS P. OSTEBO, 0000
CAPT. STEVEN H. RATTI, 0000
CAPT. KEITH A. TAYLOR, 0000
CAPT. JAMES A. WATSON, 0000

INTERNATIONAL MONETARY FUND

DANIEL D. HEATH, OF NEW HAMPSHIRE, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

SEAN R. MULVANEY, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EDWARD A. RICE, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GLENN F. SPEARS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CARROLL F. POLLETT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BENJAMIN R. MIXON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID H. HUNTOON, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

MAJ. GEN. ERIC B. SCHOOMAKER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major general

BRIG. GEN. DAVID A. RUBENSTEIN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SAMUEL T. HELLAND, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BERNARD J. MCCULLOUGH III, 0000

IN THE AIR FORCE

AIR FORCE NOMINATION OF ERNEST VALDEZ, 0000, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH LAURA M. HUNTER AND ENDING WITH GEORGE W. RYAN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 27, 2007.

AIR FORCE NOMINATION OF CHERYL A. KEARNEY, 0000, TO BE COLONEL.

AIR FORCE NOMINATION OF NOEL P. KORNETT, 0000, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF MICHAEL MAINE, JR., 0000, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL T. BUTLER AND ENDING WITH ROBERT CANNON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 18, 2007.

IN THE ARMY

ARMY NOMINATION OF MAX B. BULLEN, 0000, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOHN A. MCHENRY AND ENDING WITH ALAN S. WALLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 27, 2007.

ARMY NOMINATIONS BEGINNING WITH EDWARD F. FREDERICK AND ENDING WITH GREGORY CHARLTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 27, 2007.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH ALBERT R. AGNICH AND ENDING WITH MICHAEL B. ZAMPERINI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF KEVIN M. GONZALEZ, 0000, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF THOMAS J. KEATING, 0000, TO BE COLONEL.

MARINE CORPS NOMINATION OF GERALD R. BROWN, 0000, TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF STEPHEN T. VARGO, 0000, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH GARY TABACH AND ENDING WITH KELVIN L. REED, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 18, 2007.