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

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
Heavenly Father, You are our fortress and shield. Your laws guide us, and Your teachings protect us. Your way is perfect, and Your word is true. You sent Your Son to serve and not to be served. Bless all who follow in his steps, giving themselves to serve others with wisdom, patience, and courage.
As our Senators seek to serve, empower them to minister in Your Name to the suffering, the friendless, and the needy. Give them wisdom and strength for this day, that they may dispose of their responsibilities in ways that honor You. Help them in all their relationships to be constructive and edifying, speaking words that will bring life and not death. Empower them to find joy in their work, despite pressure and opposition.
We pray in the Name of Him who laid down his life for us all. Amen.

PLEDGE OF ALLEGIANCE
The Honorable CLAIRE MCCASKILL led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).
The legislative clerk read the following letter:
U.S. SENATE,
PRESIDENT PRO TEMPORE,
To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CLAIRE MCCASKILL, a

NOTICE
If the 110th Congress, 1st Session, adjourns sine die on or before December 21, 2007, a final issue of the Congressional Record for the 110th Congress, 1st Session, will be published on Friday, December 28, 2007, in order to permit Members to revise and extend their remarks.
All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 27. The final issue will be dated Friday, December 28, 2007, and will be delivered on Wednesday, January 2, 2008.
None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.
Senators’ statements should also be formatted according to the instructions at http://webster/secretary/cong_record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at “Record@Sec.Senate.gov”.
Members of the House of Representatives’ statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.
Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.
By order of the Joint Committee on Printing.

ROBERT A. BRADY, Chairman.
Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD, President pro tempore.

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

The ACTING PRESIDENT pro tempore. The minority leader.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MAJORITY LEADER

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

HONORING SENATOR TRENT LOTT

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

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

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

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

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

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

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

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

RECOGNITION OF THE MINORITY LEADER

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

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

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

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

One time, when TRENT was a young Congressman, a constituent called his office to have his trash removed. When TRENT asked why he hadn’t called the town supervisor first, the man replied that he didn’t want to start that high. Nobody ever saw TRENT LOTT as a Congressman or a Senator. To them, he was just TRENT. As he vowed last month, that commitment to the people of Mississippi does not end here. “I will work hard for the State, the last day I am in the Senate,” he said, “and I will work hard for this State until the last day I am alive.”

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

TRENT LOTT is a true legislator. In all my dealings with him here in the Senate, the omnibus spending bill. That is not negative. That is positive. That was available to a blue-collar kid growing up along the gulf coast in 1950s America.

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

Of course, TRENT’s reputation for neatness outlasted high school. It has been the source of a lot of jokes over the years. But some of those jokes really are not fair. It is not true, for example, that TRENT arranges his sock drawer according to color every day.

He is perfectly content to do it once a week—black on one side, blue on the other.

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

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

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

Then it was on to law school and marriage and private practice. Then, in the winter of 1968, a surprise phone call
came that changed absolutely everything. It was TRENT’s Congressman, Bill Colmer. He wanted to know if TRENT would be interested in a job as his top staffer in Washington.

It was a tough decision. TRENT had never thought of coming here, and the money was not good. But it seemed like a good opportunity. And, as TRENT says, he never made a choice in his life based on finances. So he took it. And Tricia was behind him all the way.

That spring, they packed everything they owned back into their Pontiac and headed north. It was the first of many gambles that would pay off for TRENT Lott.

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

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

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

Buoyed by the Nixon landslide and a last-minute endorsement by his boss, he won. And so at 32, TRENT had achieved what so many others in this country have experienced: the realization, through wits and hard work, of an outrageous dream. The boy from Pascagoula would return to Washington as the gentleman from Mississippi—a cigar. Missouri oak. So armed with a reputation for honesty, charm, wits, and a group of trusted soldiers—including an Arizona lawyer named Jon Kyl and a young former Maine congressman named Olympia Snowe—he turned minority Republicans into a potent legislative force, ensuring some of the biggest victories of the Reagan revolution.

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

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

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

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

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

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

Looking back on his beginnings, it is astonishing to think of how far the son of Chester and Iona Lott has come. He leaves this place with a remarkable 36-year record of accomplishment of which he can be justly proud and scores of admirers from across the ideological spectrum. He will leave a mark on this institution that long outlasts the political fights of the day.

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

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

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

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

The assistant legislative clerk read as follows:

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

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

Mr. McCONNELL. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be waived.

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

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

The resolution, with its preamble, reads as follows:

S. Res. 409
Whereas Chester Trent Lott, a United States Senator from Mississippi, was born to Chester and Iona Watson Lott on October 9, 1941, in Grenada, Mississippi;
Whereas Trent Lott was raised in Pascagoula, Mississippi, attended public schools, and excelled in baseball, band, the arts, and student government;
Whereas after graduating from Pascagoula High School, where he met his future wife, Mary Sigourney Lott, and played in the band, he matriculated in the University of Mississippi in 1963;
Whereas Trent Lott pledged Sigma Nu, rising to become its president; formed a singing quartet known as The Chancellors; and was elected “head cheerleader” of the Ole Miss football team;
Whereas upon graduating college, Trent Lott enrolled in the University of Mississippi Law School in 1963, excelling in moot court and as president of the Phi Alpha Delta legal fraternity;
Whereas upon graduating from law school in 1967, Trent Lott practiced law in Pascagoula, then served as administrative assistant to United States Representative W.J. Colmer until 1972;
Whereas upon Congressman Colmer’s retirement, Trent Lott was elected to replace him in November 1972 as a Republican representing Mississippi’s Fifth District;
Whereas Trent Lott was reelected by the voters of the Fifth District to seven succeeding terms, rising to the position of minority whip and serving in that role with distinction from 1981 to 1989;
Whereas Trent Lott was elected to the U.S. Senate in 1988 and reelected three times, serving as chairman of the Senate Committee on Rules and Administration from 2003 to 2006;
Mr. COCHRAN. Madam President, when I think of Trey, it is more than just the man I met when I was a teenager and that is where our obligation lies. It was because Trent was so good, in many ways. I was halfway around the world when he died obviously. I was halfway around the world, but I was so proud of the example my first leader set. It is the golden standard, and from a Crescent City Democrat to a Little Rock Democrat to a St. Louis democrat, to a Little Rock Democrat to a Memphis Democrat to a Little Rock Democrat to a little guy from Louisiana, it is something I can only describe in memory of what he meant to me. In a word, he is a Model, he is a role model. He is a tireless and resolute advocate for causes and issues which he decides to support. In a word, he is a winner. He gets things done.

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

The ACTING PRESIDENT pro tempore of the Senate from Oregon, Mr. SMITH. Madam President, I have been privileged to serve as a U.S. Senator now going into the 12th year of a second term. In all 12 of those years, it has been for me a great privilege and a high honor to serve as a colleague of Trent Lott.

Over the course of those 12 years, Trent Lott has told me many times that he has visited every State in the Union except Oregon. Notwithstanding the exigencies of politics caused a great injustice to him. He was a loyal and dedicated supporter of the U.S. House and the Senate. They have certified him as a leader, my first leader. I thought of him as something much more. I thought of him as a friend and as a father figure. I recalled on that occasion words I spoke regarding my own father at his funeral that seemed to define the man I called my mentor, the man I called my leader. They are words that were put into the mouth of the character Anthony by the great writer Shakespeare. Shakespeare said of Caesar, when Caesar had fallen, these words: Life's gentle and the elements so mixed in him that nature might stand up and say to all the world: this was a man.

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

Whereas Trent Lott was chosen by his colleagues to serve as Minority Whip for the 104th Congress, then chosen by his State Republican colleagues to serve as Majority Whip for the 105th Congress, elected by the American People; Whereas he has drawn strength and support in a life of high achievement and high responsibility from his faith, his beloved wife Tricia, their children, Tyler and Chet, and their grandchildren; Now, therefore, be it Resolved, That the Senate:

Notes with deep appreciation the retirement of Chester Trent Lott;

Extends its best wishes to Trent Lott and of the American People;

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

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

We became friends right away. We were the first Republicans elected from our districts in Mississippi since the Reconstruction period following the Civil War. In due course, we were elected to serve in this body, and we have worked together over the years on the many challenges that have confronted our State.

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

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

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

I know TRENT must be feeling mixed emotions as he leaves the Senate. I can assure my fellow whip he has left a mark and will be remembered for a long time, not for seersucker Thursdays. No, I think one will recall LOTT and the Senate of the early 21st century. LOTT is a politician who has known how to work effectively and foster relationships with colleagues from both parties—resulted in his numerous tri-color friendships in the Senate. In his first year as leader, he personally led his colleagues to pass two landmark legislative items: Welfare reform and the budget compromise, which resulted in the first balanced budgets with surplus in 30 years.

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

Similar to so many who looked out of the Gulf, the Lott's lost everything that day—everything but life and love and the faith that gives to them both a meaning that no storm can wash away. In the years since, the victims of Katrina have had no more passionate advocates than TRENT and Tricia Lott. No one has worked harder, longer, to ensure that we honor the promises made to our fellow men and women along the Gulf Coast. As the mayor of Gulfport said about TRENT: "Although suffering catastrophic personal losses himself, he has tirelessly fought our battles and won our wars for us time and again. He has been recognized in every corner of our great State and the pages of history will reflect the honor and service of the Senator from Pascagoula who restored hope in the hearts of the brave.

I would add I have great respect for Tricia’s enormous efforts to provide needed supplies and hope to the Katrina victims. Houses, we have learned, are vulnerable to the fury of nature. Supremacy in politicians is even more transitory. Majorities shift similar to the sands of Biloxi. But some things endure. Honor endures. True leadership generates its own claim to posterity’s gratitude. That is the stuff of statesmanship, and that is the essence of TRENT LOTT.

The gentleman from Mississippi has had a lengthy and purpose-driven career in this institution. I can remember the first time I met Senator Eastland as a citizen newly elected to the Senate, when nobody thought I was going to make it. I was invited into his office and he did indeed offer me a cigar. I said: “Well, I am sorry, sir. My faith does not permit me to smoke.” He said: “Well, then, have a drink.” I replied: “Well, sorry, sir, but my faith doesn’t permit me to drink.” Senator Eastland then exclaimed very loudly: “What the expletive is the matter with you Mormons?”

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

Let me say this: I have such admiration for Senator LOTT and his wife Tricia and for the love and respect they have shown to all of us and this institution, and for all of their hard work. It is no secret that I bitterly resent the way Senator LOTT was treated after Senator Strom Thurmond’s 100th birthday party, but I examined it was hitting below the belt. It would have crushed any one of us to go through what he went through, facing such harsh attacks knowing that he certainly did not mean to say what others tried to put in his mouth. But TRENT fought his way back, kept his head high, became a friend to everybody in the Senate again the very next day, and, of course, won the respect of virtually everybody who has ever known him or what he stands for. He has the respect of gentlemen, two strong, tough people. But, they are also two people who have shown respect for this body and all of its members in ways that not many others have.

All I can say is I wish Senator LOTT and Tricia the best of luck in all of their future endeavors. While I am certain he will be an asset to any effort...
with which he becomes involved, I am equally certain the Senate is going to be a lesser place without him.

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

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

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

The ACTING PRESIDENT pro tempore, Mr. SPECTER, from Pennsylvania.

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

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

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

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

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

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

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

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

TRENT LOTT has been serving almost his entire adult life. The people of Mississippi, the people of America, his colleagues in the House and Senate, and I have been honored to serve with TRENT for 21 years. I have learned a lot. Most importantly, I have enjoyed my time with TRENT, especially quiet times. Now it is time to serve his family more in accordance with his priorities, and no one can argue that he has not earned that right.

So TRENT LOTT, a man for all seasons—Representative, Senator, serv- ant, leader, husband, father, and grandfather, proud American and Mississippi- pian and friend—thank you. God bless you.

The ACTING PRESIDENT pro tempore, the Senator from Pennsylvania.

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

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

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

(Laughter.)

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

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

I want you to know how much I treasure the relationship we have had. You have a great future. For you and your family, you are probably doing the right thing. For us, it is going to be a real loss. I want you to know how much I enjoyed the times we had so much. I think the seersucker quite equals you, TRENT LOTT. For me, a westerner, to see a school teacher mother Iona. TRENT at- tended high school which in later
years would bare his name, the Trent Lott Middle School. Lott went to the University of Mississippi where he achieved an undergraduate degree in public administration in 1965 and a law degree in 1967. During his time at college he met his wife Patricia Thompson in December 1964. To gether the couple had a son and a daughter, Chester and Tyler.

After graduating from law school, Trent began a law practice in Pascagoula, MS, but leaving after less than a year when he was offered a job working in Washington as an administrative assistant for Congressman William Colmer, a Mississippi Democrat. When Congressman Colmer announced his retirement from the House of Representatves, Trent Lott announced his candidacy as a Republican to seek his seat. His candidacy as a Republican to seek a vacancy in the Senate for the past 13 years would mark a series of extraordinary moments in history as Trent Lott begins his career as a legislator and a negotiator, major
duty position, never conceding, and frequently advocating, but always understanding.

If there is one thing this body lacks, it is a sense of accommodation. That is evident by anybody who will take a look at the record. I have had the privilege of serving with Trent in the Senate for the past 19 years. I have watched him throughout his Senate career develop into a strong and effective leader, mastering the art of compromise, a feat which is hard to accomplish in these times. His qualities served Trent well as he climbed the ranks in House and Senate leadership. He served as House minority whip from 1981 to 1989; Senate majority whip for 5 months in 1995; and in June of 1999, he succeeded my good friend, Senator Bob Dole, to become the 16th majority leader of the Senate. Trent served a brief stint as minority leader after the 2000 elections produced a 50-50 split in the Senate, with Vice President Dick Cheney still being the tiebreaker. As the Bush administration came into office, with Vice President Dick Cheney now being the tiebreaker, control went back to the Republicans and Trent resumed his duties as majority leader. Later in 2001, Trent would once again become Minority Leader as Senator Jim Jeffords, a Republican from Vermont, became an Independent and caucused with the Democrats, allowing them to regain the majority. Namely, Trent moved to leave the Senate while serving in his most recent leadership position; he was elected this Congress to serve as the Republican whip. Senator Trent Lott is the first person to have served as whip in both Houses of Congress.

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

Aside from a distinguished career as majority leader, Senator Lott has been a champion for his State of Mississippi. Recognizing that the top priorities in Mississippi are an expanded transportation system and innovative education, Trent time and time again proved to the people of his State his ability to deliver. He has secured Federal funding to improve Mississippi’s transportation expansion and has more than doubled research funding for Mississippi’s public universities. Recognizing Trent’s leadership through public initiatives, such as the Welfare Reform Act of 1996 and bringing balance to the Federal budget for the first time since 1968, were both accomplished under Trent’s leadership. However, I was most impressed with the role Trent played in the impeachment proceedings for President Bill Clinton. Lott spent many hours with him during this difficult time in our country’s history was an experience I will always remember.

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

I am pleased to join in this tribute to Senator Lott. My only regret is that it is occurring years too soon. I would characterize Trent’s attributes, among many, as his talent, his character, and his flair. He has brought to this body enormous intellectual capacity and great street smarts. Ordinarily, the two do not go together, but with Trent, they have been united to the great benefit of the body.

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

At our Tuesday luncheons, the way he moves around from table to table, it was almost as if he were in Club 21. Here again, moving in and out with a great deal of speed and, again, the conversations and what I surmise at some distance is the speed and alacrity of Trent Lott. It is the great problem with our body is there are not enough deal makers. Not enough Senators willing to come to an accommodation. It is an understanding of the varied points of view.

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

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

Just a word or two about his character. I attended the 100th birthday party of Senator Thurmond on December 4, 2002. I have seen many comments blasted vastly out of proportion during my tenure in the Senate and before, but never have I seen one blown as much out of proportion as that one was. And I said so at the time. My record on civil rights is one which no one yet has questioned. What Senator Lott said was in no means out of line. And then to continue in the Senate and move as a Member without leadership credentials was to his enormous credit. Then to come back and to run for another leadership position and be successful was in the greatest tradition of the Phoenix rising from the ashes. I have seen many greater display of character in this body in the time I have been here.

Then there is the matter of flair, which this body needs more of. Always a smile, always a pat on the back, always the joviality, and the great tradition of seersucker Thursday. It is always an interesting time when people come, not recognizing seersucker Thursday. One day, our leader, Bill Frist, went out and bought a suit—and I have a picture hanging proudly in my office—and fixed the trousers adjusted, and the highlight of the picture is the unadjusted trousers of one of our Senate colleagues.
Let me end on a note which I have debated whether I should comment about, but it is relevant because of the response TRENT made to a short story I told recently at the celebrity comedy evening. I doffed off an old story from mayor Bill Daley at the 1968 convention on the subject of the Constitution. I told the story of how I had lost to Mr. REED, the subject of the story. It went to the effect that when TRENT came back to the Senate after the losses in Mississippi, he was devastated and very glum.

I approached him on the Senate floor and said TRENT, why are you so unhappy? What is wrong?

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

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

Well, that little bit of joviality at TRENT’s expense was met with his approaching me on the floor—and this part of the story is true and what makes it perhaps relevant to these comments—and with a scowl on his face, he said: ARLEN, I thought you and I were friends. We have been in this body a long time together. Now I hear you are going to miss me very much. He has made a great contribution. When TRENT decided there was another course for him and his family, I had great respect for him. And for him and his family, I had great respect for that decision as I have great respect for him.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I had an opportunity to hear the first half hour of this tribute to Senator LOTT and I was going to miss him very much. He has made a great contribution. When TRENT decided there was another course for him and his family, I had great respect for that decision as I have great respect for him.

I think most of the tribute I heard praised Senator LOTT for making the Senate work, the process of the Senate, and that he has helped move things through the Senate, making the Senate a great part of our institution of self-government, and he does that. But I would like to talk about the substance of policy I have seen Senator LOTT bring to the Senate, as well as talking about the change in the Senate after the losses in Mississippi, he was devastated and very glum.

I met my friend TRENT LOTT when I was elected to the House of Represent-
There is no question that it speaks volumes about his dedication and commitment to his beloved State of Mississippi when he could not and would not leave the Senate until his State found solid ground and footing in the aftermath of the horrific devastation of Hurricane Katrina.

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

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

I saw firsthand his masterful skills as minority whip when he was elected in 1981. In 1982, he raised a few eyebrows when this conservative man from the South named a centrist woman from Maine as his chief deputy whip. That was groundbreaking at the time because it was the first Republican woman to serve in that capacity. But in 1981, we only had 192 Republicans in the House, and Trent demonstrated his legendary abilities to cross party lines, secure the votes, and was so instrumental to instituting President Reagan’s agenda. So it was no surprise that President Reagan would frequently call Trent and his whip organization to the White House, because he knew Trent was central and crucial to the House and Senate. He forged the template for reaching out and solving problems, strengthening the respective institutions in which he served.

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

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

As he says himself, he is a congenital doer, who wants to solve the problems of this great Nation.

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

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

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

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

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

To the Senator from Mississippi, Senator LOTT, you have been a pivotal and powerful force for the good long and true welfare of our country. The ACTING PRESIDENT pro tempore, the Senator from Michigan, is recognized.

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

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

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

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

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

I rise today to congratulate you, to thank you, to wish you and Tricia and your children and grandchildren nothing but happiness as you move to the
next chapter of what I am sure will continue to be a very meaningful and exciting life.

The ACTING PRESIDENT pro tempore, The Senator from Utah.

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

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

Having married younger women, this means to me how young we will smell perfume instead of liniment.

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

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

Second: As a freshman Senator who was sworn in as Senators. He introduced me to his child bride and I introduced him to mine. He made the Simpson-like comment. He said:

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

About 6 weeks ago, TRENT and Tricia invited money, me, and the Gregg to their home outside Jackson. We spent a weekend. It was following up a nice weekend we had had in the mountains of Tennessee sometime earlier. Most of the remarks today have been about the Senate, but it is more fun to see him in Mississippi. Going through the airport, every single woman in the airport in Mississippi wanted to talk to TRENT LOTT, and he talked to them all of the way to Jackson.

To see the number of buildings in Mississippi already named after him—and he is not even dead yet—and to see the beautiful home they have outside Jackson and the beautiful home they have outside Jackson. We spent a weekend. It was the year in Mississippi than it was on the floor already—that it is so much nicer to hear your eulogy in person than afterward. In many ways you know it is more heartfelt because the Senator from Mississippi is here and has the ability to correct it, something he would not have 40 years or so from now when he might rejoin his Maker.

I think, though, about TRENT LOTT. TRENT is one of those Senators who has great respect on both sides of the aisle. I think it is because he is from the old school. I do not want to damage his reputation in Mississippi to have one of the more liberal members of the opposite party praise him, but I do it easily.

Because, as I told TRENT within an hour after his announcement—we were on the phone, and I told him that one of the things I liked about him is he followed that rule. Mike Mansfield told me my first week in the Senate: Senators should always know where the Senate LOTT and I have worked together, to find our way, sometimes through a very tangled parliamentary or legislative morass, we got through because I could always count on him once he made a commitment to keep his word and he would keep his commitment. I think he knows I did the same with him. As Senator Mansfield tried to instruct all of us, those of us who were here at that time, this is the mark of what a real Senator should do. Because you have to make decisions on one issue, you are going to be allies the next day on a different issue. And that is what makes the Senate work best.

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

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

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

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

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

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

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

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

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

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

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

TRENT LOTT has always sought to find common ground on important legislation, and there is no doubt in my mind his absence will be profoundly felt. But as many have already observed, Senator LOTT has paid his dues. He has
It is probably a great testament to Trent, given those very deep and sincere feelings of mine, to remember how we were introduced politically. I was running for Congress and he endorsed my opponent. For a lot of people, it seemed like he just would never have built a strong working relationship with the other or it would have taken a long time. For Trent, it took about 5 minutes. After I won, he called me and congratulated me and explained to me he was a former colleague of his and a friend and he felt loyalty and affection for the person. But the past was the past and the future was the future and he wanted to build that same friendship and sense of loyalty with me. So that was that.

It wasn’t just words. He put that into action and made it perfectly clear from the beginning he was sincere. That is why I truly think of Trent as one of the most important lessons he imparted to me.

I will always feel privileged to have learned other lessons in two particular settings. One is when he asked me to join his whip team over the last couple years, and I did so. I have learned an enormous amount as a member of that team. I will always remember his being very forthcoming in asking me for advice and ideas and what I thought about this or that, all the while paying compliments about my insight into things. I will remember it not because any of those compliments were true but because it grew and green grass and glee;

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

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

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

The PRESIDING OFFICER. The Senator from Georgia.

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

When I think of Trent Lott, I think about something that a lot of people probably can’t relate to, but he and Thad will directly relate to. Trent is the home of the southern gentleman, married to a beautiful belle with whom he went to college.

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

Trent Lott brings that same gentility, that same mannerism of our part of the world to the Senate.

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

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

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

The other anecdote I will never forget about Trent is that during my...
campaign, we had a farm bill we had finished in conference. It was a late farm bill that year. It was in the early spring of 2002. I needed to be all over my State campaigning. Unfortunately, I got stuck in Washington for a weekend without the farm bill conference. T Trent was coming to Georgia to campaign for me. I told him: Trent, I am not going to be able to go. I feel bad about this. He said: Don’t worry about it. Stay here and do what you have to do. Julianne and I will take care of this.

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

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

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

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

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

God bless you, and may God bless your family.

The PRESIDING OFFICER. The Senator from Alabama.

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

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

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

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

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

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

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

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

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

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

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

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

I enjoyed my friendship with Trent Lott and Tricia. I think he is a fabulous leader who has done remarkable things for our country. It has been an honor to serve with him. If you come to Alabama, you can have my Senate seat, Trent. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia.

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

But there are two things I wish to say, the two most powerful words in the English language: Thank you—first, on behalf of the late Paul Coverdell, and secondly, to the one who was called.
Georgia Senate—at the International House of Pancakes in Buckhead at 7 a.m., his first time back in Georgia after being sworn in. I had him tell me about the place known as the Senate. All he could talk about was Trent Lott. He said: Johnny, Trent Lott has been my mentor. Mae West once said: ‘’I watched time and again, when it seemed like we were not going to get it done, the voice that arose was in Trent Lott was somebody who put his arm around you. He shared with you the importance of your word is your bond, the importance of family—more than things you can read in a rules manual or a procedural manual but the history of the heart and soul of the institution, embodied by my friend and my encourager, Trent Lott.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

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

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

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

But I think back on my own career, insignificant as it is, and I reflect on the fact that I have been privileged to serve with 271 Senators in the 29 years that I have been privileged to serve. That is an honor. I have had the advantage of working with Tom Coburn and I have that record together as we came to the Senate in the fall of 1986.

What I didn’t know about the Senate—and surprisingly, I had the opportunity as Secretary of the Navy to observe that for 5 years and testify many times and to come and respond to the calls of Members who, for whatever reason, wanted to talk to the Secretary about their particular problems—I never realized how all-consuming this body would be in terms of it becomes the knot and knobby knees showing and those bonds continuously grow year after year. When one Member is celebrated exhaltation, accomplishments,
be they on the floor of the Senate or be they in private life or whatever the case may be—winning an election, as Thad and I have done five consecutive times—you share those moments. But you also share the moments when a Member faces public disfavor.

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

The PRESIDING OFFICER. The Senator from Florida is recognized.

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

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

One of the things Trent LOTT has taught me about leadership is that it is quiet. It takes place without you knowing it is happening. That is what it was like for the President; that is how I learned to lead, the Senate. I was going to do something, and he would tell us to go, we would go, and we would get the votes. We can’t come back a second time on this kind of thing. We will get killed. It has to go right now. He would say we are one vote short or two, and you just knew that it was going to happen. He knew what was there, and when he would tell us to go, we would go, and sometimes, that is all it took.

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

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

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

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

We said: Where are they coming from? They said: They are coming from Trent LOTT.

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

Then I said: Well, maybe I won’t. Maybe I will just let him stew. But we did get back together, and we were for, but his little team wasn’t for. I think they were right. I think we made a mistake. But we didn’t do that. We didn’t get it done. Do you remember, Trent? It died. You were over there, and clearly, you knew what you were doing, and I don’t think you liked it very much because it was Republicans against Republicans. But we did get back together, and for the one angst we had many memorable pluses that are just terrific, when it was about thinking back on the life of the Senator over a complicated, tough period of time, when we learned how to use a Budget Act for innumerable
things. In fact, the Budget Act was used, over a period of 16 years, by me, as chairman, with my staff, as an instrument beyond which anybody ever thought it would be used. It changed how we functioned as a Senate because it permitted us to do things through the reconciliation process that was absolutely impossible without that act.

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

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

I suggest the following: that Senator BYRD be recognized for 3 minutes, after which Senator LOTT be recognized for 5 minutes, after which we recess for the policy lunches. I know there may be others who would like to speak. Hopefully we can accomplish that sometime after the policy lunches. This is the last day we are here for our respective policy lunches. These are important lunches. We are going to have to begin them shorter. We have to keep the Senate together 20 years later he is my Republican leader.

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

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

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

I have been pleased to host T RENT when he has come to Idaho, and I have had the pleasure of visiting the great Bluegrass State to see their son Chet and his family.

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

TRENT has risen from humble roots in his beloved Pascagoula to one of the top leaders in Congress. I know his family and the people of Mississippi are proud to call him one of their own.
State of Mississippi. Trent’s retirement from the Senate, while in his best interest and in the interest of his family, will be a loss for the Senate and the promotion of conservative values here in Congress.

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

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

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

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

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

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

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

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

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

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

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

As a public servant, my colleague has fought strongly to keep Government off the backs of the American worker and set the stage for the Republican revolution through the progrowth gang of five. Consisting of my fellow Congressmen Jack Kemp, House Speaker Newt Gingrich, Senator Connie Mack, and Congresswoman Vin Weber, Trent advocated President Reagan’s approach to politics, tax cuts to promote economic growth for everyone in America. Never far from his mind is his beloved home State of Mississippi, the sparkle in his eye. He has stood by the people of his State with unwavering devotion. When the people of his State were devastated by Hurricane Katrina, Senator Lott shared their pain with his own family’s loss and jumped into action. He dedicated his efforts to secure disaster relief and restoration construction.

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

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

It has been a pleasure to work with him in Senate republican leadership and also to serve on both the Senate Commerce and Finance Committees. Last year, on the Commerce Committee, Trent and I worked together to establish broad video franchising reform.

This year, as a member of the Finance Committee, Senator Lott has been a very strong advocate for enacting permanent tax relief without increasing other taxes. Trent may disagree, but no question that Senator Lott is a man of results; his remarkable list of achievements illustrates this very point. But it is important to highlight that Trent does not overpromise. He will tell you just as smartly as he can, “I’ll be with you until I can’t be with you anymore.”

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

For the 7 years I have been in the Senate, this activity before we adjourned last week was a group with Trent who have met to pray together and to share each other’s burdens. I have seen him on the highest mountain and the lowest valley. Through it all he sought his Lord for wisdom, comfort, and strength.

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

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

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

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

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

Trent enjoyed his school years and after a year of law practice, Trent got
a job with Congressman William Colmer, who was from his hometown. When Congressman Colmer retired after 40 years in the House, he encouraged and endorsed Trent as Trent ran for and won his seat.

I have always said that the great formula for success is preparedness plus opportunity. I know that Trent believes it too, which is why when the opportunity came for Trent to run for the House, he was fully prepared and that ultimately led to his success. I rejoiced in the House when he was elected in 1972 until his election to the Senate in 1988.

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

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

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

There is no doubt that the people of Mississippi love Trent and they greatly appreciate how hard he has been working for their best interests. That is why they kept sending him back to Washington after every election. I will never forget when I was running for reelection in 2002 and Trent came to Wyoming with his wife Tricia to help. He was a big hit and he received an enthusiastic response everywhere we went. It made a big difference to me to know that our leader in the Senate was willing to take the time to help a fellow Republican who was up for election.

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

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

Now Trent has decided to leave the Senate and pursue another adventure in his life. He will be greatly missed. After 20 years of fighting for the people of Mississippi, he will be very difficult to replace.

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

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

Mr. President, one of the best things about working in the Senate is finding ways to reach across the aisle and work together, and I am pleased that Senator Lott and I could find that common ground. I think that is what the American people want us to do, and it is something that Trent Lott has always done. He believes that while we have differences, having a chance to change our votes, building coalitions, and moving legislation were things he seemed born to do, and he genuinely enjoyed the process. In 1981, he helped forge the bipartisan alliance that enacted President Ronald Reagan’s historic across-the-board tax cuts.

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

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

Senator Lott has never forgotten the many concerns that his constituents. I know about his compassion, dedication, and hard work because I have seen it firsthand.

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

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

Throughout his tenure in the U.S. Senate, Trent Lott has demonstrated tremendous leadership ability.

After the 1994 election, he was elected Senate Republican whip, and in 1996, he succeeded another Senate legend, Bob Dole, as Republican leader. During the next 6 years, Senator Lott was a strong leader for several pieces of legislation that improved life in America in a wide variety of ways.

Senator Lott was born in Grenada, MS, in 1941. His father was a shipyard worker, and his mother was a schoolteacher. He went to the University of Mississippi in Oxford, where he earned an undergraduate degree in public administration, and a law degree. After finishing his education, he went to work for his local Congressman, William Colmer, for 4 years. When Congressman Colmer announced his retirement in 1972, he endorsed Trent Lott as his successor—even though Colmer was a Democrat, and Trent Lott ran as a Republican. Trent Lott won that election. And he was re-elected to Congress seven times.

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

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First and foremost was the landmark welfare reform bill of 1996. The next year, Senator Lott worked to produce a bipartisan agreement that cut taxes, cut spending, and most importantly, balanced the Federal budget for the first time in almost 30 years. Then, in 2001, Senator Lott led the fight for President Bush’s tax cut package. Combined with the tax cuts that followed in 2003, lower taxes have once again recharged America’s economy, even as the global economy grows more competitive.

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

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

Senator Lott’s ability to round up votes and get results is clear for anyone who has worked with him. The fact that so many Republican colleagues elected him assistant Republican leader again last year.

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

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

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

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

Yes, Trent was a conservative Republican partisan when he needed to be. But Trent also knew there were times when it was critical to put partisanship aside for the national interest. Particularly in the area of national security, Trent comprehended that Republicans and Democrats must find a way to unite to promote America’s interests. In addition to being an effective legislator, Trent is a man of considerable charm and warmth. Hadassah and I have great memories of the times we spent with Trent and his wonderful wife Tricia. When we would travel with Trent we took him as a companion and always carried himself with honor, style, and grace. I even remember a moment when we were staying in a hotel in Scotland when we were forced to hurriedly exit in the middle of the night because of a storm. Yet, there was Trent, perfectly coiffed and unruffled. Our leader!

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

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

Trent, as you begin this new chapter in your life, I wish you well. Your extraordinary legacy is not necessary to make this institution work is something we have all benefitted from. The people of Mississippi and the people of America are grateful for your service. And Hadassah and I look forward to continuing our friendship with Trish of the night you said to God, ‘May God bless you and yours, dear friend.’

Mr. GREGG. Mr. President, I rise to speak about Senator Lott. The Senate is a place—and we have heard it today for 2 hours with wonderful eloquence and thoughts and humorous stories and anecdotes about Senator Lott—it is a place of words and language. It is also a place, obviously, of legislation, and
legislation leading to laws. But, most significantly, the Senate is a place of people, of individuals—individuals who come here from all over our Nation, representing their people but always representing America, and who meld into the institutions and traditions of this extraordinary place in various ways. Certain individuals leave an indelible mark. There are not too many, but there are some who have.

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

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

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

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

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

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

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

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

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

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

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

But it goes well beyond this issue of working to reach compromise to make legislation pass because he has had a passion for getting things done. He also has a philosophy of how we should govern. He is truly a conservative, a fiscal conservative, an individual who understands the importance of giving the individual opportunity, giving the individual the chance to succeed in our Nation because he had undertaken that and accomplished it. But it always goes back to his Mississippi roots, I believe. He now has—I think it is something Senator ALEXANDER described because Senator ALEXANDER and his wife, Honey, and Kathy and I had the good fortune to be invited down to visit him at Tricia’s new home—we call it Tricia’s home—in Jackson, MS, where they bought this tremendous house they are restoring. It is an antebellum house. It is a beautiful house. He just loves the land. He loves the people who come to the house. The people he sees, he loves, throughout his day and when he is traveling in Mississippi.

Of course, he loves his tractors. He has this whole shed full of tractors. I am sure there must be maybe 7 or 8 of them actually work. But as a practical matter, he loves them. He loves them. He loves to just drive around his property and make sure his fields are cut. He cuts them, and he makes sure they are properly taken care of. He is working his Mississippi land. He and Tricia built this beautiful home down there, where I suspect their purpose is to gather their family which is so important to them; Chet, Tyler, their grandchildren coming over on a regular basis. Kathy and I just looked at them and said: These are special people. The Mississippi values we really have as Americans—not as southerners but as Americans—the value of family, value of honesty, value of integrity, the willingness to get things done and to work hard. Succeed, and then take advantage of your opportunities to make life better for others, and that was his whole purpose in the Senate—to make life better for America but especially for his constituents in Mississippi.

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

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

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

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

I first got to know TRENT in 1981 when I came to the House. He had already been there for 10 years and was
rondly growing in stature amongst Republicans as a leader who would ultimately be chosen to work as a Republican whip in the House.

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

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

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

But what came out of that was a friendship and a bond that probably few others have because the four of us traveled together with our spouses in all of these locations that I mentioned and a good many more, not only to entertain the public and to show we were human beings, but to show people, sometimes with a smile, would suggest they enjoyed listening to us.

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

I know TRENT and John and Jim and I still today, every so often, will get a phone call from somebody who says: I just listened to your CD again, and you know, you know, the way we sang it was amazing, you know, for United States Senators. Now, that is probably a side of TRENT LOTT that was not spoken to today, but it is a side of TRENT LOTT that you all ought to know. The joy and fun we had of singing the kind of songs we sang in a way that Senators are just not supposed to do. For in the end, Senators are like an awful lot of other folks out there—we are human. We have a very human side to us, with our friends and our families, and that is what we learned about TRENT and Tricia Lott and John Ashcroft and his wife and Jim Jeffords and his wife, as we traveled around the country singing on behalf of Republicans, but really enjoying ourselves because we enjoyed it and we hoped others would enjoy it.

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

Mr. HAGEL. Mr. President, I rise today to pay tribute to our friend and colleague, Senator TRENT LOTT of Mississippi. When Senator LOTT steps down at the end of this year after 35 years of service in the Senate, he will leave behind a legacy of friendship and service to Mississippi. I have known Senator LOTT for many years. Our friendship dates back to when he was first elected to the House of Representatives in 1972.

In 1981, when serving as House Republican whip he played a central role in the formation of a bipartisan coalition which produced national security initiatives and passed a fiscal responsibility agreement as a parliamentary master.

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

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

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

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

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

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

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

Senator LOTT has had a remarkable career in Congress that has spanned seven Presidents, two impeachments, and most importantly, decades of progress that has made Mississippi and America stronger and more prosperous. He saw Watergate up close and personal, oversaw the end of the Cold War, spearheaded enactment of historic welfare reforms, shepherded passage of tax relief in both the Reagan and Bush administrations that made America’s working families more prosperous, and helped pass numerous historic trade agreements to create more U.S. jobs.

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

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

Senator LOTT always knew how to count votes and get the best deal based on Republican priorities and principles.

In the Senate, there is no higher compliment. And in that respect, TRENT is a Senator’s Senator, reflected both in his work on behalf of Mississippi and on behalf of America.

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

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

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

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

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

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

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

Less than 6 months ago, I joined the Senate. I was selected to serve out the term of our dear friend, Craig Thomas, and given the responsibility to represent the people of Wyoming.
My experience has only been enhanced by the quality of the individuals with whom I serve. The welcome has been warm, the advice gratifying, and the diversity of my colleagues remarkable.

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

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

If he were with us today, Senator Thomas would want to extend his gratitude to you, Mr. President, to all of my colleagues, and the people of Mississippi for the incredible service of one exceptional Member of the Senate, TRENT LOTT. President Reagan once said, “I know TRENT LOTT as one of the most important leaders in the country on issues vital to all Americans.”

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

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

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

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

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

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

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

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

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

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

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

Ms. MURKOWSKI. Mr. President, I have not had the privilege to serve in the Senate with our colleague, Senator LOTT. But as long as one as many of those who have spoken today. But it doesn’t take that long to realize just how important the Senator from Mississippi’s contribution to this institution has been.

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

But rather than lament the loss of a tremendous leader you would like to celebrate his accomplishments.

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

My husband and I have been fortunate these past 5 years to be neighbors with TRENT and Tricia. We share many things as neighbors—I blow the leaves down the sidewalk to his yard, and he blows them back to mine. Jokes aside, whether it was the quick conversations between Members during votes, or a closed door sit down discussion on the issues, TRENT knew the pulse of the Senate. He works like a butterfly—going from Member to Member on the floor, lighting for a moment to discuss an idea or resolve an issue and then going on to another. Always friendly, always working to find the path forward.

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

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

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, as a sort of starting point, I noticed that throughout today we have had a lot of legislation, and I thought it was interesting business, when
many of my colleagues came down here to pay tribute to Senator LOTT, that while that was going on, and I was coming down here as well to listen to some of those and to offer my remarks at that time, I was handed a whip card to go at him on some whip work, because that is the task that Senator LOTT—and I have had the honor to serve on his whip team—is entrusted with here in the Senate.

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

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

Senator LOTT always understood that although we deal with very serious, very weighty, sometimes complex and oftentimes consequential issues, it is also important that we not take ourselves too seriously. TRENT never did. Even some people thought of him as the Missouri Grump. He was good at his job. He was a person who served as the whip in the House, he was the leader for the Republican Party. As the majority leader, as minority leader, as minority whip, majority whip—it all those positions he has held has held one goal and objective in mind, and that is to help his team help this great country continue to prosper, continue to be safe and secure for future generations.

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

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

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

There is a verse in the Bible that says:

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

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

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

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

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

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

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

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

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

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

In 1988, he left his safe and secure seat in the House to run for the Senate. Reach for the stars. In the Senate, Senator LOTT has served as Republican conference secretary, Republican Senate whip, Senate minority leader, and Senate majority leader. As the Senate
whip, Senator LOTT became the first Republican ever elected to the whip positions in both Houses of Congress.

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

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

Senate Majority Leader—Mr. President, Mr. President, I yield the floor. The PRESIDING OFFICER, the Senator from Mississippi, the Republican whip. Mr. LOTT. Mr. President, I can’t help but feel honored and humbled by all that has been said here. My mother would have loved it and would have believed it all.

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

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

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

I am going to tell a story about certainly each one of these colleagues here and a lot on the other side and how I have enjoyed being here and have enjoyed my
work, and a lot of it has been on a personal, one-to-one basis. Sometimes, when I really, really cared about something, on a personal basis, for my State or for the Senate or our country, I would go to that Senator’s office. I remember I used to take time—quite some time to track down Pat Roberts, because he was hiding from me, but I found him.

I remember one time I needed a vote, and I needed some votes on the Democratic side. I thought the simplest thing to do would always thought was, you know, where do you bring them? So I went to Senator Byrd’s office. As always, he graciously welcomed me into the inner sanctum. I think I smelled a cigar, which delighted me, and I sat down, and he listened to me as I made my pitch. I talked about the attributes of this nominee for a very important position and why it was so important, I thought. I brought a list with me. I thought that was important to me and my State. He listened, he asked a couple of questions, and asked me to repeat the name.

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

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

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

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

But to our leaders, Senator Harry Reid, the majority leader—he and I did work together on many occasions and without a lot of fanfare. I remember we would bring up a bill, and 100 amendments would always appear. I got to thinking it was the same 100, but then he and I would go to work, with me in the leadership on the one hand and the whip on his side, working with Senator Daschle, and we managed to get it done over and over again. We established a relationship of trust and honesty with each other that is so critical. I think he has the toughest job in the whole city, being the majority leader in the Senate, and not just because I had it but because I got to see what it was. It was the whole administration, the Speaker has the Rules Committee, but the leaders of the Senate, on both sides of the aisle, they lead because of who they are and the power of persuasion they have and the relationships they build. Nothing in the Constitution gives them special powers.

So I appreciate what HARRY REID has said. He has been a friend, he has been a supporter, he has offered me encouragement when I was down and when I was up. He has been very generous and magnanimous in what he has had to say, and I admire him. I wish him only the best because when he succeeds in working and making this institution work and produce a result, most of the time when I have needed him, he was there for me. To our Republican leader, MITCH MCCONNELL, you knew just a little bit too much about my background, all these personal references, but I appreciate it. It means so much to me. You have been very supportive of each other, you and me, and you have been very supportive of each other in tough times and good, and I really enjoyed having you work with me in the leadership together, we have kept our word to each other, we have been supportive of each other in tough times and good, and I really enjoyed having you work with me in the leadership, and I have been so honored and thrilled to be a part of your leadership team.

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

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

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

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

To my staff, who are lined up back here, I have a great team. Typically, Senate staffers do so much of the work and we take the credit, but I have been blessed with super staff this year, and there are some former staff members in the balcony. I have a rule in my office that you work with me, you work with Lorr, you work with Marty. They just do great jobs, and so I want to express my appreciation to them.

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

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

To try to say again to the Senate itself, I have learned to love the institution. Senator BYRD occasionally accused me of trying to make the Senate
into a mini-House, and I have denied it, but maybe I was, in my desire for order and neatness. The messiness of the Senate sometimes was hard for me to take.

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

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

She took on the seersucker Thursday. When we lost everything, she was the one who made sure my wife had some glasses for us to drink out of. She didn’t see it, and I don’t know if she ever talked about it publicly, but it was a very special gesture.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you very much. God bless this institution.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senators from California.

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

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.
Thereupon, the Senate, at 1:09 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

Who seeks recognition? The Senator from Missouri.

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

FISA

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

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

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

The administration knows that these lawsuits may be the only way that it will ever be called to account for its illegal program of warrantless surveillance and its flagrant disrespect for the rule of law. In running its program of warrantless surveillance this administration relied on legal opinions, prepared in secret by a very small group of like-minded officials, who crafted those opinions to fit the administration’s agenda. Jack Goldsmith, who came in to preside at the beginning of the Bush administration, has admitted that blanket immunity is not defensible. He has said that there would be no need for Congress to now duplicate that immunity.

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

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

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

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

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

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

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

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

These lawsuits are perhaps the only avenue that exists for an outside re-

view of the Government’s actions. That kind of assessment is critical if our Government is to be held accountable. That is why I do not support legislation to terminate these legal challenges and I will vote to strike it.

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

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

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

The Senator from Missouri is recognized.

CREDIT CARD COMPANY DECEPTION

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

I was glad I got an opportunity to listen to the qualities of Senator LOTT that are nice, about each other. It is an important thing to do this time of year, and I think, frankly, it is an important thing to do more often, and we do not do enough of it around here, particularly across the line.

I rise today to speak as in morning business for a few minutes about something that is on everybody’s mind this time of year; that is, credit cards. Now, I know why it is on my mind, because my fingers are having to do the shopping, particularly across the line.

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

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

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

The credit card companies say: We have not had that much increase in defaults. Well, I will tell you, here is what is different: A lot of the credit card debt in this country—hundreds of billions of dollars of the credit card debt in this country—has been rolled into home equity lines of credit because of this housing boom we were on, and everyone was combining their credit cards, and a lot of that debt has been transferred to home equity. This is stuff that needs to get fixed, it needs to be fair, and the rules need to be clear to anyone because I will tell you, if we don’t get it fixed, we are going to be wringing our hands and worrying about the next big problem in our economy, and that is all this unsecured credit that goes unpaid. I think the credit card is a wonderful tool for Americans. It has allowed our country to consume at great levels, has our economy and they will let you do it even if you go over your credit limit, and then they are going to charge you every month an extra fee because you went over your credit limit, which they said was okay for you to do. You never know this.

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

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

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I relinquish my right to be recognized at this moment as I have another commitment. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll. Mr. BENNETT. I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

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

The PRESIDING OFFICER. The Senator is recognized.

FEC VACANCIES

Mr. BENNETT. Mr. President, I rise to note with some sadness that we are reaching a point at the end of this session where it appears we will adjourn without acting on any of the nominees for the Federal Election Commission. The effect of this will be to leave the Federal Election Commission with only two functioning commissioners, when the law calls for six. It is worse than that. The law insists that no action can be taken by the commission without the votes of at least four. So by having only two left, we will leave
the Federal Election Commission with no capacity to function. I have a history with the Federal Election Commission which makes me sensitive to the importance of this group. When I was elected, there was an aura against me. I considered highly partisan. It went before the FEC and before the entire commission a vote was taken, with the three Republicans upholding the position I took and the three Democrats holding the position on the other side. Because they could not muster four votes, nothing was done. In my view, this was justice. But the thing I found difficult was the fact that the partisanship on the FEC was so heavy, there was an almost automatic 3–0 vote on everything. It makes far more sense for the commissioners to work together to recognize the merits of the case, rather than simply responding in a knee-jerk partisan fashion to the individual or group that is bringing the charge. In my opinion, that was happening in a Democratic group brought the charge that I had violated the law. The three Democrats on the FEC automatically agreed with that, and the three Republicans automatically disagreed. I don't think any of them spent any time examining the merits. If they had, I am sure I would have been unani-

mously exonerated, but that is not the way it worked in those days.

It got to the point here on the floor where legislation would introdu-
ced saying, whenever there is a tie in the FEC, the general counsel will break the tie. Along with Senator McCON-

NELL, I and others did our best to de-
feat that bill because it would have de-

fined the FEC as the sole decisionmaker for that body.

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

isan challenge.

Four of the members of the FEC are recess appointees who must be con-

firmed. The President has sent forward four names—two Republicans and two Democrats. In the standard tradition, practice, procedure, and precedent of the FEC, the Democratic leadership in the Senate took the position that the FEC should not approve. Other members of the FEC.

The Republican leadership got to pick the two Republicans. Always be-
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hands of teenagers or preventing identity theft? Eighty-one percent of Americans agree with von Spakovsky’s position on this matter. Yet he is being attacked as being outside the mainstream for what his critics call a partisan position.

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

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

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

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The Senator from Georgia is recognized.

IN MEMORY OF THOMAS B. MURPHY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Vermont.

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

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

I commend Majority Leader REID, Minority Leader MCCONNELL, the chairmen of the Appropriations Committee, Senator BYRD, Chairman HARKIN, and others for, in fact, adding a significant sum of money—over $400
polling for Congress is at an almost all-
time low. They think we are concerned
about a whole lot of issues, but we are
not concerned about them. It seems to
me that before we go home to our well-
heated homes, before we go home to
our heated homes, that we turn our
backs on a lot of those who are most
in need. I think we have to act
boldly to restore faith in the U.S. Gov-
ernment, and I hope that before we
leave, we can get a vote on this floor
with bipartisan support, and that we
can move the legislation.
Mr. President, with that, I thank
my good friend, Senator BYRD, the
outstanding leader of our Appropriations
Committee, for yielding, and I yield
back the remainder of my time.
Mr. BYRD. Mr. President, I am
glad to do so.
Mr. LEAHY. Mr. President, I thank
the distinguished chairman. I agree
now with what the Senator from Ver-
mont has just said. In our State, cold weath-
er is not a rarity, it is a fact of life, es-
pecially this time of the year. The
thermometer on my front steps goes
down to 20 below zero. Many times
there is no mercury showing because it
goes below zero.
Now, that is not theoretical cold,
that is cold you die from. I know what
it has cost us in filling the tank for my
own furnace this year, and I wonder
how many people who are not privi-
eged to have the kind of salaries all of
us do, how they possibly do it. It is not
a matter of just help; this is a matter
of life or death. It is not a matter of
just comfort. We are not talking about
the winter when it is 10 degrees or 15°
and perhaps you can just put on more
sweaters or more coats; we are talking
about it being 5 or 10 and 15 and 20 de-
grees below zero, or even today in Bur-
lington, VT, it began at zero. The tem-
perature was at zero, and then it
warmed up from last night. In those
situations you die if you don’t have
heat. It is not a question of being com-
fortable; you die. It is as simple as
that. You die. There are a lot of people
who cannot afford this.
I will work with the distinguished
Senator from Vermont, as I have with
my colleagues on both sides of the
aisle, in trying to get more money after
this bill is passed for LIHEAP. I
know the distinguished Senator from
West Virginia has supported us every
single time on LIHEAP. He also knows
what it is like in those rural areas of
West Virginia where people barely eke
out a living and what happens to them
when the snow is falling and it is cold
outside. Some people are voting be-
cause they are cold and the parents are
doing everything possible to keep them
warm. We will work on this.

I thank the Senator from West Vir-
inya for yielding me the time.

Mr. BYRD. Mr. President, the Con-
stitution grants to Congress an exten-
sive array of powers, each of which in one
way or another touches the lives of
every 1 of the 300 million people who
live in America today. But of all of
those powers so carefully inscribed in
article I, none is so powerful or so nec-
essary for the welfare of our country as
the power to appropriate monies—monies
from the Federal Treasury. But it is
not simply within the power of the
Congress to appropriate funds for the
operation of the Government. It is a
matter of duty to be exercised each year
and for force protection for the
operation of the Government to enforce
our laws, to serve our people, to
protect our liberties depends upon Con-
pgress providing the funds that are nec-
essary to do so.

The bill that will soon be before the
Senate, the Consolidated Appropriations
Act of 2008, is essential legisla-
tion for the country. It includes 11 of
the 12 annual appropriations bills. In
all, it appropriates $473.5 billion—
spelled with a B. Mr. President, a cap-
ital B. That is $473.50 for every minute
since Jesus Christ was born.
It appropriates $473.5 billion for the
operations of nearly every agency in
the Federal Government, save for those
funded by the already-approved De-
fense Appropriations Act.

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

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

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

The consolidated appropriations bill
contains an unprecedented level of
transparency and accountability for
Member-requested projects and ear-
marking. Every single earmark con-
tained in the bill or described in the ex-
planatory statement is accounted for
in the tables that are part of the joint explanatory statement. These tables describe the project, they describe the level of funding approved, and they provide a list of the Members of either the House or the Senate who requested the item. It is here, as clear as the noonday sun in a cloudless sky. How is that, Ben Nighthawk? We are not supposed to address other Members directly, but in this instance, I know I will be forgiven. These tables, as I say, describe the level of funding approved and a list of the Members of the House or the Senate who requested the item. All information required by Senate rule XLIV is included in the explanatory statement accompanying the amendment. Read it, Senate rule XLIV.

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

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

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

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

Because our borders are in need of additional enforcement to stem the tide of illegal immigration, the Senate voted 89 to 1 to approve an amendment with billions more for border security. The cooperation from the conservative committee, including the appropriations process forward, while addressing the crucial needs of this country, would not have been possible without the diligent work of the committee’s ranking member. Who is that ranking member? The distinguished and venerable Senator Thad Cochran—may his tribe increase. That is from Abou Ben Adhem, in case you have forgotten.

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

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

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

We are already 10 weeks into the new fiscal year. It is time to govern. There is a time in the month when we say it is time to govern. There must be compromise from time to time, and so working together across the aisle, such as Senator Thad Cochran and I—we shake hands, we argue, we debate, and we compromise. At the end of the day, we put our arms around each other and walk out of this Senate together. So working together across the aisle, we have cut $17.5 billion from the original levels approved by the Appropriations Committee. As a result, we have cut $17.5 billion from the original levels approved by the Appropriations Committee. As a result, we have cut $17.5 billion from the President's budget.

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

The bill provides $37.2 billion for veterans health care, and an additional $124 million is included to hire more VA personnel. In addition, we provide funding for hundreds of other programs.

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

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

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

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

This package also makes education a priority: increases funding for K-12 education by increasing Head Start by $114 million, stopping the proposed cut of 30,000 slots for early childhood education. This additional $118 million for No Child Left Behind means that tens of thousands of disadvantaged students will get the help they need to succeed in school. For college students, the amount for Pell grants is increased to $4,731 per year.

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

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

At my direction, this bill includes a $250 million increase above the President’s request for mine safety. Now I know something about that. I know something about the need for mine safety. I am the son of a coal miner. This money will save lives.

Despite the failure of FEMA to adequately respond to Hurricane Katrina, the President wanted to slash funding by over $1.5 billion for first responders. We restore those cuts—how about that—and actually increase funding by $5 billion.

I am pleased also that the bill includes $31 billion for the wars in Iraq—was I against that war. I said we ought not go in there; we have no business being in there, but we are in there—and Afghanistan—I was for that war—including $16 billion for the war in Afghanistan, over $10 billion for force protection in Iraq, such as body armor and systems to defeat IEDs, $1.1 billion for the Wounded Warrior program, and $1 billion increase for other programs. It is a balanced package—a balanced package—and I support it.

The bill invests in the security of our homeland and supports the men and the women who are on the front lines of protecting our communities. The Border Patrol will hire 3,000 more Border Patrol agents to protect our borders. We nearly double funding for port security, chemical security—we know what that is about down in the Canaan Valley of West Virginia—and transit vehicle and rail security. The Justice Department will hire 100 new U.S. Marshals, 200 DEA agents, and 160 FBI agents, and we provide funding for hundreds of
new cops at the State and local level. Finally, we more than double funding, to a total of $108 million, for screening and treating illnesses suffered by those who bravely responded to the 9/11 attacks at the World Trade Center.

Bridges fall, fires destroy, hurricanes devastate. People get sick from food that is not inspected and drugs that are not adequately tested. Our schools, our roads, our transportation systems are all in need of serious attention.

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

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

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

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

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

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

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

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

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

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

Finally, I wish to say something about the part of this bill without question one that has to be fixed. The amendment adopted by the House of Representatives includes $31 billion to fund the deployment of American men and women overseas in the global war on terror. But the Senate amendment restricts operating funds to those fighting in Afghanistan and does very little to support our troops deployed in Iraq. While I understand the political necessity the House was attempting to thread when it wrote this amendment, I think the message it sends to our men and women who are deployed in these countries is unfortunate.
The Senate dedicated a serious amount of floor time to the debate of Iraq policy this year. The debate was, of course, earnest and sometimes in- formative. Amendments have been offered and votes were taken on issues related to the policy currently advocated by the President or Ambassador Crocker or General Petraeus.

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

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

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

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

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The RETIREMENT OF DR. BILL HOGARTH

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

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

Last January, the President signed our reauthorization bill for the Magnuson-Stevens Act. Conservation and Management Act, which mandates an end to overfishing by requiring fisheries management councils to adhere to science-based catch limits. As we wrote that legislation, my colleagues and I worked with Bill to ensure this important role was given the attention and insight into our Nation’s fisheries regulations proved to be indispensable.

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

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

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

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

I yield the floor.

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

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

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

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

The FISA REAUTHORIZATION AND TROOP FUNDING

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

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

I thought, in connection with both of those national security issues, that some comments that our friend, the former Speaker of the House of Representatives, Newt Gingrich, made back in September to the American Enterprise Institute were of special relevance and we might well consider
some of the things he said in thinking about how to move forward with this funding. Representative Gingrich said that to some extent the debate we are having right now is the wrong debate about what is necessary to defeat our enemies and win the war against the terrorists. The bottom line is, it cannot be done on the cheap. War is kill or be killed. You risk everything in war. As a result, what we have to do is think anew about the kind of bold effort and difficult undertakings this really and entails. It does entail real risks, and we have to recognize that there are significant requirements for change in the way we operate.

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

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

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

Specifically, with reference to the intelligence I mentioned we have to focus on the CIA Director, GEN Michael Hayden, testified a couple of months ago about his own judgment of these strategic threats facing the United States. Among the things he said was that our analysis with respect to al-Qaeda and al-Qaida’s declared plans for nuclear weapons and potential of using them is a significant and high-risk plot against the U.S. homeland. They assess this with high confidence. So this is not just a guess about what might happen. With high confidence, they believe al-Qaida is planning high-impact plots against our homeland, focusing on targets that would produce massive casualties, dramatic destruction, and significant economic aftershocks. So our very survival is now fundamentally challenged by this large threat, and the countering it on a worldwide basis is inherently going to involve a very large effort, a degree of change we have yet to face.

We need to assess the genuine risk to America of losing cities to nuclear attack or losing millions of Americans to engineered biological attacks. We also need a very calm dialogue about the genuine possibility of a second Holocaust if the Iranians were to get nuclear weapons and use them against Tel Aviv or Haifa or Jerusalem.

All of these larger issues are sometimes lost in the debate about arcane provisions of something like the Foreign Intelligence Surveillance Act that we are negotiating. We have to keep in mind what the object is. We have to defeat a very capable enem which not only has the means but the will to defeat us in a war literally to the end. We also need some realistic examination of the progress—or lack thereof—we are making in the larger war. I think we have to realistically assess where we are with respect to that. In the last year or so, Hamas has won an election; Hezbollah has won substantial victory in south Lebanon; Iran, Syria, Lebanon, Afghanistan, the Taliban sanctuary in the Waziristan, substantial instability in Pakistan, even in the Philippines and, to some extent, even in Great Britain. The estimates of terrorist sympathizers and potential sympathizers are far greater than the resources being applied to monitor them.

Again, to summarize this point with respect to intelligence and funding, we have, even here in the United States, the spread of a militant extremist radical vision. It is funded by money from the Middle East, including Saudi Arabia. It is on the Internet, on television, it is in extremist mosques and schools. This advocacy of martyrdom, of jihad, suicide bombing, and violence against a modern civilization is not restricted to places abroad; it exists even in the United States.

At the end of our conflict in Iraq and of the debate about our intelligence collection activities, there is a simple test, and that is whether a free people are celebrating because the American people have sustained freedom against evil or, God forbid, violent evil enemies of freedom are celebrating because Americans have been defeated. Life would be easier if there was a more modulated answer, but there is not.

In war, there is a winner and a loser. If the American people will sustain this effort, we will win. But if Americans decide to legislate defeat, then, of course, America could be defeated.

I yield the floor. The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS-CONSENT REQUEST—H.R. 2771

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 2771, the legislative branch appropriations bill. I, therefore, offer the only amendment in order be a substitute amendment at the desk which is cosponsored by Senators LEAHY, COLEMAN, KLOBUCAR, SNOWE, OBAMA, DOLE, Baucus, Sununu, Cantwell, Collins, Casey, Lieberman, Landrieu, Kerry, Kennedy, and Clinton—this amendment provides for $800 million in additional LIHEAP funding—that there be a time limitation of 30 minutes for debate equally divided in the usual form on the amendment; that upon the use of that time, the amendment be agreed to, the bill be read a third time, and the Senate, without any intervening action or debate, vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Vermont, I support this issue. All you have to do is look in The Washington Post today at their editorial. It says, among other things:

This could be the start of an epic winter. If the past few winters here in the northeast has taught us anything, it is to be prepared to do whatever winter allows at the moment it allows.

We have to be prepared for a cold winter. We have some money in this bill that we hope to pass sometime in the next several hours to take care of some of the needs of the problems relating to the issue of LIHEAP; that is, money for people who are desperately poor and need help to keep their homes warm. That is what this is all about. I have told the Senator from Vermont that I am going to do everything within in my power to get this issue before the Senate as soon as possible. Winter is not going to end at Christmastime. Winter is going to be here. We can move to enlarge the funding for this bill. That is a commitment I have. I think with the list of cosponsors he has on this proposed unanimous-consent request, it is something we should be able to get done.

The problem the distinguished Senator finds himself in is, it is late in the year. This is the first year of this session of Congress. There are always a lot of reasons for not doing things this late in the year.

I yield the floor.

Mr. KYL. Mr. President, on behalf of several Republican Senators, I object.
I would also note that I believe there may be one other unanimous-consent request, and I would be happy to suspend while that is made and then conclude my remarks in 3 minutes. I think the Senator from Rhode Island would like to speak, or I can go ahead and conclude. I am sure that the Senator from Ohio could make his request—whatever the pleasure of the leader is.

Mr. REID. Has there been objection? The PRESIDING OFFICER. Objection is heard. Mr. REID. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Arizona be recognized for up to 5 minutes to finish his statement, and then I would like to be recognized.

The PRESIDING OFFICER. The Senator from Arizona.

TROOP FUNDING

Mr. KYL. I will conclude in about 3 minutes.

Mr. President, the point I was making is this: It is easy to lose sight of the larger objective when we get down into the details of specific legislation, as we must do. It is important to understand it and to get it right, but we also need to keep our eye on the ball. To mix metaphors, you have to look at the forest and not get drawn down into the trees too much. The forest here is a very dangerous enemy which means to do us harm. They have the means to do it. They have the will to do it. We are fighting them in two different kinds of conflicts. We are fighting them in hot war in Afghanistan and Iraq. It is a serious proposition. Young men and women on the battlefield and our people serving us in the intelligence community are counting on us, the representatives of the American people, to see to it that they have what they need to carry out their missions. The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that if this consent is granted, the first person recognized be Senator Jack Reed, who wants to talk about a staffer, someone who works for him.

Mr. MCCONNELL. Will the leader yield? I did not hear him.

Mr. REID. If the consent is granted, I want Senator Reed to be recognized for up to 8 or 10 minutes, let’s say 10 minutes. Following that, I ask unanimous consent that the Senator from Ohio, Mr. Brown, be recognized for up to 5 minutes.

UNANIMOUS CONSENT AGREEMENT—H.R. 2764

Mr. REID. Mr. President, I ask unanimous consent that when the Senate begins consideration of the message from the House on H.R. 2764, the Foreign Operations bill, there be 1 hour for debate equally divided between the two leaders or their designees on invoking cloture on the motion to concur in the House amendments; that the Senate vote on that cloture motion upon the use or yielding back of that time; that the mandatory live quorum be waived; that if cloture is not invoked, the Senate then proceed to amendment No. 2 of the House; that Senator McConnell be recognized to offer a motion to concur in that amendment, with an amendment; that Senator Feingold then be immediately recognized to offer an amendment to that motion; that there be 1 hour for debate equally divided in the usual form in relation to Senator Feingold’s amendment; that if his amendment does not attain 60 votes in the affirmative, it be withdrawn; that upon the disposition of his amendment, Senator Levin be recognized to offer his amendment to the motion; that there be 1 hour for debate equally divided on his amendment prior to a vote, Mr. President, not the AMT vote. Hearing none, it is so ordered.

Mr. REID. Mr. President, speaking on behalf of—and Senator McConnell certainly can speak on behalf of himself—I appreciate the cooperation of everyone. These are very difficult issues, and there is a lot of work we have not done. But that is the way it always is at the end of a session like this. So I appreciate everyone’s cooperation. I hope no one has been offended with my being a little pushier than usual, but I had a little pushing on my side anyway, pushing me to get this done. Everyone has a lot to do.

We have one Senator who needs to get things done tonight. She has a sick daughter. She has to go home. We have a lot of issues we need to address. So we will now hear from Senator Reed and Senator Brown, and then we will be on the bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

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Mr. REED. Thank you, Mr. President. First, let me thank the majority leader for arranging this time.

TRIBUTE TO DENNIS P. RILEY

Mr. REED. Mr. President, I rise to pay tribute to an outstanding Rhode Islander and a superb employee of the Senate who is retiring after 34 years of Federal service—my friend, my colleague, someone I admire immensely, Dennis P. Riley.

Dennis Riley has worked in my Providence office since I was elected to the Senate. But before that, he was a longtime employee of Senator Claiborne Pell, my predecessor. Dennis was born in Pawtucket, RI, on March 3, 1948, and attended St. Raphael’s Academy. He went on to earn a bachelor of science in history and political science at the University of Wisconsin in 1971.

He taught history for a brief time in the Rhode Island School System, and was a graduate student in the Masters in Teaching Program at Rhode Island College. In 1972, he became the field coordinator for U.S. Senator Claiborne Pell’s reelection campaign and formed a bond with Senator Pell and public service that lasts to this day.

Dennis came to serve on the personal staff of Senator Pell, first as a staff assistant in Washington, DC, from 1973 to 1976. But in recognition of those skills and the commitment he brought to bear as a member of Senator Pell’s staff, Senator Pell chose Dennis to serve as his campaign manager for his next successful reelection effort. So Dennis returned to Rhode Island and successfully planned and executed the Senator’s reelection campaign.

From 1979 to Senator Pell’s final day in office, Dennis worked as assistant director of the Senator’s Rhode Island office. He was a trusted employee of Senator Pell, and, more importantly, Dennis remains close to the Pell family today.

As Senator from 1961 to 1997, Senator Claiborne Pell’s legacy includes establishing Pell grants as well as creating the National Endowment for the Arts and the National Endowment for the Humanities. Senator Pell was also noted as a diplomat, and he served with distinction as chairman of the Foreign Relations Committee. Senator Pell’s legacy is a model for all of us, particularly for his penmanship and the manner in which he treated people who worked for him. Pell was a leader for arranging this time.

After Senator Pell retired, and the people of Rhode Island gave me the chance to continue his good works, Dennis has worked on special projects and has assisted hundreds of agencies and organizations as they sought Federal assistance. Dennis has been a friend to Rhode Islanders who needed help, who needed someone to listen to their stories, and to let them know there is a government that cares about them, because Dennis Riley is a person who cares deeply, not just about Government but about the people of Rhode Island.

In Rhode Island, he has been involved in crafting many public policy initiatives, and he has been particularly active as my point person on Federal grants and the applications process for the Appropriations Committee. He has shepherded projects through. He has brought people together for the common good. He has made a significant impact on the economic vitality of my State. Although Dennis’s name will never be lauded in the news reports or press releases, his hand is seen in so many efforts to make our State and nation better places to live, work, and raise our families.

Everyone who knows Dennis sees him as a kind and decent man, with a great heart, a great mind—someone we are proud to call a dear friend. His compassion and quick Irish wit are legendary. For years, transplanted Rhode Islanders in Washington, DC, and politicians in our State eagerly awaited, every day, the “Riley Report”—a carefully crafted summary of the day’s top political stories, national news, and a retelling of the events of the day in Rhode Island. This complete and unbiased commentary of the author provided the “real story,” very often, of what was going on in Rhode Island.

Well, after his distinguished service to the Senate for 34 years, Dennis now will be happy to have a new life in Little Compton, RI, with his wife—the love of his life—Kathy McLaughlin Riley. Kathy is a warm and lovely person, who has devoted her life to educating children. She is an elementary teacher at the Elizabeth Baldwin School in Pawtucket, and she will soon join Dennis in retirement.

In their well-deserved retirement, Dennis and Kathy plan to travel extensively. They are avid baseball enthusiasts and plan to visit all the ballparks they have not yet seen. It will be an inspiring and interesting trip for both of them.

He will also be spending time caring for his family, including creating more memories with his many nieces and nephews who so treasure his company. I wish both Kathy and Dennis much happiness and fulfillment in the years ahead.

Now, on behalf of myself—and also I will take the liberty to speak on behalf of all my colleagues in the Senate, who treasure, as I do, the loyalty and the devotion of their staffs, to join me in paying tribute to a stellar Senate employee, Dennis Riley.

Rhode Island has been honored by his service, and the Reed staff will fondly remember his time with them. We foresaw a last time but now it is time for Dennis to take his leave. Dennis and Kathy plan to travel extensively this year. They are avid baseball enthusiasts and plan to visit all the ballparks they have not yet seen. It will be an inspiring and interesting trip for both of them.

We will miss Dennis and Kathy in the Senate, and we will miss their presence and their wise counsel on so many efforts to make our State and nation better places to live, work, and raise our families.

I would ask all my colleagues to join me in paying tribute to a senator who has served for 34 years and to an outstanding public servant, Senator Pell. My friend, my colleague, Dennis P. Riley.
Grandmothers raising their grandchildren, living on fixed incomes, relying—because they have no choice but to rely—on food pantries, on food donations, on food banks.

The unemployed, the sick, the aged, the homeless, the mentally ill. And in Hocking County, 1 out of 14 people went to one food bank on 1 day. There are people who live in the communities that all of us serve. Food banks in Ohio, in Montana, Michigan, Illinois, Arizona, New Mexico, South Dakota, and Rhode Island and in every State of the Union are underfunded and overextended. Food banks too often are rationing rations, trying to prevent children and families from going hungry over the holidays. In Lorain, OH, my hometown, the Salvation Army Food Pantry ran out of food completely and was forced to close temporarily. The society of St. Vincent de Paul Food Pantry in Cincinnati has been running families 3 days short of food instead of the customary 6 or 7 days of food when people come to see them. In Athens County, OH, earlier this month, the director of the Family Pantry said that 20 percent of the families she serves were not for the better when it comes to food pantries. People need help. I just want people who have a little—people of means who are voting, that is, how people stay hungry. I hope it is not wrong, but if it is wrong, it is not much wrong. The average income of people who vote in America today is $70,000 a year. I am very happy we have people who have a little—people of means who are voting, but the reason I mention that is that the last two issues that have been brought before the Senate, one dealing with LIHEAP—that is, how people stay warm in the wintertime; that was by the Senator from Vermont, Mr. Sanders—and now the Senator from Ohio bringing to the attention of all of us who are cold, that is, how people stay warm in the wintertime and helping people so they are not starving. So I appreciate this.

The people who are cold in the wintertime don’t have people to come and lobby for them. People who are home- less don’t have people here lobbying for them, coming in their limousines and parking over on Constitution Avenue, and sometimes they are in their Gucci shoes and they have to walk all the way across half a block to come and lobby for some of the tax breaks they want. For people who are hungry and people who are cold, that isn’t the case. So I appreciate very much the Senator from Ohio bringing to the attention of the Senate something that needs to be done.

CONSORTIUM APPROPRIATIONS ACT, 2008

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate the message from the House on H.R. 2764.

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate a message from the House.

The legislative clerk read as follows: Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2764) entitled “An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes,” with amendments.

Mr. REID. Mr. President, I move to concur in the amendments of the House. I have a cloture motion.

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

The legislative clerk read as follows: CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendments to
Mr. REID. Mr. President, the manager of this bill is going to be the chair of the Foreign Operations Subcommittee. Senator BYRD has designated Senator LEAHY to manage this bill. During the hour that is prior to this cloture vote, we have a few people who want to speak; maybe not all the time will be used. I hope during the evening people will be considerate of talking when they have to. These issues are fairly well pronounced now. We know what they are. We have a domestic spending bill that has been worked out through the House and the Senate, Democrats and Republicans. We have the White House which has been involved. That part should be fairly easy. It may not be everything we want, it may be more than what some want, but it should not take a lot of time.

We have three amendments relating to the debate on the war funding. One is the McConnell amendment which will try to increase war funding up to $70 billion out of the $196 billion the President has asked for. We also are going to have an amendment offered by Senator BYRD that will deal with a matter we brought before the Senate on other occasions which calls for our troops to be back by the middle of May of this next year, leaving troops to take care of counterterrorism, force protection, and training the Iraqis to a limited extent. Then we have an amendment which will be offered by Senators LEVIN and REED that will call for additional funding for Iraq, but in addition to that, it will have some accountability that is now not in existence.

Mr. President, as the majority leader, I designate Senator LEAHY as the controller of our time during the debate on this matter.

The PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate equally divided between the two leaders or their designees prior to the vote on the motion to invoke cloture.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will hopefully not even need the full hour, and we will be able to go ahead and have the cloture vote. I believe Senator Gregg is going to be managing on the Republican side once he gets here. Hopefully, it will be possible to just yield back all of our time before the end of the hour and go to a vote. I will yield in just about 3 minutes to Senator Gregg from Washington State for 10 minutes.

Mr. CRAIG. Mr. President, will the Senator consider yielding to me for no more than 5 minutes on a separate issue before we get heavily into the debate?

Mr. LEAHY. Mr. President, the time has been equally divided, and I ask unanimous consent that the Senator from Idaho, who is recognized, be able to take 5 minutes from the time set aside on the Republican side.

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

Mr. LEAHY. Mr. President, I am pleased that the Congress will send the Openness Promotes Effectiveness in our National Government Act—the "OPEN Government Act"—S. 2488, to the President for signature before the end of this year. With House passage of this bill today, and the Senate's passage of it last Friday, this historic, bipartisan, bicameral legislation becomes the first major reform to the Freedom of Information Act, FOIA, in more than a decade. The American people will have a new law honoring the public's right to know under the tree this holiday season.

I commend House Government Reform and Oversight Committee Chairman HENRY WAXMAN for moving quickly to enact this bill, and for his leadership in passing FOIA reform legislation in the House of Representatives. I thank him and his staff, including Anna Latin, Michelle Ash and Phil Schiullo, for all of their hard work on this legislation. I also commend Representative WILLIAM "LACY" CLAY, Jr., for sponsoring this legislation in the House.

I also thank the members of my staff who worked on this bill—Lydia Grigsby, Lauren Brackett, Erica Chabot, Bruce Cohen and Leila George-Wheeler—for all of their hard work on this bill.

I also commend the bill's chief Republican cosponsor in the Senate, Senator JOHN CORNYN, for his commitment and dedication to enacting FOIA reform legislation this year.

I am also appreciative of the efforts of Senator JON KYL for cosponsoring this bill and helping us to reach a compromise on this legislation this year. I also thank the more than 155 business, news media and public interest organizations that have endorsed this legislation.

As the first major reform to FOIA in more than a decade, the OPEN Government Act will help to reverse the troubling trends of excessive delays and lax FOIA compliance in our government and help to restore the public's trust in their government.

This legislation will also improve transparency in the Federal Government's FOIA process by: restoring meaningful deadlines for agency action under FOIA; imposing real consequences on Federal agencies for missing FOIA's 20-day statutory deadline; clarifying that FOIA applies to government-wide Web-based and private contractors; establishing a FOIA hotline service for all Federal agencies; and creating a FOIA Ombudsman to provide FOIA requestors and Federal agencies with a meaningful alternative to costly litigation.

The OPEN Government Act will protect the public's right to know, by ensuring that anyone who gathers information to inform the public, including free newspapers and individuals performing a media function who do not necessarily have a prior history of publication.

The bill also restores meaningful deadlines for agency action, by ensuring that the 20-day statutory clock under FOIA starts when a request is received, and enacts the appropriate component of the agency and requiring that agency FOIA offices get FOIA requests to the appropriate agency component within 10 days of the receipt of such requests.

The bill also clarifies that the Supreme Court's declaration in Corboy Board and Care Home, Inc. v. West Virginia Dept of Health and Human Resources, which eliminated the "catalyst theory" for attorneys' fees recovery under certain Federal civil rights laws, does not apply to FOIA cases.

Furthermore, to address concerns about the growing costs of FOIA litigation, the bill also creates an Office of Government Information Services in the National Archives and creates an ombudsman to mediate agency-level FOIA disputes.

In addition, the bill ensures that each Federal agency appoints a Chief FOIA Officer to monitor the agency's compliance with FOIA requests, and a FOIA Public Liaison who will be available to resolve FOIA related disputes. And, the bill creates a better tracking system for FOIA requests to assist members of the public and clarifies that FOIA applies to agency records that are held by outside private contractors, no matter where these records are located.

Finally, this bill contains a number of key improvements championed by Chairman WAXMAN. The bill includes language that will ensure that attorneys' fees that are awarded in FOIA litigation are paid for with annually appropriated agency funds.

The bill also eliminates a provision on citations to FOIA (b)(3) exemptions contained in the earlier Senate bill. In addition, the bill includes a new provision that requires Federal agencies to disclose the FOIA exemptions that they rely upon when redacting information from documents released under FOIA.

And the bill adds FOIA duplication fees for non-commercial requestors, including the media, to the fee waiver penalty that will be imposed when an
agency fails to meet the 20-day statutory clock under FOIA.

The enactment of FOIA reform legislation this year is an important milestone in the effort to restore openness and transparency to our government. By supporting meaningful FOIA reform bill to the President this year, the Congress also sends a powerful message to the American people that the era of excessive government secrecy has come to an end.

While I'm proud that the reforms contained in the OPEN Government Act will ensure that FOIA is reinvigorated for future generations, my work to strengthen FOIA will not end with the enactment of this legislation.

There is much more work to be done to ensure that we have a government that is open and accountable to all Americans. And I will continue to work with Senator CORNYN, Chairman WAXMAN and others to further strengthen this vital open government law. I want to promptly sign this open government legislation into law at the earliest opportunity.

So again, I am pleased today that the Congress is going to send the Openness Promotes Effectiveness in our National Government Act also known as the OPEN Government Act—and for those who follow this issue, FOIA. They are going to send it to the President before the end of this year. With passage of this bill today in the House and the Senate's passage of it this Friday, this historic, bipartisan, bicameral legislation becomes the first major reform of the Freedom of Information Act in more than a decade. The American people are going to have a new law honoring the public's right to know, and they will have it during this holiday season.

I commend the House Government Reform and Oversight Committee chairman, HENRY WAXMAN, for moving quickly to enact this bill and for his leadership. I wish to thank him and his staff, including Anna Lathan, Michelle Ash, and Phil Schiliro, for all of their hard work on the legislation.

I commend also the chief Republican cosponsors in the Senate, Senator JOHN CORNYN and Senator JON KYL, for joining me in this effort.

The reason this legislation is so important is that throughout my whole career in the Senate, I have always supported this bill and for his leadership. I wish to thank him and his staff, including Anna Lathan, Michelle Ash, and Phil Schiliro, for all of their hard work on the legislation.

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The reason this legislation is so important is that throughout my whole career in the Senate, I have always supported this bill and for his leadership. I wish to thank him and his staff, including Anna Lathan, Michelle Ash, and Phil Schiliro, for all of their hard work on the legislation.

I am proud of what this bill accomplishes. It provides funding to hire and train new air traffic controllers, and rejects the President's efforts to cut funding to modernize the air traffic control system. It rejects President Bush's hardest and harshest cuts in transportation and housing, and it includes critical initiatives that are new that will make important improvements to transportation safety.

This bill addresses that crisis by targeting almost a quarter of a billion dollars to ensure that our families get the counseling they need. This kind of housing counseling is a key difference for homeowners who are struggling to make payments and to keep their homes. The amount this bill provides for housing counseling is more than 4½ times the level that was asked for by President Bush.

Earlier this year, my very able partner Senator BOND and I held numerous hearings on the most important transportation and housing challenges that face our Nation. I negotiated every line of a very complicated spending bill with each other and then with our colleagues in the House. We were able to put together an appropriations bill that was reported, in fact, unanimously by the Senate, and passed the Senate with 88 votes. We then negotiated a conference agreement that earned the signature of every single conferee on both sides of the aisle on both sides of the Capitol. This was a truly bicameral, bipartisan bill.

Unfortunately, even though House Democrats, House Republicans, Senate...
Democrats, and Senate Republicans were agreed on a balanced package that did address our transportation and housing needs, the one person who did not agree with us was President Bush. Because of that, we are blocked from sending a transportation bipartisan bill to his desk for a veto.

Since that time, we have had a couple of very difficult negotiations and, as a result, we have had to strip almost $21 billion out of the bill. There are real consequences to those additional cuts on which the President insisted. Transit riders across the country are going to ride in outdated buses because there is not enough money to replace them. Construction of new light rail systems in some of our most congested cities is going to be slow. Discretionary highway programs have been stripped of the dollars that would have been available for national transportation investments.

Because of the President’s demands, we were required to cut matching funds that we were sending to the States to support expanded passenger rail service. We reduced the initial commitment to those increases because of the number of family unification vouchers. That is a program that provides the necessary housing assistance so foster children and their struggling parents can be reunited in a stable household.

We were required to slow the release of a satellite navigation throughout our national airspace.

As I said, I have mixed feelings about this bill. We were dealt a very difficult hand by the President’s budget demands, and in order to live within those constraints and move forward, we had to make some difficult cuts, and those cuts mean we have had to put off important investments in transit, in highways, and in community development, among many other areas.

Still, I appreciate the work of my colleagues to ensure that this bill rejects the President’s worst transportation and housing cuts. Instead, this bill responds to the most critical needs in transportation and housing and makes sure our broken bridges and highways get repaired, that our crowded airports are safe, Amtrak is protected from bankruptcy, and we are protecting our most vulnerable citizens from homelessness.

Finally, I do want to spend a couple minutes on a related subject. In the last Appropriations and Finance Committees were able to reach an agreement on the way FAA funding will be made available in the future. I am letting my colleagues know, this past fiscal year was supposed to be the year we would make important improvements in order to reauthorize our Federal aviation programs. That included the core authorities for the operations of the FAA, as well as the agency’s procurement budget, research budget, and Federal grant program that are used to improve and expand our Nation’s airports.

I regret Congress was not able to make more progress on the legislation this year, but thankfully this appropriations bill now includes a number of important authorities and funding that will keep the FAA functioning and keep the airport and airway trust fund solvent.

This conference agreement extends the current aviation excise taxes until the end of February, and it includes provisions to extend the existing war insurance risk program, as well as third-party liability protections.

The bill authorizing that rejects the President’s proposed cuts to essential air service which guarantees air service to a lot of our rural communities, something about which many of us care. And it rejects the President’s proposed cuts to our effort to modernize the air traffic control system and invest in airport infrastructure.

Congress has not been able to finish the FAA reauthorization process in part because of the disagreements among the Senate committees about what their role is in overseeing and finding FAA programs. There are also disagreements about what type and mix of taxes and fees are supposed to be used to fund the FAA. But I am pleased to report that we have now successfully watched through one of those disagreements. Over the last 2 days, the two committees have come to an understanding about how funding for FAA programs will be moving forward.

I ask unanimous consent to have filed and in exchange of letters between the leadership of the two committees.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Hon. Max Baucus,
Chairman, Committee on Finance,
U.S. Senate, Washington DC.
Hon. Charles Grassley,
Ranking Member, Committee on Finance,
U.S. Senate, Washington DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: We understand that your Committee will convene this afternoon to hold up the “American Infrastructure Investment And Improvement Act.” We write to express our great concern regarding provisions of your draft legislation that would create a new mandatory funding mechanism for the modernization of the FAA’s air traffic control system. According to documents distributed by your Committee, your proposal would divert certain modernization funds from the annual appropriations process and the oversight of our Appropriations Subcommittee on Transportation, Housing and Urban Development and Related Agencies.

In our view, such an action would be inappropriate and detrimental to the Congress’s ability to review and control FAA spending.

The Committee on Appropriations shares your goal for the modernization of our air traffic control infrastructure with a next-generation system. Indeed, this year, as in past years, our Committee has directed resources to the development of this next-generation system beyond the levels sought in the FAA’s own budget request. At the same time, however, it has gone to great lengths to highlight and control waste-ful programs where the FAA has encountered dramatic cost overruns for systems that are delivering fewer improvements than were originally promised to our Committee and the taxpayer. Unfortunately, such instances are not a rare occurrence.

As is discussed in our Committee report accompanying the Transportation Appropriations Act for 2008, fully 25 percent of the FAA’s 37 major procurement projects have encountered schedule delays or substantial cost overruns since their initial contracts were signed. Since 2001, the accumulated schedule delays for these programs now exceed 296 months and the associated costs to the taxpayers have grown by almost $1.7 billion. When you consider the performance of these programs to the FAA’s estimates at each program’s inception, accumulated delays now approach 400 months and cost overruns exceed $5 billion, as documented in innumerable audits by the DOT Inspector General and Government Accountability Office make clear that, while improvements are being made in the FAA’s procurement processes, the agency still has a very long way to go before the Congress and the taxpayer can be assured that funding for a next generation system will be spent wisely.

Our Committee is committed to providing that funding but is equally committed to overseeing the agency’s efforts to ensure that such funding is wisely spent. Given the FAA’s record, we do not see any merit in putting any part of the FAA modernization beyond an “automatic pilot” and substituting our Committee’s oversight role with that of an unelected “Modernization Board” that is not answerable to the taxpayers that are bearing the agency’s costs. We believe that efforts to exempt any part of the FAA’s funding from annual Appropriations Committee oversight is particularly unfair and potentially wasteful. We strongly oppose such efforts and ask that you revise these provisions before the bill is brought before the Full Senate for debate.

We look forward to working with you this year and in the years ahead to launch a modernized air traffic control system in a manner that is both accountable and affordable.

Sincerely,

ROBERT C. BYRD,
Chairman, Subcommittee on Transportation, Housing and Urban Development and Related Agencies.

THAD COCHRAN,
Ranking Member, Subcommittee on Transportation, Housing and Urban Development and Related Agencies.

PATTY MURRAY,

Senators Patty Murray, Russell Senate Office Building, Washington, DC.
Senator Kit Bond, Russell Senate Office Building, Washington, DC.
Senator Thad Cochran, Dirksen Senate Building, Washington, DC.
Senator Robert C. Byrd, Hart Senate Office Building, Washington, DC.
your collective concern regarding provisions in the American Infrastructure Investment and Improvement Act that relate to the manner in which tax revenues authorized in the Act are used to fund the Federal Aviation Administration for its procurement needs. We all share the same interest in modernizing our air traffic control system as quickly and efficiently as possible.

We appreciate your concerns regarding the role of un-elected entities in developing Federal policy, and we believe strongly that Congress should retain its constitutional authority to raise revenue and appropriate funding.

In your letter, you voice your concern that our bill, as drafted, might result in the FAA receiving annual mandatory funding outside of your Committee’s control. You also voice concern that provisions of our bill could result in an external un-elected board, rather than Congress, having the authority to make Federal funding allocations to specific FAA procurements.

In order to eliminate any ambiguity regarding these matters, it will be our intention to immediately modify the text of our bill when it reaches the Senate floor or is incorporated into any other vehicle so as to ensure that these concerns are addressed. Specifically, the bill will be modified to ensure that any new mandatory funding will be provided to the FAA and that the Committee on Appropriations will continue to retain its current role of determining the final amount of FAA programs, projects, and activities within the Federal Aviation Administration through annual and supplemental appropriations acts.

Our national aviation enterprise faces a great many challenges in the years ahead as air traffic continues to grow faster than available capacity. Our Committee is committed to working with a partner with your Committee to ensure that we establish and maintain the safe and efficient state-of-the-art air traffic control system that the American taxpayers want and deserve.

MAX BAUCUS.

CHUCK GRASSLEY.

Mrs. MURRAY. Mr. President, the final paragraph of the letter our Appropriations chair, Senator Baucus, and Ranking Member Grassley of the Finance Committee states that they look forward to working with our Appropriations Committee as partners in advancing the needs of our nation’s hospitals.

As one member of the subcommittee that oversees aviation funding, I express my strong interest in working as a partner with both committees to come up with a bill that fully addresses the future needs of our national aviation system. I hope that important effort will be one of the Senate’s first priorities when we reconvene next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration S. 2499, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk reads as follows:

A bill (S. 2499) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

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

Mr. GRASSLEY. Mr. President, as we approach the end of 2007, one cannot help but look ahead and see that there are many challenges that await us in the second session of the 110th Congress, especially in addressing issues relating to health care. In 2008, we will need to take a serious look at many issues in the Medicare Program. Among them will be continuing to work on developing a solution for Medicare’s flawed physician reimbursement system. As usual, I look forward to working with my partner on the Senate Finance Committee, chairman, Senator MAX BAUCUS, in our usual bipartisan way to address this and many other issues.

However, before we could adjourn this first session and go home to enjoy the holidays with our families, there was still urgent work to finish. That was the purpose of this exercise. In the legislation we considered today, there were several issues that rose to the very top level of “must do.” These included ensuring that physicians do not receive a drastic cut in their Medicare reimbursement and extending a number of expiring provisions including the State Children’s Health Insurance Programs.

Ensuring health care access to my constituents is a top priority of mine and the possibility of a negative update for physicians was of great concern to me as well as to doctors and patients in Iowa and elsewhere. When discussions began to solve this problem I was in favor of a 2-year update. I know that several of my colleagues were as well. But in continuing negotiations with the House and Senate colleagues it became apparent that a 2-year fix was not possible. I wanted to do more. I know Senator BAUCUS wanted to do more. We were unable to reach consensus even on the Republican side either and, therefore, the Finance Committee was unable to move ahead with the legislation that Senator BAUCUS and I had been developing. Unfortunately, for a variety of complex reasons, we are now here with a much more limited package. This is a disappointment for many of us. So the purpose of the bill with a 6-month package now is to provide the opportunity for the Finance Committee to address these priorities next year.

One of my first priorities has been to ensure access to rural hospital services. Since hospitals are often not only the sole provider of health care in rural areas, but also significant employers and purchasers in the community, it is especially important that they are able to keep their doors open. One group of hospitals that are especially concerned about are “tweener” hospitals, which are too large to be critical access hospitals, but too small to be financially viable under the Medicare hospital prospective payment systems. The struggles these facilities face in Iowa are real and serious. I am very disappointed we were not able to help these hospitals in this package. I look forward to working with Senator BAUCUS and other Members to include “tweener” hospital improvements in next year’s package.

Second, we must address the problem of the community hospitals. I have been an outspoken advocate against these facilities for several years now. My primary concern with these facilities is the inherent conflict of interest that exists when physicians have an ownership interest in the facilities to which they refer patients. The best interest of the patient should always be the deciding factor when a referral for treatment is made, not the financial self-interest of the doctor who is treating the patient.

In the January 1, 2008, we have a competitive marketplace and free market forces, but not at the expense of decreasing access to health care for the poor and uninsured or decreasing the quality of care for and safety of patients. I have been concerned about the ability of community hospitals to provide care to all patients. I also look forward to working with Senator BAUCUS on addressing this issue in our package next year.

There are a number of other important issues that need to be addressed as well. We need to take on the reforms of the Medicare Quality Improvement Organization Program, we need to inject some sunshine in the process that drug companies make to doctors, and we also need to make sure that Medicare is part of the solution when it comes to greater use of electronic prescribing and electronic health records. In the January 1, 2008, we have a competitive marketplace with the following provisions that extend a number of Medicare, Medicaid and SCHIP provisions.

This legislation prevents the 10.1 percent cut to physician payment that would have occurred as of January 1, 2008, and instead gives a 6-month 0.5 percent update for physicians through June 30, 2008. In effect, this provides a 10.5 percent increase in physician fees from what they would otherwise have received beginning in January under current law. While this is not what many of us had in mind when we began this process, providing an update through next June will allow more time to fully go through the legislative process beginning with a committee markup next year.

This legislation also continues to provide additional payment incentives for physicians and other health care practitioners who report quality measures in the Physician Quality Reporting System. We must ensure that health care providers can afford to continue to practice medicine. We must also ensure that beneficiaries have access to physicians and other health care providers. And we must provide incentives for quality improvement.
We also accommodate physicians ordered to active duty in the Armed Services by extending for 6-months a provision that permits them to engage in substitute billing arrangements for longer than the 60 days allowed under current law when they are ordered to active duty.

Our legislation also revises the Physician Assistance and Quality Initiative Fund, which is intended to help stabilize physician payments and promote physician quality initiatives. This new fund will be available in 2008 to help minimize fluctuations in physician payments and promote physician quality initiatives.

The physician payment changes will be offset, in part, by an adjustment to the Medicare Advantage stabilization fund. Our legislation does not repeal the stabilization fund but rather preserves the fund for future years. We use the $1.5 billion available in 2012, while preserving the existing law through 2013. Given the continued strong participation by plans in the program right now, the legislation preserves the fund so that Congress can add more funds in future years if they are needed.

The legislation extends Medicare private plan cost contracts through 2009, which, without this legislation, are due to expire at the end of 2008. These are longstanding plans that provide health care to Medicare beneficiaries in many communities but have been unable to convert to Medicare Advantage plans. In addition, the legislation includes a 1-year extension to Medicare Advantage special needs plans through 2009. At the same time, the legislation puts a moratorium on new special needs plans. When Congress enacted the Medicare Modernization Act in 2003, it created a category of plans intended to provide specialized care models for certain populations, including Medicare beneficiaries who are also eligible for Medicaid, those who are chronically and severely ill or disabled, and those who are institutionalized (for example, in nursing homes). While these plans have proliferated, it is unclear how well they are meeting their mission of specialized care. The legislation freezes the program at the plans currently approved so that Congress and CMS can monitor the plans’ performance and determine if any changes are needed.

In addition to reformatting the manner in which Medicare pays for physician services, this legislation will extend several expiring provisions enacted in the Medicare Modernization Act to help ensure that beneficiaries will continue to have access to needed medical services. This includes provisions applicable to rural payments to physicians, extending the 1.0 floor on the work geographic adjustment, continuing direct payments to independent laboratories for physician pathology services, and continuing Medicare reasonable cost payments for lab tests in small rural hospitals.

Our legislation also provides a 6-month extension of the therapy cap exceptions process that was included in the Tax Relief and Health Care Act last year to ensure that beneficiaries receive the physical, occupational, and speech language therapy services they need. It also extends the existing payment methodology for brachytherapy services and extends it to therapeutic radiopharmaceuticals through June 30, 2008.

As in previous legislation that Congress has passed, this legislation will continue to improve accountability in the Medicare Program. There are situations when Medicare is not the primary payer for a beneficiary’s health care, but it is currently difficult to identify these situations. This legislation will improve the Secretary’s ability to identify beneficiaries for whom Medicare is the secondary payer by requiring group health plans and liability insurers to submit data to the Secretary.

The legislation will ensure beneficiaries who are covered by non-Medicare insurance can continue to have access to needed medical help ensure that beneficiaries will continue to have access to needed medical help.

In the Medicaid arena, the legislation extends the provision of disproportionate share hospital payments to Tennessee and Hawaii for the first three-quarters of the current fiscal year. These payments were authorized for these States for the first time in last year’s Tax Relief and Health Care Act and this is an extension of that policy.

The legislation also delays implementation of recently released regulations on school-based services and rehabilitation services in Medicaid so that the Finance Committee can appropriately review those regulations.

Finally, the legislation also includes an extension of the State Children’s Health Insurance Program, SCHIP, through March 31, 2009. This provision makes additional funding available so that States do not have to scale back SCHIP. This extension will ensure that no State has to cut back their program due to insufficient Federal funding.

I remain hopeful that when the 110th Congress reconvenes next year, there will be a renewed effort to reauthorize and improve SCHIP.

The bill we considered today addressed the things Congress needed to do before going home for the holidays. I am pleased we were able to act quickly and unanimously. I also know many of my colleagues wanted to do more. I know some of my colleagues are disappointed because their individual priorities could not be included. It is unfortunate. I do hope we can do more when we come back next year.

Next year is an election year. The caucuses in my home state of Iowa are but days away. We have important business to conclude in Medicare and Medicaid and SCHIP. We have a Democratic majority in the House and a slim majority in the Senate and a Republican President. At times this year, I am not sure my colleagues on the other side of the aisle fully grasped the consequences of that reality. It certainly shows when you consider what we could have done. This year’s accomplishments were what was ultimately accomplished. I sincerely hope we do a better job of being bipartisan albeit in a political year.

Let me be clear that I stand ready to roll up my sleeves and get back to work come January. I am committed to moving ahead with the broader Medicare package when we return here next year. To make law, that package...
will have to be one that the President will sign. It will require bipartisan cooperation and hard work. I am ready to get the job done. There are many problems that need to be addressed, and we can address the myriad issues that we left off last year. I can review the work on the proposed Medicaid regulations that have so many people vexed. We can pass a SCHIP reauthorization that can become law. We have learned the pathway to failure this year. I stand ready to work with my colleagues who want to join me on the path not taken in 2007 to more productive 2008.

As we move to the end of the first session of the 110th Congress, I want to extend my grateful appreciation to my health staff and others for the work they have done in 2007. My staff director on the Finance Committee, Kolan Davis, has been with me for many, many years and provides me invaluable counsel. My chief health policy counsel, Mark Parson, accomplishes more every day than any other hundred people on the Hill combined and for his tireless work ethic, I am truly thankful. My Medicare Part A counsel, Mike Park, labored through the last several weeks, though he was sick as a dog, because it is that important. My Medicare Part B counsel, Sue Walden, ably deciphered the multiple variations we considered for providing an update to the physicians. The newest member of my team, Kristin Bass, who handles Medicaid, Medicare D, D+D, and D.B., has accomplished much too.

We benefit greatly from the Congressional Briefing Service, HHS, on long-term care hospitals and inpatient rehabilitation facilities, IRFs. With regard to the legislative language from the Conrad-Hatch bill. The legislation before the Senate extends the State Children’s Health Insurance Program, CHIP, through March 31, 2009. Let me make one point perfectly clear on this provision I—am not going to give up on reauthorizing the CHIP program for an additional 5 years, committed to that goal and intend to work with my colleagues early next year. I will not rest until this program is reauthorized and all eligible, low-income children are covered by the CHIP program.

On balance, while this bill is not what any of us would have liked, it does address many of the immediate concerns of Medicare patients, their physician and other health care providers. I strongly support this bipartisan legislation and urge my colleagues to support this bill.

Mr. AKAKA. Mr. President, I support the Medicare, Medicaid, SCHIP Extension Act of 2007. I appreciate the hard work and leadership of Senators Baucus and Grassley in putting together this important legislation that will improve Medicare reimbursements, extend the State Children’s Health Insurance Program, and extend other important Medicare and Medicaid policies.

In addition, this legislation includes a provision that extends Medicaid disproportionate share hospital, DSH, allotments for Hawaii and Tennessee for another 6 months. Medicaid DSH resources help support hospitals that care for significant numbers of Medicaid and uninsured patients.

Hawaii and Tennessee are the only two States that do not have permanent DSH allotments. The Balanced Budget Act of 1997 created specific DSH allotments for each State based on their actual DSH expenditures for fiscal year 1995. In 1999, 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 Medicaid, Medicare, 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 that led to an increase in DSH allotments for low DSH States. Again, States without allotments were left out.
In the Tax Relief and Health Care Act of 2006, DSH allotments were finally provided for Hawaii and Tennessee for 2007. The act included a $10 million Medicaid DSH allotment for Hawaii for 2007. The Medicare, Medicaid, and SCHIP Extension Act of 2007 will extend the DSH allotments for Hawaii and Tennessee for an additional 6 months.

This extension authorizes the submission by the State of Hawaii of a State plan amendment covering a DSH payment methodology to hospitals which is consistent with the requirements of existing law relating to DSH payments. The purpose of providing a DSH allotment for Hawaii is to provide additional funding to the State of Hawaii to permit a greater contribution toward the uncompensated costs of hospitals that are providing indigent care. It is not meant to alter existing arrangements between the State of Hawaii and the Centers for Medicare and Medicaid Services, CMS, or to reduce in any way the level of Federal funding for Hawaii’s QUEST program.

I look forward to continuing to work with Senators Alexander, Corker, and Inouye to permanently restore allotments for Hawaii and Tennessee. I thank the chairman and ranking member of the Finance Committee for all of their efforts on this legislation and for their support on this issue of great importance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2499) was ordered to be engrossed for third reading, was read the third time, and passed, as follows: S. 2499

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Medicare, Medicaid, and SCHIP Extension Act of 2007.”

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

I. MEDICARE

II. MEDICAID AND SCHIP

III. MISCELLANEOUS

I. MEDICARE

A. INCREASE IN PHYSICIAN PAYMENT UPDATE; EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.

1. Increase in physician payment update; extension of the physician quality reporting system.

2. Extension of Medicare incentive payment program for physician scarcity areas.

3. Extension of floor on work geographic adjustment under the Medicare physician fee schedule.

4. Extension of treatment of certain physician pathology services under Medicare.

5. Extension of exceptions process for Medicare therapy caps.

6. Extension of payment rule for benzodiazepines and other therapeutic radiopharmaceuticals.

7. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.

8. Extension of authority of specialized Medicare Advantage plans for special needs individuals to offer a formulary.

9. Extension of deadline for application of limitation on extension or renewal of Medicare reasonable cost contract plans.

10. Adjustment to the Medicare Advantage stabilization fund.


12. Payment triggers.

13. Payment rate for certain diagnostic laboratory tests.


15. Payment for inpatient rehabilitation facility (IRF) services.

16. Extension of accommodation of physicians ordered to active duty in the Armed Services.

17. Treatment of certain hospitals.

18. Additional Funding for State Health Insurance Programs and Area Agencies on Aging, and Aging and Disability Resource Centers.

II. MEDICAID AND SCHIP


2. Extension of transitional medical assistance (TMA) and anti-abstinence education program.

3. Extension of qualified individual (QI) program.


5. Improving data collection.

6. Modifications to certain payment restrictions.

III. MISCELLANEOUS

1. Medicare Payment Advisory Commission status.

2. Special Diabetes Programs for Type I Diabetes and Indians.

A. INCREASE IN PHYSICIAN PAYMENT UPDATE; EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.

1. Increase in physician payment update; extension of the physician quality reporting system.

(a) IN GENERAL.—Section 1848(b)(4) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(A) by striking “(4)(B), by striking “and paragraphs (5) and (6)” and inserting “and the succeeding paragraphs of this subsection”; and

(B) by adding at the end the following new paragraph:

“(B) UPDATE FOR A PORTION OF 2008.—

“(A) IN GENERAL.—Subject to paragraph (7)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise take effect for the period beginning on January 1, 2008, and ending on June 30, 2008, the update to the single conversion factor shall be 0.5 percent.

“(B) NO EFFECT ON CONVERSION FACTOR FOR THE REMAINING PORTION OF 2008.—

The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on July 1, 2008, and ending on December 31, 2008, and for 2009 and subsequent years as if subparagraph (A) had never applied.

“(2) REVISION.—Revisions to the Medicare Assistance and Quality Initiative Fund.—

(A) REVISION.—Section 1848(a)(2) of the Social Security Act (42 U.S.C. 1395w–4(a)(2)) is amended—

(i) by striking paragraph (A) and inserting the following:

“(A) AMOUNT AVAILABLE.—

“(1) IN GENERAL.—Subject to clause (ii), there shall be available to the Fund the following amounts:

(I) For expenditures during 2008, an amount equal to $150,500,000.

(II) For expenditures during 2009, an amount equal to $315,500,000.

(III) For expenditures during 2010, an amount equal to $4,960,000,000.

“(ii) LIMITATIONS ON EXPENDITURES.—

“(I) 2008.—The amount available for expenditures during 2008 shall be reduced as provided by subparagraph (A) of section 225(c)(1) and section 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

“(ii) 2009.—The amount available for expenditures during 2009 shall be reduced as provided by subparagraph (B) of section 225(c)(1).

“(iii) 2010.—The amount available for expenditures during 2010 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year, and

(ii) in subparagraph (B), by striking “entire amount specified in the first sentence of subparagraph (A)” and all that follows and inserting the following:

“(ii) 2009 for payment with respect to physicians’ services furnished during 2009; and

“(iii) 2010 for payment with respect to physicians’ services furnished during 2010.”.

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Subject to clause (ii), the amendments made by subparagraph (A) shall take effect on the date of the enactment of this Act.

(ii) SPECIAL RULE FOR COORDINATION WITH CONSOLIDATED APPROPRIATIONS ACT, 2008.—If the date of the enactment of the Consolidated Appropriations Act, 2008, occurs on or after the date described in clause (i), the amendments made by subparagraph (A) shall be deemed to be made on the day after the effective date of sections 225(c)(1) and 524 of the Departments of Labor, Health and Human Services, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

(C) TRANSFER OF FUNDS TO PART B TRUST FUND.—Amounts that would have been available to the Physician Assistance and Quality Initiative Fund under section 1848(k)(2) of the Social Security Act (42 U.S.C. 1395w–4(a)(2)) for payment with respect to physicians’ services furnished prior to January 1, 2013, to the extent not otherwise provided for by this Act, shall be deposited into, and made available for expenditures from, the Federal Supplementary Medical Insurance Trust Fund under section 1811 of such Act (42 U.S.C. 1395t).

(D) EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.

1. Extension of the physician quality reporting system.

(2) The amount equal to $4,960,000,000 under section 101(c) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note) is amended—
(A) in the heading, by inserting “AND 2008” after “2007”;

(B) in paragraph (5), by adding at the end the following:

“(F) Extension.—For 2008 and 2009, paragraph (3) shall not apply, and the Secretary shall establish alternative criteria for satisfactorily reporting under paragraph (2) and alternative periods under paragraph (6) for reporting groups of measures under paragraph (2)(B) of section 1848(k) of the Social Security Act (42 U.S.C. 1395w–4(k)) and for reporting using the method specified in paragraph (4) of such section.”;

and

(C) in paragraph (6), by striking subparagraph (C) and inserting the following new subparagraph:

“(C) Reporting period.—The term ‘reporting period’ means—

(i) for 2007, the period beginning on July 1, 2007, and ending on December 31, 2007; and

(ii) for 2008, all of 2008.”;

(c) Implementation.—For purposes of carrying out the provisions of, and amendments made by, section 501, the Secretary shall use the data for a period beginning on July 1, 2008, and before July 1, 2009, for purposes of clause (1) of subparagraph (A)(iv) of section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–28(f)) is amended by adding at the end the following new paragraphs:

“(a) Extension of payment rule for brachytherapy. —Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 107(a) of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ‘‘January 1, 2008’’ and inserting ‘‘July 1, 2008’’.

(b) Payment for therapeutic radiopharmaceuticals. —Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 107(a), is amended—

(1) in the heading, by inserting ‘‘and therapeutic radiopharmaceuticals’’ before ‘‘AT CHARGES’’;

(2) in the first sentence—

(A) by inserting ‘‘and for therapeutic radiopharmaceuticals furnished on or after January 1, 2008, and before July 1, 2008.’’ after ‘‘July 1, 2008.’’;

(B) by inserting ‘‘or therapeutic radiopharmaceuticals furnished on or before July 1, 2008, and before July 1, 2009’’ after ‘‘July 1, 2008’’;

(C) by inserting ‘‘or therapeutic radiopharmaceuticals’’ after ‘‘each device’’; and

(3) in the second sentence, by inserting ‘‘or therapeutic radiopharmaceuticals furnished on or after July 1, 2008, and before July 1, 2009’’ after ‘‘such devices’’.


Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ‘‘December 31, 2007’’ and inserting ‘‘June 30, 2008’’.


(a) Extension of Payment Rule for Brachytherapy. —Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 107(a) of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ‘‘January 1, 2008’’ and inserting ‘‘July 1, 2008’’.

(b) Payment for Therapeutic Radiopharmaceuticals. —Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by subsection (a), is amended—

(1) in the heading, by inserting ‘‘and therapeutic radiopharmaceuticals’’ before ‘‘AT CHARGES’’;

(2) in the first sentence—

(A) by inserting ‘‘and for therapeutic radiopharmaceuticals furnished on or after January 1, 2008, and before July 1, 2008.’’ after ‘‘July 1, 2008.’’;

(B) by inserting ‘‘or therapeutic radiopharmaceuticals furnished on or after January 1, 2008, and before July 1, 2009’’ after ‘‘July 1, 2008’’;

(C) by inserting ‘‘or therapeutic radiopharmaceuticals’’ after ‘‘each device’’; and

(3) in the second sentence, by inserting ‘‘or therapeutic radiopharmaceuticals furnished on or after January 1, 2008, and before July 1, 2009’’ after ‘‘such devices’’.

SEC. 107. Extension of Medicare Reasonable Costs Payments for Certain Diagnostic Laboratory Tests Furnished to Hospital Patients in Certain Rural Areas.


SEC. 108. Extension of Authority of Specialized Medicare Advantage Plans for Special Needs Individuals to Restricted Enrollment.

(a) Extension of Authority To Restrict Enrollment.—Section 1128A(a)(4) of the Social Security Act (42 U.S.C. 1395l–4) is amended by striking ‘‘2009’’ and inserting ‘‘2010’’.

(b) Moratorium.—

(1) Authority to Designate Other Plans As Special Needs Plans.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not exercise the authority provided under section 251(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1396w–21 note) to designate other plans as plans for special needs individuals under part C of title XVIII of the Social Security Act. The preceding sentence shall not apply to plans designated as specialized MA plans for special needs individuals under part C of title XVIII of the Social Security Act to the extent that any other provision of law or regulation provides that any other entity or person may implement this paragraph by program instruction or otherwise.

(2) Enrollment in New Plans.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not permit enrollment of any individual residing in an area in which a Medicare Advantage plan for special needs individuals under part C of title XVIII of the Social Security Act to the extent that any other provision of law or regulation provides that any other entity or person may implement this paragraph by program instruction or otherwise.
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“(B) REQUIRED INFORMATION.—The information described in this subparagraph is—

(i) the identity of the claimant for which the determination under subparagraph (A) was made; and

(ii) such other information as the Secretary shall specify in order to enable the Secretary to make an appropriate determination concerning coordination of benefits, including any applicable recovery claim.

(C) TIMING.—Information shall be submitted under paragraph (A) within the time specified by the Secretary after the claim is resolved through a settlement, judgment, award, or other payment (regardless of whether or not there is a determination or admission of liability).

(D) CLAMANT.—For purposes of subparagraph (A), the term ‘claimant’ includes—

(i) an individual filing a claim directly against the applicable plan; and

(ii) an individual filing a claim against an individual or entity insured or covered by the applicable plan.

(E) ENFORCEMENT.—

(i) IN GENERAL.—An applicable plan that fails to comply with the requirements under subparagraph (A) with respect to any claimant shall be subject to a civil money penalty of $1,000 for each day of noncompliance with respect to each claimant.

(ii)追い討ちとなる情報収集の必要性

(i) the Secretary to make an appropriate determination described in this subparagraph is

(ii) whether or not there is a determination or admission of liability.

The Secretary may share information collected under this paragraph as necessary for purposes of implementing paragraphs (7) and (8) of section 1862(a) of the Social Security Act, as added by subsection (a), to ensure appropriate payments under title XVIII of the Social Security Act, the Secretary of Health and Human Services shall have the authority, to the extent permitted by law, to enter into multiple source drug or biological agreements in section 1842(o)(1)(G) (excluding a drug or biological that is treated as a multiple source drug because of the application of such subsection) is the lower of—

(i) the payment amount that would be determined for such drug or biological applying subsection (c)(6)(A); and

(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied; and

(iii) a method described in section 1842(o)(1)(G) (excluding a drug or biological that is treated as a multiple source drug because of the application of such subsection) is the lower of—

(i) the payment amount that would be determined for such drug or biological taking into account the application of such subsection; and

(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied.”

SEC. 113. PAYMENT RATE FOR CERTAIN DIAGNOSTIC LABORATORY TESTS.

Section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended by adding at the end the following new subsection:

“(c) The term ‘long-term care hospital’ means a hospital which—

(i) is primarily engaged in providing inpatient services, by or under the supervision of a physician, to Medicare beneficiaries whose medically complex conditions require a long hospital stay and programs of care provided by a long-term care hospital;

(ii) has an average inpatient length of stay (as determined by the Secretary) of greater than 25 days, or meets the requirements of clause (ii) of section 1186(d)(1)(B)(ii); and

(iii) has the following facility criteria:

(A) the institution has a patient review process, documented in the patient medical record, that screens patients prior to admission for appropriateness to a long-term care hospital, validates within 48 hours of admission that patients meet admission criteria for long-term care hospitals, regularly evaluates patients throughout their stay for continuation of care in a long-term care hospital, and assesses the available discharge options when patients no longer meet such criteria; and

(B) the institution has active physician involvement with patients during their treatment through an organized medical staff, a physician-directed treatment with physician on-site availability on a daily basis to review patient progress, and consulting physicians on call and capable of being at the patient's bedside within a moderate period of time, as determined by the Secretary; and

(C) the institution has interdisciplinary teams with appropriate team members in interdisciplinarily trained team members of health care professionals, including physicians, to prepare and carry out an individualized treatment plan for each patient.

(b) STUDY AND REPORT ON LONG-TERM CARE HOSPITAL FACILITY AND PATIENT CRITERIA.—
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(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ‘‘Secretary’’) shall conduct a study on the establishment of national long-term care hospitals and patient criteria for purposes of determining medical necessity, appropriateness of admission, and continued stay at, and discharge from, long-term care hospitals.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the outcomes of the study conducted under paragraph (1), together with recommendations for such legislation and administrative actions, including timelines for implementation of patient criteria or other actions, as the Secretary determines appropriate.

(3) CONSIDERATIONS.—In conducting the study and in preparing the report under this subsection, the Secretary shall consider—

(A) recommendations contained in a report to Congress by the Medicare Payment Advisory Commission in June 2004 for long-term care hospital-specific facility and patient criteria to ensure that patients admitted to long-term care hospitals are medically complex and are appropriate to receive long-term care hospital services; and

(B) ongoing work by the Secretary to evaluate and determine the feasibility of such recommendations.

(4) PAYMENT FOR LONG-TERM CARE HOSPITAL SERVICES.—

(1) DEFINITION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT TO FREE-STANDING AND GRANDFATHERED LTCHS.—The Secretary shall not apply, for cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period—

(A) section 412.536 of title 42, Code of Federal Regulations, or any similar provision, to free-standing long-term care hospitals; and

(B) such section or section 412.534 of title 42, Code of Federal Regulations, or any similar provisions, to a long-term care hospital identified by the amendment made by section 411(a) of the Balanced Budget Act of 1997 (Public Law 105–33).

(2) PAYMENT FOR HOSPITALS-WITHIN-HOSPITALS.—

(A) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is co-located with an urban single or MSA dominant hospital under paragraphs (d)(1), (e)(1), and (e)(4) of section 412.534 of title 42, Code of Federal Regulations, shall not be subject to any payment adjustment under such section if no more than 15 percent of the hospital’s Medicare discharges (other than discharges described in paragraph (d)(2) or (e)(3) of such section) are admitted from a co-located hospital.

(B) CO-LOCATED LONG-TERM CARE HOSPITALS AND SATellite FACILITIES.—

(i) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is co-located with another hospital shall not be subject to any payment adjustment under such section 412.534 of title 42, Code of Federal Regulations, if no more than 50 percent of the hospital’s Medicare discharges (other than discharges described in paragraph (e)(3) of such section) are admitted from a co-located hospital.

(ii) APPLICABLE LONG-TERM CARE HOSPITAL OR SATELLITE FACILITY DEFINED.—In this paragraph, the term ‘‘applicable long-term care hospital or satellite facility’’ means a hospital or satellite facility that is subject to the rules under section 412.534(g) of title 42, Code of Federal Regulations.

(EFFECTIVE DATE.)—Subparagraph (A) and (B) shall apply to cost reporting periods beginning on or before the date of the enactment of this Act for a 3-year period.

(3) NO APPLICATION OF VERY SHORT-STAY OUTLIER POLICY.—The Secretary shall not apply, for the 3-year period beginning on the date of the enactment of this Act, the amendment made by the Medicare Fee-For-Service Payment for Long-Term Care Hospitals and Facilities Act of 1998 (72 Federal Register 26904, 26992) made to the short-stay outlier payment provision for long-term care hospitals contained in section 412.525(d)(4) of Code Federal Regulations, or any similar provision.

(4) NO APPLICATION OF ONE-TIME ADJUSTMENT TO STANDARD AMOUNT.—The Secretary shall not apply, for the 3-year period beginning on the date of the enactment of this Act, the one-time prospective adjustment to long-term care hospital payment rates provided for in section 412.525(d)(3) of title 42, Code of Federal Regulations, or any similar provision.

(5) REFEREE ON THE ESTABLISHMENT OF LONG-TERM CARE HOSPITALS, LONG-TERM CARE SATELLITE FACILITIES AND ON THE INCREASE OF LONG-TERM CARE HOSPITAL BEDS IN EXISTING LONG-TERM CARE HOSPITALS OR SATELLITE FACILITIES.—

(1) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Secretary shall impose a moratorium for purposes of the Medicare program under title XVIII of the Social Security Act—

(A) subject to paragraph (2), on the establishment and classification of a long-term care hospital or satellite facility, other than an existing long-term care hospital or facility; and

(B) subject to paragraph (3), on an increase of long-term care hospital beds in existing long-term care hospitals or satellite facilities.

(2) EXCEPTION FOR CERTAIN LONG-TERM CARE HOSPITALS.—The moratorium under paragraph (1) shall not apply to an applicable long-term care hospital that as of the date of the enactment of this Act—

(A) is located in a State where there is only one applicable long-term care hospital; and

(B) has a binding written agreement with the provider of an existing long-term care hospital or satellite facility, other than an existing long-term care hospital or facility, to provide criteria or other actions, as the Secretary determines appropriate.

(3) MORATORIUM ON THE ESTABLISHMENT OF LONG-TERM CARE HOSPITALS, LONG-TERM CARE SATELLITE FACILITIES AND ON THE INCREASE OF LONG-TERM CARE HOSPITAL BEDS IN EXISTING LONG-TERM CARE HOSPITALS OR SATELLITE FACILITIES.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall conduct a study to establish and classification of a long-term care hospital, or satellite facility, other than an existing long-term care hospital or facility, and establish criteria to ensure that patients admitted to such hospital or facility criteria or other actions, as the Secretary determines appropriate.

(2) REFERENCES TO ESTABLISHMENT AND IMPLEMENTATION OF SYSTEM.—For purposes related to the establishment and implementation of a prospective payment system for payments under this title for inpatient hospital services furnished by a long-term care hospital described in subsection (d)(1)(B)(iv), see title 123 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and section 307(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

(3) UPDATE FOR RATE YEAR 2008.—In implementing the system described in paragraph (1) for discharges occurring during the rate year ending in 2008 for a hospital, the base rate for such discharge shall be the same as the base rate for discharges occurring for the hospital during the rate year ending in 2007.

(4) DEFINED EFFECTIVE DATE.—Subsection (m)(2) of section 1866 of the Social Security Act, as added by paragraph (1), shall not apply to discharges occurring on or after July 1, 2007, and before April 1, 2008.

(5) EXPANDED REVIEW OF MEDICAL NECESSITY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall provide, under contracts with one or more appropriate fiscal intermediaries or Medicare administrative contractors under section 1862(h)(3)(C) of the Social Security Act (42 U.S.C. 1395k-1(a)(4)(G)), for reviews of the medical necessity of admissions to long-term care hospitals to long-term care hospitals contained in section 1886(d)(1)(B)(iv) of such Act and continued stay at such hospitals, of individuals entitled to, or enrolled for, benefits under part A of title XVIII of such Act consistent with this subsection. Such reviews shall be made for discharges occurring on or after October 1, 2007.

(B) REVIEW METHODOLOGY.—The medical necessity reviews under paragraph (A) shall be conducted on an annual basis in accordance with rules specified by the Secretary. Such reviews shall—

(A) provide for a statistically valid and representative sample of admissions of such individuals sufficient to provide results at a 95 percent confidence interval; and

(B) ensure that at least a 10 percent sample of overpayments received by long-term care hospitals for medically unnecessary admissions and continued stays of individuals in such hospitals are identified, certified of, and recovered and that related days of care will not be counted toward the length of stay requirement contained in section 1862(h)(3)(C) of the Social Security Act (42 U.S.C. 1395k-1(a)(4)(G)).

(3) CONTINUATION OF REVIEWS.—Under contracts under this subsection, the Secretary shall establish an appropriately trained panel with respect to such reviews that could require further review of the medical necessity of admissions and continued stay in the hospital involved to take appropriate actions as determined by the Secretary.

(4) TERMINATION OF REQUIRED REVIEWS.—

(A) IN GENERAL.—Subject to subparagraph (B), the reviews provided under this subsection shall cease to apply for discharges occurring on or after October 1, 2010.
(b) Continuation.—As of the date specified in subparagraph (A), the Secretary shall determine whether to continue to guarantee, through continued medical review and sampling in accordance with paragraph (1), recovery of at least 75 percent of overpayments received by long-term care hospitals due to medically unnecessary admissions and continued stays. 

(5) Payments.—The Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Program Management Account for the period of fiscal years 2008 and 2009.

SEC. 115. PAYMENT FOR INPATIENT REHABILITATION FACILITY (IRF) SERVICES.

(a) Payment Update.—

(1) IN GENERAL.—Section 1886(e)(3)(C) of the Social Security Act (42 U.S.C. 1395w(w)(3)(C)) is amended by adding at the end the following: “The increase factor to be applied under this subparagraph for each of fiscal years 2008 and 2009 shall be 0 percent.”.

(2) DELAYED EFFECTIVE DATE.—The amendment made by paragraph (1) shall not apply to payment units occurring before April 1, 2008.

(b) INPATIENT REHABILITATION FACILITY CLASSIFICATION CRITERIA.—

(1) IN GENERAL.—Section 5005 of the Deficit Reduction Act of 2005 (Public Law 109-171; 42 U.S.C. 1395ww(w)(3)(C)) is amended—

(A) by striking “apply the applicable percent specified in subsection (b)” and inserting “require a compliance rate that is no greater than the 60 percent compliance rate specified in title 18 of the Code of Federal Regulations applicable to hospitals for the fiscal year beginning on October 1, 2006.”; and

(B) by amending subsection (b) to read as follows—

“(b) Continued Use of Comorbidities.—For cost reporting periods beginning on or after July 1, 2006, and for purposes of making the applicable percent specified in subsection (a)”,

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply for cost reporting periods beginning on or after July 1, 2007.

(c) RECOMMENDATIONS FOR CLASSIFYING INPATIENT REHABILITATION HOSPITALS AND UNITS.—

(1) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with physicians (including geriatricians and psychiatrists), administrators of inpatient rehabilitation, acute care hospitals, skilled nursing facilities, and other settings providing rehabilitation services, Medicare beneficiaries, trade organizations representing inpatient rehabilitation facilities, and the Medicare Payment Advisory Commission, shall submit to the Committee on Ways and Means and the House of Representatives and the Committee on Finance of the Senate a report that includes the following:

(A) An analysis of Medicare beneficiaries’ access to medically necessary rehabilitation services, including the potential effect of the 75 percent rule (as defined in paragraph (2)) on access to these services;

(B) An analysis of alternative programs or refinements to the 75 percent rule policy for determining criteria for inpatient rehabilitation facilities to be eligible to participate in the Medicare program, including alternative criteria which would consider a patient’s functional status, diagnosis, co-morbidities, and other relevant factors;

(C) An analysis of the conditions for which individuals are commonly admitted to inpatient rehabilitation hospitals that are not included as a condition described in section 421.22(b)(2)(ii) of title 42, Code of Federal Regulations, to determine the appropriate setting of care, and any variation in patient outcomes and costs, across settings of care, for treatment of such conditions.

(2) 75 PERCENT RULE DEFINED.—For purposes of this subsection, the term 75 percent rule means the requirement of section 421.22(b)(2) of title 42, Code of Federal Regulations, that 75 percent of the patients of a rehabilitation hospital or converted rehabilitation unit are 1 or more of 13 listed treatment categories.

SEC. 116. EXTENSION OF ACOMPLICATION OF FISCAL YEARS 2008 THROUGH 2010 OF THE ACTIVE DUTY IN THE ARMED SERVICES.


SEC. 117. TREATMENT OF CERTAIN HOSPITALS.

(a) EXTENDING CERTAIN MEDICARE HOSPITAL WAGE INDEX RECLASSIFICATIONS THROUGH FISCAL YEAR 2008.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note) is amended by striking “September 30, 2007” and inserting “September 30, 2008.”

(2) SPECIAL EXCEPTION RECLASSIFICATIONS.—

(A) The Secretary, in consultation with other relevant factors.

(B) The wage index applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007, the Secretary shall apply the higher wage index that was applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007, for the entire fiscal year 2007. If the Secretary determines that the application of the preceding sentence would result in a hospital being owed additional reimbursement, the Secretary shall make such payments within 90 days after the settlement of the applicable cost report.

SEC. 118. ADDITIONAL FUNDS FOR STATE HEALTH INSURANCE ASSISTANCE PROGRAMS, AREA AGENCIES ON AGING, AND Aging and Disability Resource Centers.

(a) STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall make additional funds available under paragraph (2) to States for State health insurance assistance programs receiving assistance under section 4360 of the Omnibus Budget Reconciliation Act of 1990.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395w(w)), of $15,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2008.

(b) AREA AGENCIES ON AGING AND AGING AND DISABILITY RESOURCE CENTERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall make amounts made available under paragraph (2) to make grants—

(A) to States for area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)), and

(B) to Aging and Disability Resource Centers under the Aging and Disability Resource Center program.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395w(w)), of $5,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008 through 2009.
(a) Through the Second Quarter of Fiscal Year 2009—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)—

(i) by striking “and” at the end of paragraph (i);

(ii) by striking the period at the end of paragraph (10) and inserting “: and”;

(iii) by adding at the end the following new paragraph:

“(11) for each of fiscal years 2008 and 2009, $5,000,000,000;”;

and

(B) in subsection (c)(4)(B), by striking “for fiscal year 2007 and” and inserting “for each of fiscal years 2007 through 2009”.

(2) AVAILABILITY OF EXTENDED FUNDING.—Funds made available from any allotment made from funds appropriated under subparagraph (a)(1) or (c)(4)(B) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2008 or 2009 shall not be available for child health assistance for items and services furnished after March 31, 2009, or, if earlier, the date of the enactment of an Act that provides for funding for fiscal years 2008 and 2009 by the Secretary, that the Federal share amount of the projected shortfall State under subparagraph (A) for fiscal year 2008, the Secretary shall allot—

“(A) to each shortfall State described in paragraph (2) not described in subparagraph (B) of such section for fiscal year 2008, such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

(B) to each Commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the Commonwealth or territory multiplied by the amount computed under such paragraph for each fiscal year 2009 shortfall State for the month shall be reduced proportionally.

(3) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the most recent data available to the Secretary, that the Federal share amount of the projected shortfall State under subparagraph (A) for fiscal year 2008 will exceed the sum of

(A) the amount of the State’s allotments for each of fiscal years 2006 and 2007 and that will not be expended by the end of fiscal year 2007;

(B) the amount, if any, that is to be redistributed to the State during fiscal year 2008 in accordance with such State’s supplemental funding shortfalls under this title for fiscal year 2009. The Secretary shall only make redistributions under this subsection to the extent that there are funds available for fiscal year 2006 allotments under section (b) available for such redistributions.

(C) the amount of the State’s allotment for fiscal year 2008.

(4) EXTENSION OF TREATMENT OF QUALIFYING STATES; RULES ON REDISTRIBUTION OF UNSPENT FISCAL YEAR 2005 ALLOTMENTS MADE PERMANENT.—

(1) IN GENERAL.—Section 136(a)(2) of Public Law 110–92 is amended by striking “after the termination date” and all that follows and inserting “after the date of the enactment of the Medicare, Medicaid, and SCHIP Extension Act of 2007.”

(2) CLARIFICATION OF APPLICATION OF FUNDING UNDER CONTINUING RESOLUTION.—Section 107 of Public Law 110–92 is amended by striking “after the termination date” and all that follows and inserting “after the date of the enactment of the Medicare, Medicaid, and SCHIP Extension Act of 2007.”

(3) ALLOTMENTS.—In addition to the allotments provided under paragraphs (2) and (4), of the amount available for the additional allotments under paragraph (1) for fiscal year 2008, the Secretary shall allot—

“(A) to each shortfall State described in paragraph (2) not described in subparagraph (B) of such section for fiscal year 2008, such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

(B) to each Commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the Commonwealth or territory multiplied by the amount computed under such paragraph for each fiscal year 2009 shortfall State for the month shall be reduced proportionally.

(B) the amount of the State’s allotment for fiscal year 2009.

(3) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE MONTHLY FUNDING SHORTFALLS.—The Secretary shall allot the amounts available for redistribution under paragraph (1) to fiscal year 2009 shortfall States described in paragraph (2) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2009. The Secretary shall only make redistributions under this subsection to the extent that there are funds available for fiscal year 2006 allotments under subsection (b) available for such redistributions.

(C) the amount of the State’s allotment for fiscal year 2008.

(4) FISCAL YEAR 2009 SHORTFALL STATE DESCRIBED.—A fiscal year 2009 shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of November 30, 2007, that the Federal share amount of the projected expenditures under such plan for such State for fiscal year 2008 will exceed the sum of—

(A) the amount of the State’s allotments for each of fiscal years 2006 and 2007 that will not be expended by the end of fiscal year 2007;

(B) the amount, if any, that is to be redistributed to the State during fiscal year 2008 in accordance with such State’s supplemental funding shortfalls under this title for fiscal year 2009. The Secretary shall only make redistributions under this subsection to the extent that there are funds available for fiscal year 2006 allotments under subsection (b) available for such redistributions.

(C) the amount of the State’s allotment for fiscal year 2008.

(5) CERTAIN RULES MADE PERMANENT.—The amendment made by paragraph (3) of this subsection is not subject to redistribution under subsection (f).

(6) ONE-YEAR AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for the first 2 quarters of fiscal year 2009 shall remain available for expenditure by the State through March 31, 2009, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f).

(7) FISCAL YEAR 2009 SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

(A) the amount of the State’s allotments for each of fiscal years 2007 and 2008 that will not be expended by the end of fiscal year 2008;

(B) the amount, if any, that is to be redistributed to the State during fiscal year 2009 in accordance with such State’s supplemental funding shortfalls under this title for fiscal year 2009. The Secretary shall only make redistributions under this subsection to the extent that there are funds available for fiscal year 2006 allotments under subsection (b) available for such redistributions.

(C) the amount of the State’s allotment for fiscal year 2009.
the amounts determined for each shortfall
State under subparagraph (A).

“(4) PRORATION RULE.—If the amounts
available for additional allotments under
paragraph (1) are less than the total of the
amounts determined under subparagraphs (A)
and (B) of paragraph (3), the amounts
computed under such subparagraphs shall be reduced pro

“(5) RETROSPECTIVE ADJUSTMENT.—The
Secretary may adjust the estimates and
determinations made to carry out this sub-
section on the basis of the amounts reported by States not later than
May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

“(6) AVAILABILITY; NO REDISTRIBUTION
OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Not-
withstanding subsections (e) and (f), amounts
allocated to a State pursuant to this
subsection for fiscal year 2009, subject to
paragraph (5), shall only remain available for
expenditure by the State through March 31,
2009. Any amounts of such allotments that
remain unexpended as of such date shall not
be subject to redistribution under subsection (f).

SEC. 202. EXTENSION OF TRANSITIONAL MED-
ICAL ASSISTANCE (TMA) AND ABDIST-
ENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and
Health Care Act of 2006 (Public Law 109-
343, 120 Stat. 394), as amended by section 1
of Public Law 110–18 (121 Stat. 244) and
section 2 of the TMA, Abstinence, Education,
and Quality of Life Initiatives Act of 2007 (Pub-
lic Law 110–90, 121 Stat. 984), is amended—

(1) by striking “December 31, 2007” and
inserting “June 30, 2008”;

(2) in paragraph (2), by inserting “and
inserting “third quarter” each time it appears.

SEC. 203. EXTENSION OF QUALIFYING INDI-
vidual (Q) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv)
of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking
“December 2007” and inserting “June 2008”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE
FOR ALLOCATION.—Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396d-3(g)(2)) is amended—

(1) in subparagraph (G), by striking “and
at the end;

(2) in subparagraph (H), by striking the pe-
riod at the end and inserting “; and”;

(3) by adding at the end the following new
subparagraph:

“(I) in the period that begins on January
1, 2008, and ends on June 30, 2008, the total
allocation amount is $200,000,000.”;

SEC. 204. MEDICAID DSH EXTENSION.

Section 4122(b)(6) of the Social Security Act (42 U.S.C. 1396d(6)) is amended—

(1) in the heading, by inserting “AND POR-
TIONS OF FISCAL YEAR 2008” after “FISCAL
YEAR 2007”; and

(2) in subparagraph (A)—

(A) in clause (i), by adding at the end (after and below subclause (II) the following:

“Only with respect to fiscal year 2008 for the
period ending on June 30, 2008, the DSH allot-
ment for Tennessee for such portion of the
fiscal year, notwithstanding such table or
terms, shall be 3 of the amount specified in
the previous sentence for fiscal year 2007.”;

(B) in clause (ii)—

(i) by inserting “or for a period in fiscal
year 2008 described in clause (i)” after “fiscal
year 2007”; and

(ii) by inserting “and period” after “such
fiscal year”; and

(C) in clause (iv)—

(i) in the heading, by inserting “AND FISCAL
YEAR 2008” after “FISCAL YEAR 2007”; and

(ii) in subclause (I)—

(I) by inserting “or for a period in fiscal
year 2008 described in clause (i)” after “fiscal
year 2007”; and

(II) by inserting “or period” after “such
fiscal year”;

(iii) in subclause (II)—

(1) by inserting “or for a period in fiscal
year 2008 described in clause (i)” after “fiscal
year 2007”; and

(II) by inserting “or period” after “such
fiscal year”’ each place it appears; and

(3) in subparagraph (B)(i), by adding at the end the following: “Only with respect to fis-
cal year 2008 for the period ending on June
30, 2008, the DSH allotment for Hawaii for
such portion of the fiscal year, notwithstanding
the table set forth in paragraph (2), shall be $7,500,000.”.

SEC. 205. IMPROVING DATA COLLECTION.

Section 2109(b)(2) of the Social Security Act (42 U.S.C. 1397b-1(b)(2)) is amended by in-
serting before the period at the end the fol-
lowing: “(except that only with respect to fis-
cal year 2008, there are appropriated $30,000,000 for the purpose of carrying out
this subsection, to remain available until ex-
$pended”).

SEC. 206. MORATORIUM ON CERTAIN PAY-
MENT RESTRICTIONS.

Notwithstanding any other provision of
law, the Secretary of Health and Human
Services shall not, prior to June 30, 2008, take any action (through promulgation of
regulation, issuance of regulatory guidance,
use of Federal payment audit procedures, or
other administrative action, policy, or prac-
tice, including a Medical Assistance Manual
transmittal or letter to State Medicaid di-
rectors) to impose any restrictions relating
to coverage or payment under title XIX of
the Social Security Act; or reprogramming,
reductions or terminations made to carry out this subsec-
tion, remain available until ex-
pended”.

SEC. 301. MEDICARE PAYMENT ADVISORY COM-
MISSION STATUS.

Section 1890(a) of the Social Security Act (42 U.S.C. 1395b–6(a)) is amended by inserting
“as an agency of Congress” after “estab-
lished”.

SEC. 302. SPECIAL DIABETES PROGRAMS FOR TYPE
I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE
I DIABETES.—Section 330B(b)(2)(C) of the
Public Health Service Act (42 U.S.C. 254c-
6(a)) is amended by inserting “2008” and inserting “2008.”

(b) SPECIAL DIABETES PROGRAMS FOR INDI-
ANS.—Section 330C(c)(2)(C) of the Public
Health Service Act (42 U.S.C. 254c-
6(a)) is amended by inserting “2008” and inserting “2008.”

CONSOLIDATED APPROPRIATIONS
ACT, 2008—Continued

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator
from Idaho now be recognized for 5
minutes and that at 5:20, it be deemed
that at 5:20, it be deemed

the floor.

The PRESIDING OFFICER. The Sen-
ator from Maine.

Mr. COLLINS. Mr. President, I ask
unanimous consent that I be permitted
to proceed until the vote occurs, which
is 2 minutes from now.

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

Mr. LEAHY. Mr. President, I have no
questions in the Senator from Vermont, of which I
am proud to be a cosponsor, which
would have provided 800 million addi-
tional dollars for the LIHEAP program.

Mr. President, this is a real crisis. I
consider the amount of money in this
bill to be a significant step forward,
but it is not adequate to meet the over-
whelming needs for the constituents
who are struggling and literally choosing
between paying their bills, buying food,
purchasing prescription drugs, and
staying warm. That is a choice that no
family in this country should have to
make.

I am pleased with this downpayment
on the LIHEAP program. It is a major
step forward that is going to make a
significant difference, but, frankly, it
is simply not adequate to meet the over-
whelming needs for the constituents
who are struggling and literally choosing
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purchasing prescription drugs, and
staying warm. That is a choice that no
family in this country should have to
make.
in our State is $3.26 a gallon. That is a record in our State.

This large, rapid increase, combined with less LIHEAP funding available per family, imposes hardship on people who use home heating oil to heat their homes. Low-income families and senior citizens living on limited incomes in Maine and many other States face a crisis in staying warm this winter.

The Sanders amendment would have provided an additional $800 million as emergency funding for LIHEAP. The term “emergency” could not be more accurate. Our Nation is in a heating emergency this winter. Families are being forced to choose among paying for food, housing, prescription drugs and heat. No family should be forced to suffer through a severe winter without adequate heat.

I understand we may consider this proposal again after the holidays. When we reconsider it, I urge all my colleagues to support the Sanders proposal, and provide vital home energy assistance for the most vulnerable of our citizens.

CLOTURE MOTION

THE PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the following cloture motion which the clerk will report.

The assistant legislative clerk reads as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to H.R. 2764, with an amendment numbered X, to provide a total of $78.7 billion in emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008.


The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendments to the Senate amendment to H.R. 2764, the Department of State, Foreign Operations, and Related Programs Appropriations Act, shall be brought to a close?

The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 44, nays 51, as follows: [Roll Call Vote No. 436 Leg.]

YEAS—44

Alaska

Harkin

South Dakota

Reed

Indiana

Rockefeller

Kansas

Sanders

Virginia

Schumer

Connecticut

Stabenow

Missouri

Tester

Michigan

Webb

New York

Whitehouse

Ohio

Wyden

The PRESIDING OFFICER. The amendment contemplates a second-degree amendment, the Feingold amendment, where there will be 1 hour of debate equally divided on that amendment.

Mr. McCONNELL. Mr. President, I will use leader time now.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, a lot has changed since last December. At this time last year, America and its allies were desperate for good news out of Iraq. The security situation was dire, and getting worse. An all-out civil war threatened to undermine the heroic work of U.S. forces and frustrate the hopes of millions of Iraqis.

Then General Petraeus stepped forward with a bold new plan. We confirmed General Petraeus unanimously for what seemed like one last effort at salvaging the mission that he helped to deliver the troops and the funds he needed to carry out the job.

Since the implementation of the Petraeus plan, the security situation in and around Baghdad has changed dramatically. Attacks on troops are down. Civilian casualties in Baghdad are down 75 percent. Iraqi refugees are streaming back over the borders. Outside the city, the local leaders are forging agreements among themselves and with U.S. forces to ensure even greater security.

There is simply no question that on the military and tactical levels the Petraeus plan has been a tremendous success. So as we stand here today, we have new hope that U.S. service men and women are beginning to return home with a sense of achievement. A lot has changed in Iraq, and here in Washington, we should take notice.

As we are an amendment sent to us by the House of Representatives that underfunds our troops and only provides for those fighting in Afghanistan. It leaves the troops in Iraq to fend for themselves. That is unacceptable.

What is the difference between funding the troops in Afghanistan and funding the troops in Iraq? They are both our troops. Even those of us who have disagreed on the war have always agreed on at least one thing, and that is the troops in the field will not be left without the resources they need.

So the amendment I sent to the desk provides for our men and women in uniform in Iraq and Afghanistan because I believe it is our duty to protect all of those who are putting their lives on the line. It is also important to understand—I hope everybody in the Chamber and anybody listening gets this fundamental point: If this amendment does not pass, the McConnell-Lieberman amendment does not pass in its current form, the underlying bill will not become law. The passage of the McConnell-Lieberman proposal is essential to getting a Presidential signature on the Omnibus appropriations and Iraq funding.

The Petraeus plan provides for a gradual reduction of our forces and a
transition of the mission. Iraqi security forces will eventually shift from partnering with coalition forces to leading forces on their own. We must not impose an arbitrary timeline for withdrawal or accelerate this timeline at an unrealistic pace.

The second moment of real hope for our Nation and for the people of Iraq. It is a moment of real urgency in the Senate. We need to pass the spending bill with troop funds without any strings and without further delay.

At the risk of being redundant, the President has made it absolutely clear that to get a Presidential signature, to wrap up this session, having succeeded in passing all of our appropriations bills, will require the passage of the McConnell-Lieberman amendment.

When we get to that amendment—we will have a couple of votes before then, but when we get to that amendment, it is essential. We want to complete our work in a way that implements the appropriations process as all of us feel it should be implemented on a yearly basis. The success of the McConnell-Lieberman amendment is essential.

I yield the floor.

Mr. LEAHY. Mr. President, not counting leader time, what is the provision of time once Senator FEINGOLD has introduced his second-degree amendment?

The PRESIDING OFFICER. There will be 1 hour of debate equally divided.

Mr. LEAHY. Mr. President, I see the Senator from Wisconsin. I ask, of the half hour on this side, that 15 minutes be given to the distinguished Senator from Wisconsin, 10 minutes to the distinguished Senator from Vermont who is a cosponsor from Massachusetts, and that the Senator from Vermont who is a cosponsor be allowed to submit a statement as though read for the record.

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

AMENDMENT NO. 3875 TO AMENDMENT NO. 3874

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. Reid, Mr. Leahy, Mr. Dodd, Senator Lieberman, Mr. Kennedy, Mr. Kerry, Mr. Harkin, Mr. Whitehouse, Mr. Wyden, Mr. Durbin, Mr. Schumer, Mr. Obama, Mr. Sanders, Mr. Menendez, Mr. Lautenberg, and Mr. Brown to H.R. 3764, the fiscal year 2008 Omnibus appropriations bill.

The amendment is one I have offered before. I will not hesitate, if I must, to offer it again and again.

The 17 cosponsors is the greatest number we have ever had for this amendment.

It requires the President to begin safely redeploying U.S. troops from Iraq within 90 days of enactment, and requires redeployment to be completed within 9 months. At that point, with the bulk of our troops safely out of Iraq, funding for the war would be ended, with four narrow exceptions: providing security for U.S. Government personnel and contractors, training the Iraqi security forces, providing training and equipment to U.S. service men and women to ensure their safety and security, and conducting targeted operations limited in duration and scope against members of al-Qaida and others affiliated with international terrorist organizations.

Some of my colleagues complain that we spent too much time debating Iraq this year. They would rather talk about education or job training and equipment to U.S. service men and women to ensure their safety and security, and conducting targeted operations limited in duration and scope against members of al-Qaida and others affiliated with international terrorist organizations.

I am certainly pleased that violence in Iraq has declined in the last few months. Once again, our troops have showed they excel in any challenge with which they are tasked. This doesn’t change the fact, however, that this year was the bloodiest year for Americans since the war began, and there are still a few weeks to go in 2007.

Indeed, let us remember that nearly 4,000 Americans have died, and almost 30,000 have been wounded in a war that has no clear strategy and no end in sight. While the President is bringing home a token number of troops, over 160,000 remain as the war drags on into its fifth year. What are we supposed to tell them, and their families, to wait another year as the Administration and new Congress finally listen to the American people and bring this tragedy to a close?
Mr. President, Iraq appears to be no closer to legitimate political reconciliation at the national level than it was before the surge began. Equally worrisome is that, as part of the President’s plan, we appear to be deepening our dependence upon former insurgents and militia-infiltrated security forces with questionable loyalties. Supporting the sheiks in al Anbar—and elsewhere—may help to reduce violence in the near term, but by supporting both sides of a civil war, we are risking greater violence down the road. Such tactics are likely to undermine the prospects for long-term stability, as they could lead to greater political fragmentation and ultimately jeopardize Iraq’s territorial integrity. Again, without legitimate national reconciliation, violence may ebb and flow, but it won’t end, and we will be no closer to a settlement, no matter how long we keep a significant military presence in Iraq. That is not the fault of our heroic men and women in uniform. It is the fault of the administration’s disastrous policies.

There is another dirty secret behind the temporary drop in violence, and it relates to the segregation of Baghdad and the neighborhoods on its outskirts. With Iraqis fleeing their homes in search of greater safety and security, large-scale displacement has resulted in very different demographics. Previously mixed neighborhoods have ceased to exist, thereby curtailing the informal economy and the chief sources of sectarian violence. This ethnic cleansing is hardly evidence of a successful surge. And it sure isn’t a hopeful sign for future peace and stability.

When it announced the surge, the administration said its goal was to keep a lid on violence to give time and space for reconciliation in Iraq. Now that we are no closer to reconciliation, the administration is trying, once again, to shift the goalposts. We don’t hear as much about reconciliation now, and when we do, it sounds very different from the national reconciliation that was supposedly our goal—instead we hear about “bottom-up” reconciliation, whatever that means. All the administration can do is stall for time, just as it did in 2001, just as it did in 2005, and just as it did in 2006. The slogan may be different—“Mission Accomplished,” “Stay the Course,” “The New Way Forward” and even “Return on Success,” but each time we are told we are on the right road, if we just keep walking a little longer. Until that is, we reach another dead end, and a new slogan is invented to justify heading in a new, but equally futile direction.

As the administration blunders from one mistake to another, brave American troops are being injured and killed in Iraq; our military is being overstretched; countless billions of dollars are being spent; the American people are growing more and more frustrated and outraged; and our national security is being undermined.

Instead of focusing on Iraq, we should be focusing on our top national security priority—going after al-Qaida and its affiliates around the globe. This administration has sadly proven that we cannot do both.

Al-Qaida is waging a global campaign, from North Africa—where the Algerian government has hosted a Taliban al-Qaida affiliate for two major bombings last week—to the border region between Afghanistan and Pakistan were, while we have been distracted by Iraq, al-Qaida has reconstituted and strengthened itself. There is a price to pay for our neglect, and the administration has failed to acknowledge it.

Because of its narrow focus on Iraq, the administration has been so distracted it has not adequately addressed the deteriorating security conditions in Afghanistan, where the resurgent Taliban—the same movement that harbored and supported the terrorist elements that attacked our country on 9/11—are gaining ground. Violence may be down in Iraq, but it is up significantly in Afghanistan. There were 77 suicide attacks in Afghanistan in just the first 6 months of 2007, which is about twice the number for the same period in 2006 and 26 times higher than from January to June 2005.

This escalation of suicide bombings is one of many signs that Afghanistan’s already tenuous stability is even shakier. And while earlier this week the Pentagon confirmed that the U.S. military and its NATO partners are reviewing plans for Afghanistan, it is awfully late in the game to try to put that country on a solid path to stabilization and development. Nonetheless, we have to try because we still have an opportunity to finish the job we started 6 years ago in Afghanistan—eliminating the Taliban and destroying a safe haven for terrorist networks that seek to harm us. This opportunity is critical because until bin Laden and his reconstituted al-Qaida leadership are killed or captured, Afghanistan’s future cannot be separated from our own national security.

Instead of seeing the big picture—instead of approaching Iraq in the context of a comprehensive and global campaign against a ruthless enemy—this administration persists with its tragic policy and its tragic mistakes. As the President digs in his heels, he is simultaneously deepening instability throughout the Middle East, undermining the international support and cooperation we need to defeat al-Qaida, providing al-Qaida and its allies with a rallying cry and recruiting tool, and increasing our vulnerability.

The President’s promise to redeploy a few battalions, while leaving 160,000 troops in Iraq, is not nearly enough. That is why, once again, I am offering this amendment with Majority Leader Reid. It is up to us here in Congress to reverse what continues to be an intractable policy. It is our job to listen to the American people who are growing more and more unhappy with the American military mission in Iraq, and to protect our Nation’s security by redeploying our troops from Iraq, because the President will not.

I am not suggesting that we abandon the people of Iraq or that we ignore the political impasse there. We cannot ignore the ongoing humanitarian crisis that has unfolded within Iraq or the one that followed millions of Iraqis as they fled to Jordan and Syria. These issues require the attention of a constructive engagement of U.S. policymakers, key regional players, and the international community. They require high-level, consistent, and multilateral engagement and cooperation. But Iraq remains a sideshow—brought about by a massive American military engagement.

By enacting Feingold-Reid, we can finally bring our troops out of Iraq and focus on what should be our top national security priority—waging a global campaign against al-Qaida and its affiliates.

Some of my colleagues will oppose this amendment. That is their right. But I hope none of them will suggest that Feingold-Reid would hurt the troops by denying them equipment or support. There is no truth to that argument—none. Passing this legislation would result in our troops being safely redeployed within 9 months. At that point, with the threat of Iraq, funding for the war would end, with the narrow exceptions I mentioned earlier. That is what Congress did in 1993, when it voted overwhelmingly to bring our military mission in Somalia to an end. That is what Congress must do again to terminate the President’s unending mission in Iraq.

This amendment is almost identical to the version I offered with Senator Reid and others to the Defense Department authorization bill. And once again, we have specified that nothing in this amendment will prevent U.S. troops from receiving the training or equipment they need “to ensure, maintain, or improve their safety and security.” I hope we won’t be hearing any more spurious arguments about troops on the battlefield not getting the supplies they need.

This war is exhausting our country, overstretching our military, and tarnishing our credibility. Even with the recent decline in violence, the American people know the war is wrong, and they continue to call for its end. I urge my colleagues to vote yes on Feingold-Reid so we can finally heed their call to action.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from West Virginia.

Mr. BYRD. Mr. President, I intend to support the amendment being offered by the Senator from Wisconsin. While I fully support the addition of the $31 billion in funding for the war in Afghanistan and troop protection, I cannot support the President’s demands that funding be given to him with no strings attached so that he may keep some 130,000 or more troops in Iraq for a sixth year. Risking the lives of more soldiers to try to win a
bad bet on Iraq represents a terrible injustice to our brave fighting men and women. Just a little more time, the President says, just a little more money, and the quagmire that is Iraq will be transformed.

The President made clear that if he has his way, U.S. troops would still be in Iraq decades hence. What a statement by a U.S. President. What a deadly bankrupt legacy to leave. 2007 has already been the most deadly year in Iraq. The tolls of U.S. deaths since the invasion began, and the year is not yet over. The number of U.S. deaths has reached 3,890, and the number of wounded has surpassed 28,000. The Iraqi Government has not passed any of the legislative benchmarks that would indicate progress toward national reconciliation.

The economic rebuilding of Iraq continues to lag, financed by U.S. taxpayer dollars and marked by waste, fraud, and abuse. Oil production is spurring and shortages of basic things, as electricity and water continue unabated, despite the boondoggle that this war has been for private contractors. Evidence of ethnic cleansing is growing, as Sunnis are forced out of Shia enclaves. The Iraqi Army and police forces remain riddled with sectarianism. U.S. forces continue to carry the bulk of the security burden, and while U.S. forces remain in Iraq, there is little incentive for the Iraqi government to take its duty.

Some have pointed to recent tactical successes and the reduction of violence in certain areas of Iraq as justification for continuing the occupation of Iraq. But the prowess of our troops was never in question. They have been given a job to do, and they do it with bravery and skill. The important question—the only true measure of our efforts in Iraq—is whether those tactical successes somehow add up to progress toward a political solution. That progress has failed to materialize.

It is time for a change in Iraq. It is time to limit the U.S. military mission in Iraq and bring the bulk of our troops home. It is time to seriously engage our allies and the nations of the Middle East on Iraqi security issues. It is time to restore the reputation of the great United States of America by returning to the policies that made the United States an inspiration to the world, a beacon of prosperity, a showcase of humanitarian ideals, and benevolent assistance to people in their hour of need. It is time to shed our image as invaders and occupiers of other nations, using mercenary forces to expand our reach. It is time to unequivocally reject the notion that America condones torture. For most of my lifetime—and it has been a long one already—the world looked to the United States first when help was needed. Now, the world wonders which nation America will invade next. How far we have fallen.

The administration has used emergency proclamations and stop-loss orders to effect a back-door draft that keeps soldiers in the military, even though their terms of service have been completed. Meanwhile, the needs of our own Nation go wanting, as important work, including the building of new schools and hospitals, has been put on hold. This is not about the need to defend our troops in Iraq, and our National Guardsmen, the first responders in emergencies, sit in the sand—the hot sands—of the Middle East.

I urge my colleagues on both sides of the aisle to vote in favor of this amendment and, thus, reaffirm our resolve to alter our disastrous course in Iraq. To vote for this amendment is to vote for our troops and to begin a reasonable new policy for Iraq. To vote for this amendment is to begin to reassert the constitutional role of the Congress as the people’s check on the Executive, using the most powerful tool there ever was and ever will be in the congressional arsenal—the power of the purse. To vote for me is to show the American people we are listening to them.

Keeping our troops in harm’s way in support of a misbegotten war and a failed strategy is not patriotism. We must not roll the dice again, recklessly risking American lives and American treasure. It is time—time—for a change.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise to oppose the pending amendment by the Senator from Wisconsin, my friend. I strongly support the amendment that will be offered by the Republican leader that would deliver vital funding for our troops in Iraq.

The underlying House-passed bill is not only irresponsible to the facts on the ground in Iraq, it is simply irresponsible. It fails to provide any funding for our troops fighting in Iraq and actually contains an explicit prohibition against the use of funds for Operation Iraqi Freedom. The authors have added 100 pages and an even larger joint explanatory statement chock-full of unnecessary spending, but they include not a dime for our troops in Iraq. They include not a dime for our troops in Iraq.

I would like our friends and colleagues and others to consider that the bill on the floor today contains $1.6 billion for animal vaccines in Greenport, NY, but not a penny for our soldiers for Barley Health Food Benefits but nothing for the troops in Iraq; $846,000 for the Father’s Day Rally Committee of Philadelphia but not a dime for our sons and daughters who are fighting.

We are asking $244,000 for bee research in Weslaco, TX, but not a dollar for our fighting men and women in Baghdad, Kirkuk, and Anbar. It is a sad day—it is a sad day, indeed—when in the middle of a war this country must win, the Congress has more money for bee research than for the brave Americans risking their lives on our behalf.

For Congress to fail to provide the funds needed by our soldiers in the field is inexcusable under any circumstance, but it is especially disapproving right now at the very moment when General David Petraeus and his troops are achieving the kind of progress in Iraq that many dismissed as impossible a few months ago, including suspending disbelief in order to believe the surge was working. One has to suspend disbelief to believe it is not.

I propose a proper, an immediate, a precipitous withdrawal of U.S. combat forces from Iraq regardless of conditions on the ground or the views of our commanders in the field. If that sounds familiar, so should it sound familiar to many. The major-
borne bombs have dropped by 70 percent. So as Ronald Reagan used to say: Facts are stubborn things. Facts are stubborn things. These are the facts—not rhetoric but facts.

Major General Hage added that, today, there is no longer any part of Baghdad under al-Qaida control, though the terrorist group is “still lurking in the shadows.” I agree. They are on the run, but they are not defeated. They are on the run, but they are not defeated.

Last week, the violence in Anbar Province was the lowest ever recorded. The British handed control of southern Basra to the Iraqi Government. And in Diyala, one of most dangerous regions in Iraq, al-Qaida militants tried to re-take several villages around the town of Kahlis, only to see U.S.-backed local volunteers drive the terrorists away. That is the success of a classic counterinsurgency strategy. Tens of thousands of volunteers have joined “awards councils” that aim to combat al-Qaida, and al-Qaida’s No. 2, Ayman al-Zawahiri, has begun warning of “traitors” among the insurgents in Iraq.

As a result of the hard-won gains our troops have secured, General Petraeus has been able to initiate a drawdown of U.S. forces, a drawdown tied not to an artificial timetable but based on security gains in-country. This drawdown, beginning with the removal without replacement of some 5,000 American troops from Diyala, one of most dangerous regions in Iraq, will allow us to bring down troops.

American casualty rates and enhanced security throughout the country. Al-Qaida’s leadership knows which side is winning in Iraq. It may not be known in some parts of America and in this body, but al-Qaida knows. Al-Qaida knows who is winning in Iraq. Our soldiers know they have seized the initiative. As a result of the hard-won gains our troops have secured, General Petraeus has been able to initiate a drawdown of U.S. forces.

As General Odierno explained, with the new counterinsurgency operations, “we have been able to eliminate key safe havens, liberate portions of the population and hamper the enemy’s ability to conduct coordinated attacks.” The Odierno went on to add: “We have experienced a consistent and steady trend of increased security. . . . and I believe continued aggressive operations by both Iraqi and coalition forces are the most effective way to extend our gains and continue to protect the citizens of Iraq.” Given these realities, some proponents of precipitous withdrawal from Iraq have shifted their focus. While conceding, finally, that there have been dramatic security gains, they have begun seizing on the lackluster performance of the Iraqi Government to insist that we should abandon the successful strategy and withdraw U.S. forces. This would be a terrible mistake. Of course, there is no question that Iraq’s national leaders must do more to promote reconciliation and improve governance and that the reduction in violence has created a window for political and economic progress that Iraqi leaders must seize, but let not that be our window. The likelihood that they make this progress would be vastly decreased— not increased—by a precipitous U.S. withdrawal. Whatever the failings of the imperfect democracy in Baghdad, they are not in terms of national interests or simple morality— abandoning it to the al-Qaida terrorists and Iranian-backed militias trying to destroy it.

None of this is to argue that Iraq has become completely safe or that violence has come down to an acceptable level or that victory lies just around the corner. On the contrary, the road ahead remains as it always has been: long and hard. Violence is still at an unacceptable level in many areas. Unemployment remains high in many areas. The Maliki government remains unwilling to function as it must. No one can guarantee success or be certain about its progress or its sustainability. But it is certain, quite simply, about the prospects for defeat if we fail to fund our troops.

Make no mistake; despite the progress I have outlined, there is no cause for complacency. Just as we have witnessed success in Anbar, if we continue to fund our troops in 2007, we can likewise turn success back into failure in 2008, if we are not careful. As Major General Fil recently put it, progress toward securing the city remains fragile and there is “absolutely a risk of going too quickly” in drawing down troops. “An immediate pullout too quickly would be a real serious threat to the stability here in Baghdad,” he said. Al-Qaida is off balance, but they will come back swinging at us if we let them.

Imagine for a moment if 1 of those 40 attempts to force a withdrawal from Iraq had been successful earlier this year. Rather than hearing from our commanders and troops in the field about the enormous progress, the decline in violence, the Iraqis seeking to influence, we would hear instead a very different story—a darker one—with terrible implications for the people of Iraq, for our Nation and for the security of the United States of America. Some of my colleagues would like to believe that should the bill we are currently considering become law, without funding our troops in Iraq, it would mark the end of this long effort. They are wrong. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back. They will be back in Iraq and elsewhere in many more desperate fights to protect our security and at an even greater cost in American lives and treasure. Now is not the time for us to lose our resolve.

That is why the Senate must adopt the McConnell amendment. The funding contained in this amendment is not as some have characterized it: “The President’s money.” It is money for the troops. It is money for the brave Americans who are in harm’s way as we speak. This funding is to provide them with the equipment and proper training they require to fulfill their mission; funding to protect our men and women from roadside bombs and other attacks; funding to enable them to bring this war to a successful and honorable end. If the funding is not included, the President will very rightly veto this omnibus measure.

I say to my friends on the other side of the aisle that I understand the frustration many feel after nearly 4 years of mismanaged war. I share their frustration and sorrow, but let’s remember to whom we owe our allegiance—not to short-term political gain but to the security of America, to those brave men and women who risk all to ensure it, and to the ideals upon which our Nation was founded. That requires us to learn from history, and to be judged by history to have discharged it honorably will in the end matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage, or office. Let us be true to the American people who deserve to understand the stakes.

I urge my colleagues to support the McConnell amendment and to reject this amendment. I urge my colleagues to fund our troops and to support them so that when they do return to us, they return with the honor and success their valiant efforts have earned. They and the American people whom they are entrusted to protect deserve nothing less.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I yield myself 7 minutes under the Republican time. I am going to share my concerns about a provision included in the Interior division of the Omnibus appropriations bill. This provision was added on the House Floor and was unfortunately retained by the conference committee. The language of this provision will prohibit BLM from preparing or publishing final regulations for oil shale commercial leasing on public lands. This provision is opposed by the Department of the Interior. I have a letter stating their concerns from Secretary Dirk Kempthorne which I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
Mr. ALLARD. In 2005, I worked closely with my colleagues in the House and in the Senate on provisions which were included in section 369 of the Energy Policy Act of 2005. These will help lead to commercialization after the research and demonstration projects currently underway have proven themselves. As those of us who have to run a business know, it is a bad practice to pour millions of dollars into research and development projects with no hint of assurance that these projects will lead to commercialization. Understanding the regulatory framework within which development must take place is important to companies making investment decisions. I believe, as I did in 2005, that it is critical to give companies investing tens of millions of dollars into research projects an proverbial “light at the end of the tunnel.”

The timeline included in this section of the Energy Policy Act for setting up a regulatory framework for oil shale development by the Department of the Interior to develop a programmatic environmental impact statement for oil shale by February of 2007 and to finalize oil shale regulations by August of 2007. Although these dates have slipped, many who are concerned with decreasing our country’s dependence on foreign sources of oil remain interested in seeing this process move forward. A regulatory framework is needed in order to clarify the range of development projects.

During the last several years, a handful of companies have worked to develop technologies that will allow for economically and environmentally feasible development of this resource. While it may take many years of research to establish whether commercial leasing is viable, it is essential in guiding the scope of study and further analysis, including additional site-specific environmental impact statements that are likely to be needed prior to any commercial development.

Some have complained that it is too soon to begin drafting commercialization regulations or that the pace at which the development is moving is too quick. I am not advocating that we move forward haphazardly or in a way that is not sustainable.

It should be noted that section 369 of the Energy Policy Act also requires the Department of Interior to host a commercial leasing sale in Fiscal Year 2008. However, this fact does not mean that we should not bring the rest of the process to a grinding halt.

We are in the midst of a deliberate and thoughtful process for approaching the research and eventual commercial development of oil shale. The potential of this abundant domestic resource is too important to take lightly.

It is estimated that there are potentially over 3 trillion barrels of recoverable oil available from shale. Let me repeat that. There is a potential of over 3 trillion barrels of recoverable oil available from oil shale, at a time when this country is struggling to produce enough oil for this country’s consumption. This could be the single largest contributor to weaning us off of imports from other countries, many of which are in political turmoil. Moreover, bringing online another large domestic supply of energy can lower prices for consumers, bring in royalties to States and the Federal Government, and enhance the stability of oil prices in the marketplace.

A cautious but deliberate approach that involves consultation with State and local governments, we have the best opportunity of determining if producing oil from shale is possible. We must give this process an opportunity to work before we cut it off at the knees. The language included in this bill does just that. It is not sound policy for our country. From a process standpoint, we should not be undoing carefully crafted policy choices that were negotiated for months by the authorizing committees of jurisdiction and passed by the Congress on a massive appropriations bill that is being passed through this Chamber at the eleventh hour.

I yield the floor.

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

Mr. DOMENICI. Mr. President, I wonder if the Senator from Colorado, before he yields, would engage in a brief dialog with the Senator from New Mexico. I ask unanimous consent for 2 minutes that private investors will rely in determining whether to make future financial commitments. Accordingly, any delay or failure to publish pro forma leases in a timely manner is likely to discourage continued private investment in these vital research and development efforts.

The administration opposes the House provision that would prohibit the Department from completing its oil shale regulations. I would urge the Congress to let the regulatory process work. It is premature to impose restrictions on the development of oil shale regulations before the public has had an opportunity to comment.

Identical letters are being sent to Congressman Norm Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; Congresswoman Todd Tiahrt, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; and Senator Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate.

Sincerely,

Dink Kempthorne

Mr. ALLARD. Mr. President, I withdraw my request to yield the floor.

Mr. DOMENICI. Mr. President, I commend the Senator from Colorado. I understand he is the ranking member on that subcommittee.

Mr. ALLARD. Yes.

Mr. DOMENICI. The Senator tried his best to inform those working on this that this was not the way to handle one of America’s most significant resources that might, indeed, sooner rather than later take the place of the crude oil we import from all over the world.

Right now, some of the major companies in America are investing in technology which will completely change the way we produce and handle that not right? It is going to be in situ instead of the old mining system that would have been so tough environmentally.

The Energy Policy Act sets the timeframe for program development, including the completion of final regulations. The Department must be able to prepare final regulations in FY 2008 in order to meet the statutorily-imposed schedule.

The Bureau of Land Management (BLM) issued an Environmental Impact Statement (EIS) in August 2007. The final EIS is scheduled for release in May 2008 and the effective date of the final rule is anticipated in November. Final regulations will consider all pertinent components of the final EIS. Throughout this process BLM will seek public input and work closely with the States and other stakeholders to ensure that concerns are adequately addressed. The Department is willing to consider an extended comment period after the publication of the draft rule, if necessary, to ensure that all of the stakeholders have adequate time and opportunity to review and comment before publication of regulations.

The successful development of economically viable and environmentally responsible oil shale extraction technology requires significant financial commitments and substantial commitments of time and expertise by those undertaking this important research. Our Nation relies on private investment to develop new energy technologies such as this one. Even though commercial leasing is not anticipated until after 2010, it is vitally important that private investors know what will be expected of them regarding the development of this resource. The regulations that Section 606 would disallow represent the encouragement of this resource. The regulations that are likely to be needed prior to any commercial development. Some have complained that it is too soon to begin drafting commercialization regulations or that the pace at which the development is moving is too quick. I am not advocating that we move forward haphazardly or in a way that is not sustainable.

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Identical letters are being sent to Congressman Norm Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR ALLARD: As the House and Senate Appropriations, Interior and Related Agencies Fiscal Year 2008 Interior, Environment and Related Agencies Appropriations bill, I would like to voice my concerns regarding efforts to prohibit the Department from issuing regulations related to oil shale leasing.

Section 606 of the House-passed Interior, Environment and Related Agencies Appropriations bill would prohibit the use of funds to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands. The Energy Policy Act (EPAct) was enacted with broad bipartisan support. The EPAct included substantive and significant authorities for the development of alternative and emerging energy technologies. Oil shale is one important potential energy resource. The United States holds significant oil shale resources, the largest known concentration of oil shale in the world, and the energy equivalent of 2.6 trillion barrels of oil. Even if only a portion were recoverable, that same concentration is sufficient to satisfy as much as one-half of our current and future energy demands increase worldwide and the competition for energy resources increases.

The Energy Policy Act sets the timeframe for program development, including the completion of final regulations. The Department must be able to prepare final regulations in FY 2008 in order to meet the statue...
Mr. ALLARD. Mr. President, this is a new process. I thank the Senator from New Mexico for his question. This process is becoming economically feasible and certainly protects the environment. I know the Senator has been working on this particular issue on the committees on which he is a leader, and I appreciate his recognizing the importance of us being less dependent on foreign oil and the importance of this huge reserve that exists in several countries throughout the Western Hemisphere. This is new technology. It is very promising. It is exciting. The byproduct from this particular process I have been told—and I have seen samples of it—is high-grade jet fuel that needs further refining because of the high sulfur nitrogen content. But it is a remarkable product, and it is done in an environmentally friendly way.

Mr. DOMENICI. I thank the Senator. I want to say this is exactly what we should not be doing: putting on a moratorium that stops rule making and the ordinary professional evolution of standards by the appropriate Federal agencies to address the utilization of one of America’s most profound solutions to our energy crisis. Because the prices are so high, it is indeed feasible to develop shale oil in America and substitute it for diesel and crude oil products that are bought from overseas. I know that. I need not ask anybody any questions about that. That is why this language in the big energy package, and that is why a candidate running for Senate in the State of Colorado should not pander to those who just want to take out after this product that could indeed be one of America’s salvations. The people in the State of Colorado and in America ought to know it. The person who did this, who put the moratorium on wants to be a Senator, I understand.

The first thing we ought to find out is does America have a chance to be independent of foreign oil. This is one that might do it. You can imagine that in 15 or 20 years, oil would be produced from this shale, and it can be taken right out of the ground and used, because they boil it in the ground. I am not very impressed with somebody who comes along on a bill such as this and deals with this kind of resource in a willy-nilly manner, to respond to those who want to see the United States on its own to do anything to develop energy. They might say we could not do it before. Of course not. You could not develop it at $25-a-barrel oil. But you certainly can at $50, and there is no question you can at $80 or $90. That is what America’s future is all about.

I thank the Senator for his work. I am sorry it didn’t work. At least those who put that in know somebody is looking over their shoulders. It won’t be the same next year. This Senator will see to it that we have a debate and vote on that issue before that happens. I thank the Senator for yielding.

Mr. ALLARD. Mr. President, I thank the Senator for his comments on this very important issue. I yield the floor. The PRESIDING OFFICER. The Senator from Massachusetts is recognized. Mr. KENNEDY. How much time remains on this amendment?

The PRESIDING OFFICER. The proponents have 6 minutes 41 seconds. The opponents have 5 minutes 20 seconds.

Mr. KENNEDY. Mr. President, I yield myself the 6 minutes. I ask if the Chair will let me know when 1 minute remains.

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Mr. President, I support this amendment, and I commend my friend and colleague Senator FEINGOLD. It is wrong, basically and fundamentally, to give another blank check to President Bush for his failed Iraq policy. I support our troops, but I oppose our war.

We have heard here in the last few minutes and in the last few hours the rather rosy picture about what is happening over in Iraq. I think everybody in this Chamber salutes the brave men and women of the American military, the bravery, and valor over the last 5 years. This war has been going on for 5 years. We do know there has been some progress made in recent times on the military aspect. But as every member of the Armed Services Subcommittee understands, everyone who has had a responsibility in Iraq who appeared before the committee has said there are two dimensions for finally getting peace in Iraq: One is military, and one is political reconciliation. That has not taken place.

Day after day after day after day, our men and women are on the streets of Baghdad and around Iraq, and more American servicemen have lost their lives this year than in any other year of the war. Mr. President, 61 brave men and women of Massachusetts have lost their lives. That cannot be recovered.

Think of this: For every month that goes on in that battle over in Iraq, we could have 250,000 more schoolteachers who are experts in math and science teaching our young people. For every month that goes on, just think that every child who needs after school help and assistance would be able to receive it in the United States of America. Just think, for every month this goes on, you could provide Head Start for every young person who needs it. Just think of this: If we could have the resources for 2 years, we could rebuild and repair every public school in this country that is in need. Doesn’t that matter? Well, it matters to this Senator, and it matters to those who are supporting the Feingold amendment.

It is wrong to neglect priorities such as these at home and pour hundreds of billions of dollars into the black hole that the Iraq war has become. It is wrong to give the President another huge blank check for the war in Iraq. Enough is enough.
I urge my colleagues to take a strong stand and vote against this gigantic blank check for more war.

Mr. LEAHY. Mr. President, I support the Feingold-Reid-Leahy Amendment because it specifically requires the President to begin the redeployment of American forces in Iraq within 90 days. Within 9 months of enactment, the redeployment would be completed and funding terminated for Iraq operations with narrow exceptions for a limited number of counterterrorism, force protection, training missions.

The President’s so-called “surge” is just another word for escalation. It has failed to set the lasting conditions for stability, and troop training missions. The various Iraqi factions have made little progress towards political reconciliation. The deadly rifts in that war-torn country have only grown deeper. The Iraq government has done little to support the few encouraging trends like the willingness of some Sunni groups to turn against the insurgency.

The only thing that is going to force the Iraqis to come to terms—the only way to get Iraq’s neighbors involved in bringing about peace there—is to make clear that our country is not going to be there forever. We cannot afford to spend more of our precious resources and to spill more of the precious blood of our troops if the Iraqis will not take responsibility for their own future.

There is a way to begin to right the wrongs of the President’s failed policy on Iraq. That better path involves effective diplomacy and a strong signal about our finite military presence in Iraq, not this senseless waste of money and lives. The Feingold-Reid-Leahy Amendment offers the real promise of a long-term positive outcome for our security and the people of Iraq. I urge the amendment’s adoption.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the time remaining?

The PRESIDING OFFICER. Seventeen seconds.

Mr. LEAHY. Mr. President, I ask unanimous consent that we have 1 minute evenly divided added to the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I came here at the time of the Vietnam war. I remember how people said maybe it should end and maybe we should do something; the Vietnam war has gone on too long. We finally stopped it. I am the only Vermont senator to vote against the war in Vietnam. I voted against funding for it, and the funding failed in the Senate in April of 1975 by one vote. The war ended. Two years later, it was hard to find anybody who supported the war, even though we paid for it.

We have been in Iraq longer than we were in World War II. It is time to bring our brave men and women home. Let them be with their families and let the Iraqis take care of Iraq.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. SESSIONS. Mr. President, we know what the situation is, and we are a great nation. We are not at liberty to flip-flop around every time there is some change afoot in some polling data. We voted this summer 80 to 14 to give General Petraeus a chance. We funded the surge and we funded his new strategy. At the time we did that, things were not going well in Iraq. We had a tough year, there is no doubt about it. In the last few months and in the last few weeks, we have seen dramatic changes under the surge and under the classic counterinsurgency strategy this brilliant general is conducting. So I say let’s allow him to conduct this war. Let’s allow General Petraeus, a proven leader, to do so. Let’s make a practical decision of “General” FEINGOLD and “General” KENNEDY. We have a professional there who is achieving things beyond what I would have thought possible a few months ago, actually. I hoped and believed we were going to see progress, but the extent of it is remarkable.

The last thing we need to do is to take action to pull the rug out from under the fabulous men and women who are serving us at great risk this very moment, whose highest and deepest wish is to be successful, to execute the policy we gave them by a three-fourths-plus vote several years ago. I thank the Chair and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator CLINTON be added as a cosponsor of the amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Mr. President, I urge my colleagues to oppose the Feingold amendment one more time.

Mr. REID. Mr. President, in a short time we will move to vote on three amendments to the Omnibus appropriations bill.

Each of them takes a different approach to funding the war in Iraq. I will vote for the Feingold/Reid amendment, which I have cosponsored and voted for several times this year.

Feingold/Reid is the right approach to begin to responsibly end the war, and I will vote for it again today.

The second amendment is Levin/Reed, which I will also vote for.

Finally, we will vote on the McConnell amendment, which I will strongly vote against. This amendment simply does more of what congressional Republicans have done since the war began.

I rubberstamps President Bush’s reckless management of the war that has cost us so dearly in lives, limbs, and treasure.

The debate over supplemental war funding is nothing new.

Every year, President Bush comes to us demanding more and more funds for Iraq, with absolutely no accountability. This year, he requested a staggering $200 billion for Iraq and Afghanistan.

At a time when he and his allies in Congress are telling us we can’t invest in medical research, education, infrastructure, or public safety, they want billions and billions more for Iraq.

How will our country pay the bill for the Iraq war? A Cost that when all is done will likely exceed $2 trillion?

President has no idea. He has no plan or intention to pay the bill. He is simply sticking it in a drawer like an overdue credit card statement, leaving it to our children and grandchildren to pay for generations to come.

That is not just fiscal irresponsibility, it is fiscal madness. But it is also par for the course for a President who inherited record budget surpluses from President Clinton and turned them into record deficits.

Every year, this war gets more expensive, and the American people deserve to know why.

The answer is waste. The answer is fraud. The answer is mismanagement. The answer is incompetence.

On President Bush’s watch, the companies he chooses to do business with—like Halliburton and Blackwater—have wasted billions and billions of our tax dollars.

The President has allowed billions to be spent on buildings that were never built, projects that were never seen through, and contractor military operations that did far more harm than good.

That is why he asks for more every year—because he has grossly misspent the funds he has received.
This year, we have already passed a $460 billion Defense budget—and this bill includes another $31 billion for Afghanistan and troop protection.

Democrats have fully funded the needs of our men and women in uniform and given the President more than he asked to conduct the war and begin to bring our troops home.

But one thing we can’t control is his reckless financial mismanagement.

We have held hearings and brought cases of waste and fraud to the light of day.

But ultimately, the inability to conduct the war with the billions already allocated is no one’s fault but his.

The President and his allies here in Congress will double-tap the panic button and say that if we don’t approve the funds immediately, our troops will suffer.

This argument is untruthful and beyond the pale.

Our Secretary of Defense, Robert Gates—a man for whom I have great respect—told Congress that the Army has enough money to get through the end of February and the Marines have enough funds to get through mid-March.

If President Bush hadn’t wasted untold billions, our troops would be funded for far longer than that.

If the President had followed the wishes of the American people by spending the funds we gave him to wind down the war instead of ramping it up, the existing funds would be more than sufficient.

But he didn’t. He ignored the calls of the American people to responsibly end the war. And he should accept the consequences of his mistakes by finally changing course.

But let me be clear: Democrats will never let our troops suffer for the President’s misdeeds.

Democrats always have and always will support our courageous men and women in uniform who have given so much and received so little in return.

It is Democrats who insisted upon a 3.5 percent across-the-board pay increase for everyone in uniform, which the President opposed.

It is Democrats who made right the awful conditions at Walter Reed and other veterans’ health care facilities that took place on this President’s watch.

It is Democrats who provided a $3.5 billion increase for veterans’ health care after Republicans underfunded it for years.

It is Democrats who passed the Wounded Warriors Act to honor our servicemembers and their families.

I think we have heard enough of the tired old Bush-Republican scare tactics that Democrats are putting our troops at risk.

The facts speak for themselves.

We have always stood with our men and women in uniform. We always will.

But unlike Republicans, we believe that truly supporting our troops means beginning to bring them home to the hero’s welcome they have so bravely earned.

My fellow Democrats and I come to the Senate floor more times than I can count to discuss the horrible cost of the Iraq war on our troops, our national security, and our reputation in the world.

We have lost nearly 4,000 young Americans. Tens of thousands more have been gravely wounded.

As I have said already, hundreds of billions of dollars have been spent, tens of billions have been recklessly wasted—and the total price will climb into the trillions before all is said and done.

Our military has been stretched paper thin. Colin Powell has said our Armed Forces are ‘‘about broken.’’

Every single one of our available combat units is deployed to either Iraq or Afghanistan, leaving no strategic reserves for other conflicts.

And as the situation in Iran, the faltering war in Pakistan, and the escalating violence in Afghanistan show, the world can evolve literally overnight.

We must have the flexibility to respond, but right now we do not.

Our troops are being forced into repeated deployments, and the length of those deployments has gotten longer.

Military families are deeply strained, military mental health is suffering, and the Armed Forces are reporting problems with both recruitment and retention.

Just this week, General Casey acknowledged this problem, saying: ‘‘We are running the all-volunteer force at a pace that is not sustainable.’’

Our National Guard is hamstrung in its efforts to keep us safe at home, because much of their equipment has been shipped to Iraq. Every natural disaster, from fire to flood, reminds us of this growing crisis.

Yet for all the cost and all the courage of our troops, this war has made us no safer.

Let me remind my colleagues of the most recent National Intelligence Estimate, which found that al-Qaida has regrouped and is now directing operations from Pakistan, stronger than ever.

Bin Laden remains free, taunting and threatening us with new videos.

Afghanistan—once viewed as a great military success—has spiraled out of control.

The opium trade there is at an all-time high, violence is at its highest level since American intervention, and recent reports indicate that the Taliban has vastly stepped up its efforts.

It is no wonder that this week has brought new reports that a panicked Bush administration is conducting a top-to-bottom review to stave off all-out chaos in Afghanistan and the backlash of all past gains.

I welcome this review. But as long as more than 160,000 troops remain caught in the crossfire of the Iraqi civil war, our ability to address conditions in Afghanistan—and elsewhere—will be constrained.

The American people are rightly frustrated that more has not been done to responsibly end the Iraq war. I share that frustration.

But within the confines of a stubborn, obstinate President and a Republican Congress that knows no other way but to carry his water, Democrats have made a difference—and a majority of Senators have consistently voted with us.

Before Democrats controlled the Congress, the Bush White House conducted the war with total impunity.

No dissent was tolerated. The patriotism of those who raised questions was openly attacked.

I urge my colleagues to reject the McConnell amendment. The time for zero accountability is long past.

I urge my colleagues to embrace the amendments offered by Senator Feingold and Senator Levin.

Let’s send our troops and all Americans a holiday gift: a message that the United States Congress is ready to bring this war, now nearly 5 years long, to its responsible end.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the McConnell amendment. The time for zero accountability is long past.

The question is on agreeing to the McConnell amendment. The time for zero accountability is long past.

The PRESIDING OFFICER. The yeas have it.

The roll call vote is ordered.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mrs. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.
The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 71, as follows:

(Rollcall Vote No. 427 Leg.)

YEAS—24

Akaka  Harkin  Murray

Boxer  Kennedy  Reid

Brown  Kerry  Rockefeller

Byrd  Klobuchar  Sanders

Cantwell  Kolbe  Schumer

Cardin  Lautenberg  Stabenow

Durbin  Leahy  Whitehouse

Feingold  Menendez  Wyden

NAYS—71

Alexander  Akaka  Bingaman  Brown

Allard  Baucus  Bayh  Bennett

Baucus  Baucus  Bingaman  Bond

Brown  Brown  Brownback  Boxer

Burns  Burton  Casey  Chambless

Coburn  Cochin  Coburn  Coleman

Collins  Conrad  Corker  Cornyn

Craig  Enzi  Ensign  Dodd

DeMint  Donnelly  Feingold  Feinstein

Obama

The PRESIDING OFFICER. On this vote, the yeas are 24, the nays are 71. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized to offer an amendment.

Mr. LEAHY. And, Mr. President, is there a time allotted on the amendment of the Senator from Michigan?

The PRESIDING OFFICER. There is 1 hour.

Mr. LEAHY. Equally divided in the usual fashion.

The PRESIDING OFFICER. Equally divided.

Mr. LEAHY. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3876 TO AMENDMENT NO. 3874

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress on the transition of the missions of United States Forces in Iraq to a more limited set of missions as specified by the President on September 13, 2007)

As the appropriate place, insert the following:

S 111—3

(Title)

SEC. 1. It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to the more limited set of missions laid out by the President in his September 13, 2007, address to the Nation, that is, to counterterrorism operations and training, equipping, and supporting Iraqi forces, in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

Mr. LEVIN, Mr. President, our amendment expresses the sense of the Congress that we should have a goal for the removal of most of our forces in a reasonable time mainly as a way of telling the Iraqi leaders they must accept responsibility for their own future. Our amendment expresses the sense of the Congress. It is not legally binding, but it puts us on record, and it sends a message. It says it is the sense of the Congress that:

The United States Armed Forces in Iraq should transition to the more limited set of missions laid out by President Bush in his September 13, 2007, address to the Nation—counterterrorism operations and training, equipping, and supporting Iraqi forces—and we add—in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

The primary aim of this amendment is to keep the pressure on the Iraqi politicians to do what only they can do: Work out compromises, as they promised to do long ago—to compromise the differences which divide them so as to ensure the currently relatively calm situation in many parts of Iraq, including Baghdad, remains calm. Our sense of Congress language is aimed at pressuring the Iraqi politicians to seize the window of opportunity, as General Odierno put it, to avoid a return to the violence that characterized the pre-2008 period.

The New York Times, in a story on December 5, quoted Iraqi Deputy Prime Minister Chalabi as saying about the present situation in Iraq: ‘‘It is more a cease-fire than a peace.’’ Well, we need to make it clear to those Iraqi political leaders that a cease-fire is not good enough. They must take the steps to turn that cease-fire into a real peace.

From all accounts, the surge has already produced some military progress. The problem is that while the surge has, up to this point, achieved some military progress, it has not accomplished its primary purpose, as announced by President Bush last January. President Bush said the surge’s purpose was to give the Iraqi Government ‘‘the breathing space it needs to make progress in other critical areas’’ and that ‘‘reducing the violence in Baghdad will help make reconciliation possible.’’

The President also said ‘‘America will hold the Iraqi government to the benchmarks that it has announced.’’ Well, the administration has not done what it said it would do—hold the Iraqi Government to the benchmarks that it, the Iraqi Government, has announced. Those legislative benchmarks include approving a hydrocarbon law, approving a debaathification law, completing a work of a constitutional review committee, and holding provincial elections. Those commitments, made 1½ years ago, which were to have been completed by January of 2007, have not yet been kept by the Iraqi political leaders despite the breathing space the surge has provided.

Despite the breathing space the brave men and women wearing our uniform have provided the Iraqi leaders, despite the breathing room and the breathing space which young men and women putting their lives in harm’s way on behalf of this Nation to give the Iraqis an opportunity to create a nation, they have not used that breathing space. And as a matter of fact, the Iraqi leaders appear to be farther apart today than they were at the start of the surge.

The Iraqi political leadership’s response to the breathing space provided by the surge has been stunning inaction. The Iraqi Parliament has suspended its session until the New Year, thus ensuring that not 1—not 1—of the 18 legislative benchmarks that they committed to meet will be met this year. The President’s statement that he will hold the Iraqi Government to the benchmarks it has announced is hollow rhetoric. To date, there have been no consequences for Iraqis’ failures to meet those benchmarks.

Whether the Iraqi political leaders decide to take advantage of this window of opportunity is, of course, their decision. The United States cannot make that decision for them. They are a sovereign country and have to decide what is best for themselves. But whether the United States keeps an open-ended commitment or establishes a goal for redeployment of most of our forces is our decision. That is not the Iraqis’ decision. They can decide whether to live up to the commitments they made to themselves and to us—solemn commitments, as far as I am concerned, because it involves the lives of American troops. Those solemn commitments have not been kept. We cannot force them to keep them, but we can decide whether we are going to make an open-ended commitment of our troops.

Mr. President, how much time do we have?
The PRESIDING OFFICER (Mr. BROWN). The Senator from Michigan has 24 minutes.

Mr. LEVIN. I yield myself 3 additional minutes.

According to our own State Department, the key threat to our forces in Iraq is the intransigence of the Iraqi political leaders to reach a political settlement. Listen to what the State Department said in its own weekly status report of November 21, 2007. This is our State Department:

"Meetings with political leaders in Iraq indicated that the key threat facing the U.S. effort in Iraq rather than al-Qaeda terrorists, Sunni insurgents or Iraqi-backed militias..."

Let me read that once again. This is our State Department saying what is the key threat to our forces in Iraq. What they are saying is that it is not the Iranian-backed militias, it is not the Sunni insurgents, it is not the al-Qaeda terrorists; the key threat facing the U.S. effort in Iraq, according to our State Department, is "the intransigence of Iraq’s Shiite-dominated government."

"We have to break that intransigence. How can Congress do it? How do we put pressure on the Iraqi political leaders? At a minimum, by at least expressing our view that U.S. forces in Iraq should transition to a more supporting and a less combat role with a goal—a goal, just a goal—of completing that transition by the end of 2008. The message the Iraqi political leaders need to hear is that Congress has lost patience with them as, have the American people. By their own Prime Minister's acknowledgment, a political solution is the only way to end the conflict, and ending the conflict is in their own hands."

I wish we could legislate a legally binding way forward for U.S. forces in Iraq. We have tried to do that. We have not been able to break the filibuster, to get to 60 votes. But at least expressing the sense of the Congress on this matter is better than silence because silence implies acquiescence in the open-endedness of our presence. It is that open-ended commitment which takes the pressure off the Iraqi political leaders, and Congress needs to act to correct that. Our amendment is a small but important step in that direction.

The PRESIDING OFFICER. Who yields?

Mr. STEVENS. Mr. President, I yield myself 5 minutes from the time on this side.

The PRESIDING OFFICER. The senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the Levin amendment, I rise in strong support of the amendment offered by our leader, Senator McCONNELL, and the Senator from Connecticut, Mr. LIEBERMAN. That amendment will provide the Department of Defense with the resources they need to continue the mission they have been assigned. It will also eliminate the dis-

...
The PRESIDING OFFICER. Who yields the floor?

Mr. WARNER. Mr. President, I ask unanimous consent that a colleague be permitted to speak now, but I am going to yield the time I have to the distinguished Senator from South Carolina for 5 minutes.

Mr. GRAHAM. Mr. President, I say to my friend from Virginia, thank you. I do hope you will take an opportunity to speak because your voice needs to be heard.

I say to my good friend Senator LEVIN, we have had a number of chances to work together. I am afraid this is not one of those moments.

What does all of this mean if this language passes? The bill will get vetoed. And when you read the language, what is so bad about it? I know the intent of the author is to try to make Iraq a better place, and he said for as long—I do not want to misquote him—as long as you have this many troops in Iraq, they are not going to do what they need to do politically. They use the troops as a crutch. I think that is the general theme, that we need to somehow let the Iraqi Government know we are not going to be there forever with this number of troops. You need to step up to the plate, and he said for as long.

The view is that the lack of security has been the biggest impediment to reconciliation, and the security changes in Iraq give us the best hope we have had in 4 years of finding a way forward politically in Iraq. If we change by word or deed or perception or intent to the military strategy that is currently working, we would be undercutting our best chance for reconciliation.

Mr. VOINOVICH. Mr. President, I rise today to speak in favor of the Levin amendment on Iraq. As my colleagues know, I have long supported a greater level of oversight in the war in Iraq. Many of us feel we should have done a better job of force oversight at the beginning of the war. I was quite taken with a quote from Condoleezza Rice recently, who said, ‘I wish we had known more about Iraq before we went in.’

While in Iraq in August, I witnessed a great deal of progress on the ground. That gave me encouragement. However, I was also convinced that it would not be possible to sustain the current level of troops and funding for Iraq over the long term without damaging our national security and long-term fiscal health.

As stated before, I believe we need to implement a plan to reduce our military presence in Iraq and focus the remaining military presence on a more limited role. This is clearly the plan General Petraeus is implementing now, and it is the stated goal of the President, as mentioned in the Levin amendment, supported by Secretary Gates and others who are concerned about our force level, and that we need more troops in Afghanistan. I have been working with Senator LEVIN for several months now to come up with a piece of legislation that could secure bipartisan support in the Senate and send a message to the President and the Congress that the Congress intends to exercise oversight to ensure we are making progress toward this goal.

I have been careful to avoid supporting any measure that I thought would hurt our troops in any way to tie the hands of our military commanders in the field or prevent the President from responding to the situation on the ground. In September, I introduced a bill with Senators ALEXANDER, COLEMAN, and DOLE to strive for a goal to reduce our military presence. We had bipartisan support for that, but Senator LEVIN and I had a problem with the date. Unfortunately, it fell by the wayside.

I support the Levin amendment, and I am a cosponsor to this legislation because I believe it is a very simple piece of legislation that accomplished the goals we all share. It sends the message that we support the President’s declared goal of reducing our presence in Iraq over time so we can play a more supportive role, bring our forces home, and reduce the burden on our military. It is a sense of Congress and will not bind the President in any way or tie the commanders’ hands in the field. It is a supportive role, bringing our troops home, that we are not doing enough of.

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

The Senator from Ohio is recognized.

Mr. LEVIN. That is fine with us. I yield 5 minutes to the Senator from Ohio, and we will come back to you.

Mr. WARNER. The Senator from Ohio is in support of the amendment of the Senator from Michigan?

Mr. LEVIN. That is correct.

Mr. WARNER. Mr. President, I ask that I be recognized following the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Michigan?

Mr. LEVIN. I yield the floor.
This amendment, this sense-of-the-Senate amendment, does not do anything positive. It sends the signal I have been trying to avoid for well over a year now. For 3½ years we had the wrong strategy. Finally we have the right strategy, and in my opinion, the best. The Senate, it seems to me, could do is allow the surge to go forward without any interference, give General Petraeus and those under his command what they need to finish the job. They have done a wonderful job. We are going to have the holiday season here and every American, every political leader, should celebrate what I think has been the most outstanding military operation in counterinsurgency history, and we should not have any more debates about that. It is a fact now. We should support it without reservation.

This amendment, the sense of the Senate, will send a confusing signal about what we intend to do militarily. The Senate, in my opinion, should not try to try to influence the military. The goal is to win. Very simply put, what is my goal in Iraq? My goal is to win a war we cannot afford to lose, to have a military footprint in Iraq as long as it takes to keep al-Qaeda on the run, and when we come home, which we surely will, to come home with victory in hand and let the military commanders who are not worried about the 2008 election decide when that transition should take place. Quite frankly, as much as I love my colleagues in this body and everybody, including myself, to transition this mission other than General Petraeus.

This statement will be seized upon by people who are following this bill very closely and will send all of the wrong signals, and that is why it will be vetoed. The most sensible thing the Senate could do, and we should have done this 4 or 5 months ago, is allow the surge to go forward without political interference. This is not the time to take the operational control away from General Petraeus and his command team and give it to the Senate. I hope and pray we will allow the surge to be funded, to go forward, and to achieve the goal that is in the national interest of the United States, and that is victory, victory over extremism and support of moderation. So this attempt at making a political statement is ill- advised, comes at the wrong time, sends the wrong signal. The most sensible thing the Senate could do is reject this and allow our military commanders to transition based on facts on the ground, not the next poll or the next election.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 5 minutes to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Virginia.

I rise to support the amendment I am privileged to co-sponsor with the Senator from Kentucky, Mr. McCONNELL, which would give our troops, General Petraeus in the field, the funding they need to carry on the fight they are carrying on so successfully.

As a result, I rise to oppose the amendment introduced by my friend from Michigan and others. Nine months ago, when General Petraeus took command in Baghdad, people of good conscience could disagree about whether his new strategy would succeed, unless you decided that everything was lost in Iraq or it did not matter if we lost in Iraq. I think most of us do not feel that way. We know it would matter, because we are engaged in a battle with al-Qaeda, the same al-Qaeda that attacked us on 9/11, and Iran, the most significant state sponsor of terrorism, according to our own State Department, supporting militias and extremists in Iraq and Syria.

But 9 months ago, people who cared about whether we won or lost in Iraq could argue about whether the surge strategy would work. After so many
December 18, 2007

CONGRESSIONAL RECORD — SENATE

S15857

mistakes, frankly, in the conduct of the war in Iraq, many Americans, many Members of this Chamber, were understandably skeptical about the possibility of this new counterinsurgency strategy succeeding.

Now, however, the evidence is unequivocal. I will say it is remarkable. In some cases it is downright miraculous. The surge is working. As a result, it is time to support General Petraeus, his plan, and his troops, not to second guess, not to editorialize about it, not to add to the confusion.

Let’s do something that we in Congress do not do very well, which is to remain silent in the face of something that is working. With all respect, the Levin amendment is a classic case of snatching defeat from the jaws of victory, because we are on the road to victory in Iraq.

The extra American troops have played a critical part, the broad-scale counterinsurgency strategy. And what has happened is that the Al-Qaida, which was their enemy. And we, surprisefully dropped by 70 percent. Many Members of this Chamber, were understandable skeptical about the tragic situation by which the leadership in Iraq, their legislative body, has failed to act.

But one word you said impressed me, and that is: “War is a very important process of making.” That is an exact quote you used. You felt if we didn’t speak by adopting your amendment, there would be silence. I say to my good friend, the amendment by the distinguished Republican leader and the Senator from Connecticut, the McConnell-Lieberman amendment, will send a very strong message. Were we to adopt your amendment, it would be in conflict with that message. That is my concern.

Therefore, I must say, I strongly support the McConnell-Lieberman amendment. I hope that will be voted on very shortly. I do believe, in all sincerity, your amendment would send a conflicting message. That message could be exceedingly troublesome. People may say: “We don’t understand the phraseology of the Senate.” Al-Qaida would simply clip that off and then announce that we are going to leave in December, irrespective of the facts on the ground. Furthermore, we have not been in the habit of putting together a coalition of forces, a coalition of nations, primarily Great Britain and others, Poland. So far as I know, there has been no consultation with respect to your amendment to announce a goal by December of next year with those other fighting forces that, while they are smaller in number, are no less important as a symbol of the united effort of many nations to achieve, first, sovereignty in Iraq, which has been a wonderful goal that has been achieved, and now to do what it takes to make our place rightfully in that region and be a strong voice for freedom and to fight Al-Qaida.

I say to my friend, I will have to oppose his amendment because it would send a totally conflicting message with the underlying amendment, which is a very significant appropriation of funds to continue, as you say, in your very words, the “progress” of the military so far.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I think I can almost speak for our side with certainty. I have a few comments, followed by perhaps a minute and a half by the Republican leader, and then that way we can yield back time. I will proceed to give my comments.

I say to my good friend from Michigan that I picked one word out of his very impressive opening comments. I agree with his opening comments about the tragic situation by which the leadership in Iraq, their legislative body, has failed to act.

Mr. LEVIN. Before I yield to the Senator from California, let me respond briefly to the Virginian. There is no inconsistency whatever between sending our troops the funding which has been requested and having a goal for the transition of their mission out of the middle of a civil war. That is the one point I wish to make immediately to my good friend from Virginia.

I yield 4 minutes to the Senator from California.

Mrs. BOXER. Mr. President, it seems to me if you want to liberate the Iraqi people, then you give them back the country and you let them know that is what this is all about. We have been there 1 year, 2 years, 3 years, 4 years. We have spent a half a trillion dollars; 3,893 of our own killed, 28,711 wounded. Is this forever? I went through the period of time in the Vietnam war where the people of this country stood up and said: Enough is enough is enough. It seems to me what Senator Levin is doing—and I am so proud he has bipartisan support, Senators HAGEL, Voinovich, Snowe, is good. They are beginning to cross over party lines, which is so important, and say: It is time the mission changes.

My dear friend from Virginia talks about the Brits. This is exactly what our Brits have already done. They are getting out. They have turned the keys of the city over to the Iraqis. They are ahead of us. In many ways, this resolution tracks what they have done. I read it. It is very simple. It is a sense of the Congress that the United States Armed Forces should be transitioned to a more limited set—counterterrorism, training, equipping, supporting Iraqi forces, and force protection. Yes, we are sending a message to the Maliki Government we want them to step up their act because we are not going to be here forever. The American people are generous and good people. But there is a limit to how much they can give in terms of blood and treasure.

Mr. President, I think the people supporting this resolution are going to vote for the McConnell amendment. I will not be one of them. I wish to speak against it for my remaining time. I have a list of what we have already spent. A half a trillion dollars, that is what we have already spent, and we are about to go well over that mark, toward a trillion dollars. There comes a time when we have to ask ourselves: Where are we doing in Iraq? If you listen to the President, it is to bring freedom. He said it was the weapons of mass destruction. Then he changed that. He said it was to get Saddam. We got Saddam. Then he changed it. He said we came in to support the Brits. They had two. He said we have to re reconstruct. We are spending money to re-construct. It is now time to say enough is enough. I think the Levin resolution is going to something which gets them out of deadlines. It is merely saying to the Iraqi Government we want them to step up to the plate.
If my colleagues want to be seen as occupiers, vote against this amendment because that is what is happening. We are seen as occupiers, when we want to be seen as liberators. If you want to be seen as liberators, you do what the Brits did. This is exactly what Senator Levin is doing. I am pleased to support this. I will be voting no on McConnell.

I thank the Chair and yield the floor. The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I believe we are about ready to vote on this side. We are going to have our leader speak for a minute, and then we can proceed. I simply, once again, say to my distinguished colleague from Michigan, while we are waiting for the Republican leader, with due respect, this will send a very conflicting message. If the Senate acts upon this appropriation tonight favorably, as I anticipate it will, coupled with your message, it could be misconstrued. Therefore, I strongly urge that the Senate accept the McConnell-Lieberman amendment but reject the amendment of the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. The message is not conflicting at all. There is no conflict between saying that we are supporting our troops, we are not going to reduce funding for them, and at the same time have a goal a year hence for when they transition to the more limited mission. There is not the slightest inconsistency. It is not a conflicting message. If we are interested in success in Iraq, there is only one way to achieve it—for the Iraqi politicians to reach agreement on their differences which have continued the conflict. That is not just me saying it. That is our military leaders.

I wish to read this quote because I am not sure people have focused on it. This is our State Department. I ask my colleagues to listen to this very brief quote from our State Department:

Senior military commanders portray the intransigence of Iraq’s Shiite-dominated government as the key threat facing the U.S. effort in Iraq rather than al-Qaeda terrorists, Sunni insurgents or Iranian-backed militias.

Is that a conflicting message from our State Department, when they identify the political leaders of Iraq as being the major threat to our success? They are the major threat to our success. We all know it. Our military leaders have said it is the failure of the political leaders of Iraq to work out their differences, which is the key problem that keeps the battle going on between Iraqis. That is our State Department. Is that a conflicting message? I don’t think so.

It is the truth. Most of us recognize it. We are all completely unhappy with the Iraqi political leaders. Most of us when we go to Iraq, tell them that. The President of the United States has even said it is useful for that message to be delivered. Let us deliver it tonight.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, if we want a Presidential signature on the Omnibus appropriations, thereby finishing our work this year, we need to defeat the Levin amendment and approve the McConnell amendment, which will come shortly after the Levin amendment. The McConnell amendment provides $70 billion for our troops, whether they are in Afghanistan or Iraq, without any strings attached, without any stipulations. The key to finishing our work this year successfully lies in defeating the Levin amendment and approving the McConnell amendment.

Mr. President, I ask unanimous consent that an explanatory statement be printed in the RECORD.

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

EXPLANATORY STATEMENT SUBMITTED BY SENATOR MCCONNELL, SENATOR STEVENS, SENATOR COCHRAN, SENATOR ISOUYE, AND SENATOR LIEBERMAN REGARDING SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

The following tabular data delineates by appropriation the funding provided by the McConnell amendment (related to supplemental appropriations for the Department of Defense) to H.R. 2764, the State, Foreign Operations, and Related Programs Appropriations Act, 2008.

In regard to classified activities funded in this amendment, a separate letter from the Chairman and Ranking Member of the Defense Subcommittee of the Committee on Appropriations will delineate the programs and activities funded by this amendment.

[Dollars in thousands]

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<thead>
<tr>
<th>TITLE I—MILITARY PERSONNEL</th>
<th>Department of Defense</th>
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<td>Military Personnel Army:</td>
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<td>Wounded Warrior .............</td>
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<td></td>
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<td>Operating Expenses .........</td>
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<td>Wounded Warrior, Enhanced Soldier and Family Support</td>
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<td>Total, O&amp;M, Marine Corps Reserve ..........</td>
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<td>Total, O&amp;M, Air Force Reserve ..........</td>
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Total, O&M, Navy Reserve .......... 41,657

Total, O&M, Navy Reserve .......... 41,657

Total, O&M, Navy Reserve .......... 41,657

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. It is useful for that message to be delivered. Let us deliver it tonight.
Operation and Maintenance, Army National Guard: 238,900
Wounded Warrior, Enhanced Soldier and Family Support: 38,100
Total, O&M, Army National Guard: 327,000
Operation and Maintenance, Air National Guard: 51,634
Operation Expenses: 51,634
Total, O&M, Air National Guard: 51,634
Afghanistan Security Forces Fund: 1,350,000
Joint Improvised Explosive Device Defeat Fund: 1,500,000
Total, Joint Improvised Explosive Device Defeat Fund: 4,269,000

Total, Operation and Maintenance: 61,099,598

Title III—PROCUREMENT

Aircrew Procurement, Army:
Utility Fixed Wing Cargo Aircraft: 5,000
UH-60M Blackhawk—27 Aircraft: 483,300
AH-64 Apache—3 Aircraft: 105,000
CH-47 Chinook—11 Aircraft: 334,100
Common Ground Equipment: 10,000
Air Traffic Control: 6,200
Total, Aircraft Procurement, Army: 943,600
procurement of weapons & tracked combat vehicles, army:
Bradley Program: 700,100
Stryker Vehicle: 41,000
Bradley Fire Support Vehicle (Mod): 65,000
Bradley Fighting Vehicle Systems (Mod): 48,000
Improved Recovery Vehicle (M68 Mod): 135,000
M1 Abrams Tank (Mod): 200,000
Abras Upgrade Program (M1A2 SEP): 225,000
M29 Squad Automatic Weapon Machine Gun M203: 6,500
M16 Rifle Modifications: 1,845
Modifications Less Than $5M (WOCV—WTCV)—Improved Combat Optics: 7,000
Total, Procurement of weapons & tracked combat vehicles, army: 1,429,445
Procurement of Ammunition, Army:
Cartridge, 25MM, All Types: 300
Cartridge, 30MM, All Types: 40,000
Cartridge, 40MM, All Types: 65,700
Cartridge, Artillery, 105MM, All Types: 10,000
Modular Artillery Charge System, All Types: 18,000
Rocket, Hydra 70, All Types: 20,000
Total, Procurement of Ammunition, Army: 154,000
Other Procurement, Army:
Tactical Trailer/Dolly Sets: 29,000
High Mobility Multipurpose Wheeled Vehicle: 455,000
Family of Medium Tactical Vehicles: 146,000
Family of Heavy Tactical Vehicles: 427,000
Armored Security Vehicles: 1,500
Truck, Tractor, Line Haul, M915/M916: 4,600
HMWMV Recapitalization Program: 140,000
Modification of In-Service Equipment: 184,800
Items Less Than $5 Million (Tactical Vehicles): 8,000
Defense Enterprise Wideband Satellite Communications Systems: 19,000
Satellite Terminal, Enhanced Manpack UHF Terminal (Space): 3,400
Navstar Global Positioning System (Space): 3,200
Army Global Command and Control System: 3,000
Analyst Equipment: 21,600
Information System Security Program: 21,600
Digital Topographic Support System (MIP): 12,000
Counterintelligence/Counterintelligence Human Intelligence Information Management System (MIP): 2,400
Night Vision Devices: 45,000
Night Vision Thermal Weapon Sight: 11,000
Fire Support Command and Control (C3) Family: 7,000
Knight Family—Procure 32 M1200 Knight Vehicles: 50,000
Chemical, Biological, Radiological, and Nuclear Soldier Protection: 54,300
Rapid Equipping Soldier Support Systems including Warlock: 400,000
Total, Other Procurement, Army: 2,027,800
Procurement, Navy:
Aircraft Procurement, Navy: 2,027,800
Procurement, Marine Corps:
Light Armored Vehicles: 12,500
Light Armored Vehicles: 23,000
Light Armored Vehicles: 33,600

Pyrotechnic and Demolition: 64
Small Arms Ammunition: 27,645
Linear Charges, All Types: 3,875
40MM, All Types: 23,096
60MM, All Types: 30,252
81 MM, All Types: 35,000
120MM, All Types: 59,020
Cartridge, 25MM, All Types: 670
Grenades, All Types: 9,385
Rockets, All Types: 8,273
Artillery, All Types: 51,033
Demolition Munitions, All Types: 3,539
Fuze, All Types: 880
Non Lethals: 5,616
Ammo Modernization: 2,000
Total, Procurement of Ammunition, Navy & Marine Corps: 304,945

Other Procurement, Navy:
Air Station Support Equipment: 6,111
Aviation Life Support—Body Armor and Survival Gear: 750
Explosive Ordnance Disposal Equipment: 820
Unmanned Aerial Systems: 37,000
Man Transportable Robotic System: 1,400
Mounted CREW Systems: 35,400
Medical Support Equipment: 900
Physical Security Equipment: 820
Body Armor: 3,100
Weapons of Mass Destruction Detectors: 6,000
Total, Other Procurement, Navy: 91,481
Procurement, Marine Corps:
Light Armored Vehicles: 12,500
Light Armored Vehicles: 23,000
Light Armored Vehicles: 33,600
Modifications—Medium Tactical Vehicle Replacement Armor: 60,000
Power Equipment Assorted—Engine Equipment: 15,000
Explosive Ordnance Disposal Systems—CREW: 172,800
Physical Security Equipment—Ground-Based Operational Surveillance Systems: 340,000
Medical Equipment—Family of Field Medical Equipment: 6,750

Total, Procurement of Ammunition, Navy & Marine Corps: 304,945

December 18, 2007

CONGRESSIONAL RECORD — SENATE

S15859
Drug Interdiction and Counter-Drug Activities 192,601

Total, Department of Defense ..... 70,000,000

Mr. MCCONNELL. Mr. President, is there more time on this side?

The PRESIDING OFFICER. There is 7 minutes 5 seconds.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Mr. MCCONNELL. Mr. President, the President will veto the bill if the Levin amendment is approved. The McConnell amendment must be approved in order to get a Presidential signature.

Is there time remaining on this side? The PRESIDING OFFICER. There is 6 minutes remaining.

Mr. MCCONNELL. I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the Levin amendment No. 3876.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 70, nays 25, as follows:

<table>
<thead>
<tr>
<th>YEAS</th>
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<tr>
<td>Alana</td>
<td>130</td>
<td>Modifications</td>
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<tr>
<td>Allard</td>
<td>32,759</td>
<td>SOF Ordinance Replenishment</td>
<td>39,600</td>
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<td>Angel</td>
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<td>Baer</td>
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<tr>
<td>Baldwin</td>
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<td>MH-47 Service Life Extension Program</td>
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<td>Bennett</td>
<td>36,000</td>
<td>C-130 Modifications</td>
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<tr>
<td>Berkowitz</td>
<td>6,059,889</td>
<td>Total, Procurement, Defense-Wide</td>
<td>274,743</td>
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| NAYS—45     |            |              |            |
| Alex         | 130        | SOF Ordnance Replenishment | 1,625      |
| Alexander    | 34,400     | SOF Acquisition | 39,600     |
| Allard       | 36,000     | SOF Intelligence Systems | 44,346     |
| Ayotte       | 29,587     | Small Arms and Weapons | 18,458     |
| Baldwin      | 43,460     | Tactical Vehicles | 23,500     |
| Barrasso     | 8,700      | MH-47 Service Life Extension Program | 11,000     |
| Bennett      | 36,000     | C-130 Modifications | 274,743     |
| Berkowitz    | 6,059,889  | Total, Procurement, Defense-Wide | 274,743     |

The PRESIDING OFFICER. Under the previous order requiring 60 votes, the amendment is withdrawn.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion. Is there a sufficient time? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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<td>Allard</td>
<td>32,759</td>
<td>SOF Ordinance Replenishment</td>
<td>39,600</td>
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<tr>
<td>Angel</td>
<td>39,600</td>
<td>SOF Intelligence Systems</td>
<td>44,346</td>
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<td>Ayotte</td>
<td>29,587</td>
<td>Small Arms and Weapons</td>
<td>18,458</td>
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<td>Baldwin</td>
<td>43,460</td>
<td>Tactical Vehicles</td>
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<td>Barrasso</td>
<td>8,700</td>
<td>MH-47 Service Life Extension Program</td>
<td>11,000</td>
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<tr>
<td>Bennett</td>
<td>36,000</td>
<td>C-130 Modifications</td>
<td>274,743</td>
</tr>
<tr>
<td>Berkowitz</td>
<td>6,059,889</td>
<td>Total, Procurement, Defense-Wide</td>
<td>274,743</td>
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| NAYS—45     |            |              |            |
| Alex         | 130        | SOF Ordnance Replenishment | 1,625      |
| Alexander    | 34,400     | SOF Acquisition | 39,600     |
| Allard       | 36,000     | SOF Intelligence Systems | 44,346     |
| Ayotte       | 29,587     | Small Arms and Weapons | 18,458     |
| Baldwin      | 43,460     | Tactical Vehicles | 23,500     |
| Barrasso     | 8,700      | MH-47 Service Life Extension Program | 11,000     |
| Bennett      | 36,000     | C-130 Modifications | 274,743     |
| Berkowitz    | 6,059,889  | Total, Procurement, Defense-Wide | 274,743     |
Bingaman
Kennedy
Reid

Boxer
Kerry
Sanders

Brown
Klobuchar
Schumer

Bryce
Kosciusko
Smith

Cantwell
Lautenberg
Stabenow

Cardin
Leahy
Whitehouse

Durbin
Menendez
Wyden

Feingold
Murray

Harkin
Reed

Mr. BAUCUS. Mr. President, the next vote is on AMT, paid for. We have had this vote several times. It requires 60 votes. I personally believe that the AMT relief we will be providing for here, the taxpayers will not have to pay additional AMT for 2007, should be paid for. I don’t think the votes are here. There are not 60 votes to pay for it. But once this goes down because it doesn’t have 60 votes, it is then my expectation that the House will then vote for AMT not paid for so that we can get AMT passed this year. Americans will know they will not have to pay the additional AMT tax, done in a way that is satisfactory.

There is an hour allocated on this amendment, a half hour each side. Mr. President, I don’t plan to take many more minutes than I have already consumed. I expect the other side will not either.

I will reserve the remainder of my time, with the expectation that I will yield back the remainder of my time. For now, I will reserve my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume. I haven’t had a request on this side for many people to speak. I think I will speak for 9 or 10 minutes on my side. If people want time, I will be glad to yield time.

When we were debating the Tax Relief Act of 2005, the other side forced a series of debates on the same subject matter. We had the same debate three times, and it culminated on Groundhog Day, February 2, 2006. Despite numerous votes and debates in each round, we went through essentially the same debate and vote not once or twice but three times.

I have two charts that will remind folks of that exercise. My first chart depicts a groundhog. For those of you who see the groundhog, you will recall that the centerpiece of that debate involved the alternative minimum tax patch. During the first groundhog debate, the bipartisan majority had to prove that we meant business on the cornerstone of that bill, which was the last AMT patch that was enacted. I am referring to the AMT patch that was enacted then about 15 million families, and now we are talking about protecting about 23 million families.

The bipartisan majority. I am pleased to remind everybody, stuck to our guns in conference on that bill. We made sure the AMT patch was one of the cornerstones of the conference agreement. So despite the extended debate, what we said would happen did happen.

Now, the next Groundhog Day is February 2, 2008. That is just 45 days from now. That may seem like a long time, but given recent history, I am worried. Here is why.

About 47 days ago, the two tax-writing committee chairmen, Congressman RANGEL and Senator BAUCUS, and the ranking members, Congressman McCRCERY, and this Senator, wrote Secretary Paulson and acting IRS Commissioner Stiff and pledged to get an AMT patch bill to the President before the end of the year. We wrote the letter for a couple of reasons. The first reason is to spare 23 million middle-income families from an average tax increase of $2,000 per family. As everyone now agrees, this monster tax was not meant to hit 23 million middle-income families. The second reason was to assure the Secretary of the Treasury and the IRS Commissioner that we would do everything possible to minimize delays in refunds for another 27 million families and individuals, on top of the 23 million who would be hit for the first time.

After pledging to get mutually agreeable AMT patch legislation to the President in a form he could sign—that is what the letter was about—we are instead now engaged in this Groundhog Day type of exercise. We are essentially having the same debate, and we will go through the same votes the Senate went through just a couple of weeks ago. In other words, the floor debate tonight illustrates my worry that we are repeating the Groundhog Day exercise. I seek unanimous consent to have printed in the RECORD a copy of that letter by the two chairmen and ranking members.

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

CONGRESS OF THE UNITED STATES,

Ms. LINDA E. STIFF,
Acting Commissioner, Internal Revenue Service,
Washington, D.C.

DEAR ACTING COMMISSIONER STIFF: Under present law, more than 23 million taxpayers will be subject to higher taxes in 2007 unless legislation is enacted to limit the reach of the Alternative Minimum Tax (AMT). We realize that this fact is causing concern for many taxpayers and increases administrative difficulties for the IRS as the agency prepares for the upcoming filing season.

As the leaders of the Congressional tax-writing committees, we want to assure you that legislative relief is forthcoming so that no new taxpayers will be subject to the AMT for taxable year 2007. We are committed to extending and indexing the 2006 AMT patch with the goal of ensuring that not one additional taxpayer faces higher taxes in 2007 due to the onerous AMT. In addition to allowing the personal credits against the AMT, the exemption amount for 2007 will be set at $44,350 for individuals and $66,250 for married taxpayers filing jointly.

We plan to do everything possible to enact AMT relief legislation in a form mutually agreeable to the Congress and the President before the end of the year. We urge the Internal Revenue Service to take all steps necessary to plan for changes that would be made by the legislation.

Thank you for your immediate attention to this matter.

Sincerely yours,

MAX BAUCUS,
Chairman, Committee on Finance.

CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance.

CHARLES B. RANGEL,
Chairman, Committee on Ways and Means.

JIM McCRCERY,
Ranking Member, Committee on Ways and Means.

Mr. GRASSLEY. So we are not quite there yet, but the way we are going, we
might not get this year's AMT patch done until the next Groundhog Day.

Let me bring up another chart to expand on this point. I have next to me the portrait of Punxsutawney Phil, that famous groundhog. In thinking of Phil and the weather report he will provide in early February also those of us who have seen the popular film entitled “Groundhog Day.” That movie stars Bill Murray, in which a man relives the same day—Groundhog Day—over and over and over. This film has taken on greater significance for me, I seem to be in a very similar situation. More than just a sense of the deja vu, I feel I am reliving a past experience.

We are going through the same debate we had a couple of weeks ago. We are on a different bill and the amendment has different offsets. Yet I seem to remember already having this debate.

So, Mr. President, instead of taking the next steps and focusing on what we said we would do in the letter and finding a mutually agreeable—those are words from the letter—resolution to the AMT patch, the House Democratic leadership is insisting that the Senate repeat the same debate and vote of just last week.

At 5:01 p.m., on Tuesday, December 4, 2007, we took up H.R. 3996, with the title “Temporary Tax Relief Act of 2007.” For several hours on Tuesday, Wednesday, and into Thursday, we debated the bill. The final vote on final passage came at 7:25 p.m., Thursday evening, December 6.

According to the Secretary of the Senate, 93 of us were here for that vote. So I must not be the only one reliving this experience. I ask unanimous consent to have printed in the RECORD the results of that final vote.

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

The result was announced—yeas 88, nays 5, as follows:

[ROLLCALL VOTE NO. 415 LEG.]

YEAS—88

Akaka
Alexander
Allard
Baucus
Bayh
Bennet
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Casey
Chambliss
Colburn
CoCHRAN
Coleman
Collins
Corzine
Crus
Crapo
DeMint

Thune
Warner
Feingold
Ensign
Clinton
Dodd
NAYs—5

Webb
Wyden
Whitehouse
Voinovich
Obama

Majority 5/Required

Vote date: 12/06/2007, 6:23:00 p.m., Business Type: L.

Result Code: 1 (Bill Passed).

Title: H.R. 3996 as Amended.

Mr. GRASSLEY. Mr. President, as we consider the Senate amendment to the omnibus bill, I have to ask: Why are we still here? I have to ask: Didn’t we already go through this exercise? I have to ask: Aren’t we finished with the Senate debate?

In the face of the urgent need to enact an AMT patch, does the House Democratic leadership want the Senate to repeat recent debates and resurrect old talking points? Our un-offset AMT patch already passed with the support of 88 Senators.

While I believe this legislation is extremely important and we will debate it for an extended period, I am flowing in the necessity of going through a process that resulted in overwhelming bipartisan passage of the same bill 2 weeks ago.

That is my first point. This is, in fact, a curious exercise. It is an exercise with no apparent purpose other than delay. Is the delay on the part of the House Democratic leadership important? Why doesn’t the House send the amended House bill which cleared this Chamber by a vote of 88 to 5 to the President of the United States for signature? Because President Bush will sign it. That bill does meet the words from the letter of the chairman of the committee—that bill does meet the mutually agreeable criteria of the tax writers’ letter. The amendment before us, just as the prior House vote, does not meet the mutually agreeable criteria that was in that letter.

Nearly all House and Senate Republicans have a problem with this amendment and its predecessor that failed in the Senate. The problem is not necessarily with the offsets themselves. Some of them might be acceptable tax policy to this Senator and others on our side. The debate and resistance on our side rests with a bigger principle. It is about accepting the notion that the unintended reach of the AMT is not a dead horse, the picture he used shows.

That exercise is done, then I urge my friends in the House leadership to pass the un-offset AMT patch bill we sent them several days ago, that very same bill that passed this body 88 to 5.

Think, will you, on the other side of the Capitol, think of the 27 million families that will receive a tax increase of $2,000 per family if we don’t get this bill to the President. Think of the 27 million families and individuals that will face even longer delays in getting their refunds next year if we don’t get this bill passed, or even if we do get this bill passed, it is going to be delayed. Think of these hard-working taxpayers. Stop beating a dead horse and let’s get the people’s business done. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota has some comments about not beating a dead horse. I now yield 7 minutes to the Senator from North Dakota.

I might say, we should not beat a dead horse, that is clear, but also we should not look a gift horse in the mouth. We have an opportunity to resolve this and get it done. I urge us to vote quickly so we can dispose of this matter so the American taxpayers get their AMT relief very quickly.

I yield to the Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman.

I say to the Senator from Iowa when he tells us that we should stop beating a dead horse, the picture he used shows that Trigger rides again. That wasn’t a dead horse. That horse is alive, and as well it should be, because the underlying question is whether we pay for anything in this Chamber or do we borrow the money, do we borrow the money, do we borrow the money, do we borrow it from the Chinese and the Japanese, or do we start paying our bills right here at home? That is the issue before the Chamber. It is not a question of a dead horse or a live horse. It is a fundamental question of whether we pay our bills or put it on the charge card.

The issue before us is very simple. If we do not offset the alternative minimum tax or alter it in some way, it will hit 23 million American families, up from some 4.2 million this last year.

The bill before us says, yes, adjust the alternative minimum tax so more...
people are not hit by it, but it also says something very important. It says pay for it; don't go out and borrow the money, don't go out and borrow billions more from China and Japan.

The House has it right. We ought to pay for it. Only it makes sense to let the alternative minimum tax sweep up millions more people, but it also makes no sense to fail to pay for it. That is not just my view; that is also the view of the former chairman of the Federal Reserve who said on ABC's weekend program in response to a question from George Stephanopoulos, the question was put to the chairman:

So when the Congress this week...fixes this patch in the alternative minimum tax...and doesn't pay for the increase in the deficit, that is something you're against?

Mr. Greenspan: Yes.

No qualifications, a simple clear statement in support of paying for fixing the alternative minimum tax.

What is the issue so important? Because if we fail to do so, we put it on the debt, and already the debt has skyrocketed under this administration, from $5.8 trillion in 2001 to, at the end of the fiscal year that just ended, a debt of $9.9 trillion.

Future generations will look back on this one. Perhaps they will be amused by the debate tonight. They will not be amused by the debt we leave them. This generation will not be known as the generation that balanced the budget. This generation will be known as a greedy generation, a self-oriented generation, one that was not responsible for the people's money.

Some of my colleagues claim we never intended to raise this money, that it was no part of any budget, that it was not part of any revenue projection. I beg to differ. As chairman of the Senate Budget Committee, I can tell you that these revenues have been in every budget written by this President, and written by the Congress, whether controlled by the Republicans or the Democrats. The only way any of these budgets have balanced was to assume this revenue which is the law of the land would either be collected or would be offset, would be paid for.

This chart shows the revenue assumptions in the Bush budget. We find alternative minimum tax revenue assumed for each and every year of the 5 years of this budget.

I won't belabor the point. This is a question of whether we are going to be responsible. This is an opportunity to fix the alternative minimum tax, to prevent it from being spread to 23 million American families, but to do it in the responsible way: to offset it with other revenue so it does not get added to the deficit, so it does not get added to the debt, so we are not compelled to borrow even more billions from the Japanese and the Chinese and around the world.

I hope my colleagues will vote "aye" and demonstrate their fiscal responsibility tonight.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN, Mr. President. Mr. President, yes, we have been here before. I hear the Senator from Iowa, whom I greatly respect, say we have been here before and have done this over and over. In the last 2 hours, we have made the same mistake, or about to make the same mistake, that we have made in the last 6 years. About 7 groundhog days ago, if you will, we went from a budget surplus plus to huge budget deficits, as Senator CONRAD pointed out. Do you know why? Because we are in the middle of a war that Senator BYRD said so eloquently against time and again on this Senate floor, a war that has cost us $500 billion and counting, and we have done tax cuts over and over. Every groundhog day we another tax cut.

So tonight, in the space of 2 hours, we are going to encapsulate that in one evening. We did $70 billion for a war nobody is willing to pay for. Let our grandchildren pay for that one. And then we are doing more tax cuts, hundreds of billions of dollars we are not paying for, so let our grandchildren take care of it.

We have been here before, and it is about time we vote "yes" on this and do the right thing, so instead of these going from a budget surplus 7 groundhog days to hundreds of billions of dollars in budget deficits, instead we have an opportunity, as Senator CONRAD said, to do the right thing to begin to pay for things so our grandchildren will not continue to be burdened with our profligacy and our irresponsibility.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, if the other side is ready to yield back their time, I want to do it in a way that everyone who is interested will be interested in doing that.

Mr. BAUCUS. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the motion. Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion. Mr. DURBIN. I ask for the yeas and nays.

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 440 Leg.]

YEAS—48

Akaka

Baucus

Baucus

Brown

Byrd

Cantwell

Carper

Casey

Conrad

Dorgan

Durbin

Feingold

Harkin

Yield

Alexander

Allard

Barrasso

Bennett

Bond

Brownback

Bunning

Chambliss

Coburn

Cochran

Collins

Collins

Cornyn

Craig

NAYs—46

Grapo

DeMint

Domenici

Enzi

Enzi

Graham

Grassley

Greg

Hagel

Hatch

Hatch

Jackson

Kyl

Lugar

Martinez

McConnell

Murkowski

Roberts

Shelby

Smith

Specter

Stevens

Sununu

Thune

Vitter

Warner

Mr. President, there is a proverb from the Book of Matthew that says: "For where your treasure is, there your heart will be also."

In the past few weeks, as we have put together the budget that is now before Congress, have we sought to put our hearts and our treasure where the American people need them most?

President Bush and his Republican allies in Congress have been determined from the start to see through our way.

The President picked a top line budget number out of thin air and said he would veto any bill that invested another dime above this total in the needs of the American people—no matter how many children, students, working families veterans or senior citizens would be harmed.

This from the President who inherited record surpluses when he took office and turned them into record deficits.

This from the President who has spent nearly $500 billion—all of it borrowed—to fight a war of choice in Iraq, while ignoring the desperate needs that we face here at home.

And this from congressional Republicans who have rubber-stamped his every irresponsible, wasteful, reckless choice.

But now, this year, this President and these Bush-Cheney Republicans...
claim—after years leading our country down a path of fiscal ruin—they have been baptized into the church of fiscal responsibility.

Under this false pretense, they went about to prevent us from presenting appropriations bills that help America’s working families.

With the power of the President’s veto and a core group of congressional Republicans willing to back it up, this fight has not been easy. That is an understatement.

Nevertheless, in the past few weeks, we have worked within the President’s arbitrary top line to make it clear to the American people where our hearts and our fiscal priorities lie.

Every victory in the appropriations bills now before us—every benefit to working families, every investment in our Nation’s future—we have had to fight for, tooth and nail.

Bush-Cheney Republicans turned their backs on medical science in this budget.

They tried to cut 800 grants for medical research at the National Institutes of Health—programs that would help find cures for dread diseases.

Our Democratic priorities are different.

We want to spread hope—real scientific hope—that those who suffer from Alzheimer’s, cancer, Parkinson’s and diabetes and other maladies will see a brighter, healthier day.

So we restored the Bush-Cheney Republican cuts to the NIH and invested more than $600 million in medical research.

We refused to back down and we won that fight.

The Bush-Cheney Republican budget would have slashed access to health care by $600 million—leaving many of the most vulnerable Americans with nowhere to turn.

But our Democratic priorities are different.

We believe in helping the little girl with asthma, for whom the emergency room is a revolving door because her parents can’t afford a doctor; or the uninsured laborer who gets injured on the job; or the senior citizen who suffers from arthritis.

We gave these Americans a better chance to live healthy lives—with $1 billion above the President’s request for programs like community health centers, high risk insurance pools and rural hospitals—programs on which hundreds of thousands of low-income Americans rely.

We refused to back down on America’s health care needs, and we won that fight.

If the Bush-Cheney Republicans got their way, this budget would have stripped $1.2 billion from education, eliminated major student aid programs and cut vocational education by 50 percent.

But Democrats have different priorities here, too.

We believe that education is the great equalizer in America, and that every American child deserves the right to a quality education and the keys to a better future.

We backed that commitment with major investments in Title 1, special education, teacher quality grants, after school programs, Head Start, student aid and technical training—all above the Bush-Cheney Republican request.

Democrats refused to back down and let Republicans rob children of the chance to succeed, and we won that fight.

Bush-Cheney Republicans talk tough on law enforcement, but when it came time to actually give our State and local law enforcement the tools they need to keep us safe, Bush-Cheney Republicans said no.

Their budget cut law enforcement funds by $1.4 billion at the Department of Justice.

Once again, Democrats’ priorities are different. We invested $1.2 billion more than the President’s request to help our police fight crime.

We refused to back down from our commitment to safer neighborhoods, and we won that fight.

Bush-Cheney Republicans try hard to scare us of the specter of terrorism. Did their budget match their rhetoric? No.

They cut more than $1 billion in homeland security grants for police, firefighters and medical personnel.

What a difference a year makes! Democrats increased our commitment to fighting terrorism by nearly $2 billion.

We refused to believe that at a time we are spending $12 billion a month in Iraq and Afghanistan, we couldn’t spend an additional $2 billion per year to fight terrorism in America.

We won that fight, too, and America will be safer because of it.

The same year when the Minneapolis bridge collapse tragically reminded us that our roads, bridges and tunnels are crumbling, Bush-Cheney Republicans tried to strip critical infrastructure projects from the budget.

Democrats refused to stand by while the President spends billions to build roads in Iraq, but tells us we can’t do anything about our roads in America.

We can do something and we did. We refused to back down and we won the fight for American infrastructure.

When it came time to choose between energy independence and big oil, between a clean environment and the special interests, the Bush-Cheney Republicans chose the special interests.

Our priorities are consumers who are spending more than ever to pay for gas for their cars and heat for their homes.

Are we going to buy cleaner air and renewable fuels by investing in solar energy, wind energy, biofuels and energy efficiency.

We stood up to Bush-Cheney Republicans, who once again turned their backs on science and cozed up to the major polluters.

We won that fight, and America will be safer and cleaner because we did.

I am so grateful for my Democratic colleagues in the House and Senate.

We have faced a level of arbitrary stubbornness from President Bush and his congressional allies that no Congress has ever faced before.

We turned a horrible budget into a budget that does some good, important things.

And we did it responsibly: without raising taxes or adding anything to President Bush’s epic pile of debt.

Our country owes enormous gratitude to the senior Senator from West Virginia, Chairman ROBERT BYRD, for his leadership on this budget.

Chairman OBERY also did a tremendous job on this legislation.

I would also like to acknowledge the work of Senator COCHRAN, who worked with Senator BYRD and others to move this bill through committee and to the floor.

This budget includes funds to help prevent Western wildfires and better fight the ones that do occur.

It includes vital education funding for Nevada’s universities.

It invests in Nevada’s renewable energy.

It provides funds for vital Nevada water projects.

And it honors our troops and veterans with more than $340 million for the southern Nevada veteran’s hospital.

But let me be clear: this compromise budget could have been much, much better if not for Bush-Cheney Republicans’ double standard on fiscal responsibility.

They chose to enforce an arbitrary topline on America’s priorities—even as they continue to borrow billions to fund the endless war in Iraq, to support corporate cronyism, and to look the other way on global warming and pollution.

Because Republicans have made these choices, the American people will have to keep waiting for the kind of budget they deserve.

But because Democrats refused to back down, this budget is a step forward.

The American people deserve to know that Democrats will keep taking step after step after step to set the right priorities and make the progress that our country so desperately needs.

Mr. President, as things now stand, we have about 20 minutes of talking on the Republican side and we have Senator BYRD, who has less than 10 minutes on our side. Those are the only speeches I know of.

Mr. LEAHY. Mr. President, I am going to require 5 minutes.

Mr. REID. That is what I was starting to say. On our side, we have Senator BYRD plus the manager of the bill, Senator LEAHY.

Following that, there is going to be a vote by a judge. I don’t know how much time Senator LEAHY and Senator SPECTER want on the judge, but whatever time they want, they can have it.

But we will have a vote on the judge.
Tonight, when these speeches are finished, we will have one final vote, a vote on the judge. We are going to be in session tomorrow. There will be no rollcall votes after 9, unless something untoward happens that Senator McConnell and I do not expect. So I will be back. If somebody wants to come in and give some speeches. We have some nominations we are trying to clear, maybe some bills from the House. I do not expect any heavy lifting tomorrow, at least I hope not.

I want to express my appreciation to everyone for their cooperation in getting to the point where we are. As some have heard me say before, usually you recognize you have something that is OK when both negotiators are unhappy with what they have gotten. That is what we have. We are not happy with how we have been pushed into doing what we have done. The President is not happy, as his people say he has been pushed into doing things he does not want to do. We gain the position where we are. We are going to be able to finish our appropriations process, and we should all hold our heads high in that regard.

Again, I wish everyone a very merry Christmas and a very happy New Year, and look forward to a productive year next year, the last of the 110th Congress.

The PRESIDING OFFICER. The Senator from West Virginia is recognized. Mr. BYRD. Mr. President, it has been a challenge for the Senate Appropriations Committee. When the 110th Congress convened in January 2007, only two of the annual appropriations bills had been enacted. Working with the chairman of the House Appropriations Committee, Mr. David Obey, Senator Cochran, and Representative Lewis, we immediately began work on a joint funding resolution to fund the Federal Government.

We focused on funding a short list of priorities, including adding $3.6 billion for VA medical care; $1.6 billion for State and local law enforcement; $620 million for the National Institutes of Health; and $1.4 billion to fight AIDS and malaria in the developing world. That joint funding resolution was passed by the House and the Senate and signed into law by the President on February 15, 2007.

Almost immediately, the committee was called back into action to tackle a bill to fully appropriate funds for the wars in Iraq and Afghanistan. The committee produced a prudent and responsible bill that required a new course for the war in Iraq. The bill set a goal for having most of our troops out of Iraq by January 1, 2008. Had the President signed that bill, most of our troops would already be home preparing to celebrate the new year.

Unfortunately, the President found that the bill did not support his “stay the course” position, and vetoed that bill on May 1, 2007. The Appropriations Committee produced another bill, totaling $120 billion, unfortunately this time stripped of the important guidance on the future of the war. That bill was again passed by the House and Senate, and this time the President signed it into law on May 25, 2007.

The committee then began its annual work of producing the regular appropriations bills. I am proud to say that the committee reviewed 12 individual appropriations bills, many of which were reported by unanimous, bipartisan votes. The bills that were considered on the floor of the Senate received broad, bipartisan support, and each received more than 75 Senators. And finally, the committee—working on a bipartisan, bicameral basis—produced the complex legislation, which is now before the Senate.

My reason for detailing the work of the Appropriations Committee this year is simple: I wish to convey my personal appreciation for all of the work and cooperation of the committee’s ranking member, Senator Cochran, and the hard work, skill, and experience to bring credit upon himself, the committee, and the Senate as a whole.

I also wish to commend the chairmen and ranking members of each of the 12 subcommittees. It is the knowledge and leadership that the committee is able to craft the individual appropriations bills. It is to their great credit that the committee was able to rise to the many challenges presented this year.

I wish to express my gratitude to the staff of the Appropriations Committee. They are dedicated public servants: professional, expert, and diligent. The committee is extremely fortunate to have their services, and I thank them for all the many hours they have devoted to performing their duties.

And finally, I send to my colleague, Senator Cochran, each member of the Appropriations Committee, and all of the staff, my warmest wishes for a safe and joyous Christmas and a very happy New Year.

Mr. DOMENICI. Mr. President, I do not know where the time is. I do not want to interfere. I want 2 minutes before they are finished. Thank you.

Mr. LEAHY. Mr. President, what is the parliamentary situation on time?

The PRESIDING OFFICER. There is 50 minutes remaining on the majority side and 1 hour on the minority side.

Mr. LEAHY. Mr. President, I see the Senator from Georgia rising. Do you wish to speak?

Mr. CHAMBLISS. Yes, I do have a statement I want to make, followed by Senator Byrd.

Mr. LEAHY. If the Senator is willing to wait for a few minutes?

Mr. CHAMBLISS. Surely.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from West Virginia. In a few weeks, I will have served him for 33 years. Now, in Robert C. Byrd time, 33 years is but a moment. In Patrick J. Leahy’s time, it is a wee bit of time. But I remember coming here as a 34-year-old Senator—Senator Byrd was the majority whip at the time—and how much he taught me, and his colleague, the leader, Mike Mansfield, and then later when he was our leader, and, of course, sat on Appropriations. He has been leader for all of those years. I appreciate his help.

His late wife Erma was a very special friend of my wife’s and mine, and I hope he does not mind me mentioning her at this time. I always thought he and my wife Erma would meet at the grocery store that perhaps Bob and I were at a lower level. It went to a higher level when it was not Senator Byrd and Senator Leahy. But it was Marcelle and Erma talking about Balboa and the Civil War, and what should we do to take care of those folks. Well, Robert C. Byrd has taken care of all of us these years. It has been a privilege to serve on the Appropriations Committee with him. It is especially nice, because one of the closest friends I have in the Senate, Thad Cochran, has been both chairman and ranking member of that committee, and those of us who have been here for over a third of a century, as I have, know the major influence and minority goodness. The thing that does not go back and forth is the friendships we have across the aisles. The distinguished Presiding Officer knows that his father and I were very close friends and served together. His mother and my wife were close friends. Those kinds of friendships go on through the years and through the decades.

We have spoken of the Senate as being a family. Indeed it is. It is probably a family that wants to go home and go to bed, so I will not push this much longer. But I think how important it is that we do have these chances to be together. So I applaud Senator Byrd, I applaud Senator Cochran, and their staffs.

Because this is the Foreign Operations Bill we are on, I want to mention my own staff. Tim Riser, Kate Elliott, Nikole Mason and the Appropriations subcommittee for me, and the various other matters they are involved in here; J.P. Dowd, my legislative director; Ed Pagano, my chief of staff; Bruce Cohen, who is always listed beside me on the Appropriations committee. He has been my leader for over a third of a century, as I have, know the major influence and minority goodness.

Mr. LEAHY. Mr. President, I see the Senator from Georgia rising. Do you wish to speak?

Mr. LEAHY. If the Senator is willing to wait for a few minutes?

Mr. CHAMBLISS. Surely.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from West Virginia. In a few weeks, I will have served him for 33 years. Now, in Robert C. Byrd time, 33 years is but a moment. In Patrick J. Leahy’s time, it is a wee bit of time. But I remember coming here as a 34-year-old Senator—Senator Byrd was the majority whip at the time—and how much he taught me, and his colleague, the leader, Mike Mansfield, and then later when he was our leader, and, of course, sat on Appropriations. He has been leader for all of those years. I appreciate his help.

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Mr. LEAHY. Mr. President, I am pleased to note that we included funding in the appropriations package for landmark programs created by the Justice For All Act of 2004. Specifically, we provide $2.5 million for Capital Litigation Improvement Grants to improve the quality of justice in capital cases, and over $152 million to improve Federal and State DNA collection and analysis systems critical to the prosecution of the guilty and the protection of the innocent from wrongful conviction.

The Justice For All Act capped more than 4 years of effort by a bipartisan House and Senate coalition that included both supporters and opponents of the death penalty. It is the most significant step we have taken in many years to improve the quality of justice in this country and restore public confidence in the integrity of the American justice system.

That law increased Federal resources for combating crimes with DNA technology, established safeguards to prevent wrongful convictions and executions, and enhanced protections for victims of Federal crimes.

It authorized the Debbie Smith grant program to address the DNA backlog crisis in the Nation’s crime labs, and created new grant programs to reduce other forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote public education about DNA technology. It established a DNA database to identify missing persons. It also established enhanced and enforceable rights for crime victims in the Federal criminal justice system.

The law also included legislation I authored called the Innocence Protection Act. That measure provides access to postconviction DNA testing in Federal cases, helps States improve the quality of legal representation in capital cases, and increases compensation in Federal courts of wrongful conviction.

It established the Kirk Bloodsworth PostConviction DNA Testing Program to help States defray the costs of postconviction DNA testing.

Getting the Justice For All Act fully-funded has proven to be tough, especially given the fiscal crunch that all crime-justice programs have faced in recent years. However, as a senior member of the Appropriations Subcommittees for Justice and State and Foreign Operations, I have worked closely with CJS Chairwoman MIKULSKI and Ranking Member SHELBY to include in the omnibus package roughly $155 million to advance the comprehensive and far-reaching reforms in the criminal justice system established under the Justice For All Act. I thank my colleagues for their leadership in this area.

State and local authorities will be better able to implement and enforce crime victims’ rights laws, including Federal victim and witness assistance programs. They can apply for grants to develop and implement victim notification systems so that they can share information on criminal proceedings in a timely and efficient manner.

The intent of the Justice For All Act was to create a fairer and more accurate system of justice for all Americans. The spending priorities set forth in the omnibus portion of the fiscal year 2008 Omnibus appropriations package will help protect crime victims, maximize the use of forensic DNA evidence testing, and provide safeguards to prevent wrongful convictions and executions.

I note that this bill is the product of more than 9 months of work by the Senate and House Appropriations Committees. It meets the President’s arbitrary budget ceiling, but because of the arbitrary ceiling, we have had to cut a number of things. Senator GREGG, Congresswoman LOWEY, Congressman WOLF, and I worked on that to agree to the numbers so that the foreign ops part is not a Democratic bill or a Republican bill, but a bill that attempts to address a myriad of foreign policy, national security, and domestic needs of this country.

Other subcommittees worked just as hard and in a similar bipartisan manner. I am not completely happy with the outcome. We had to make exceedingly difficult cuts to get to the President’s number. But that is the nature of this process.

It is ironic that a President who said he would veto any bill that it was within his self-proclaimed budget ceiling because he wants to keep a lid on spending, is asking Congress for another $70 billion in emergency funding to continue the war in Iraq. Those dollars do not score against the budget, so the White House can espouse the fiction that the President is being fiscally responsible at the same time that he piles on the debt for future generations.

Of course, the President threatened to veto any of the appropriations conference reports during the past 6 years. It is a political ploy after inheriting a balanced budget and tripling the national debt, but it is going to be hard felt by the American people. Cuts in funding for education, health care, public infrastructure, homeland security, environmental protection, transportation—no part of the federal budget was exempted except defense.

The Committee’s $1.54 billion for the State and Foreign Operations portion of the bill is $2 billion below the President’s budget. A full $1.3 billion of that cut was the result of the President’s veto threat.

It means fewer children will receive vaccinations in the poorest countries, less money for international peacekeeping, less for HIV/AIDS prevention, care and treatment, less for non-proliferation and anti-terrorism programs, less for disaster relief, less for education, environment, energy and agriculture programs.

But, if the President gets his way, there will be tens of billions of dollars more to keep our troops bogged down in Iraq, while the Iraqi Sunnis and Shiites continue to fight among themselves.

Despite that, this omnibus bill is a far, far better outcome than continued spending at the fiscal year 2007 levels, and the dire consequences that would bring.

The State and Foreign Operations portion totals $35.1 billion in discretionary budget authority including $2.4 billion in emergency spending. Without emergency spending, the bill totals $32.8 billion, which is $2 billion below the President’s regular fiscal year 2008 request and $1.52 billion above the fiscal year 2007 level.

Here are some of the highlights:

We provide $6.5 billion for global health programs, including $345 million to combat malaria, $150 million for tuberculosis, and $5 billion for HIV/AIDS.

We provide $546 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria. Added to funds in the labor, health and human services bill, this omnibus bill provides a total of $841 million for the Global Fund, an increase of $115 million above last year’s level.

It includes $446 million for child and maternal health, which is almost $100 million above last year’s level.

We provide $1.69 billion for United Nations Peacekeeping, $550 of which will support the desperately needed UN-African Union force in Darfur.

The bill provides $1 billion to assist the world’s refugees, and $100 million to help Jordan cope with the hundreds of thousands of Syrian refugees that have flooded that country, which is already home to tens of thousands of Palestinians.

The bill provides the requested funds for Israel, Egypt, Pakistan, Afghanistan, the West Bank, Lebanon, and other needy countries.

It provides $1.54 billion for the Millennium Challenge Corporation, which is $344 million above the Senate-passed level.

It provides $501 million for Educational and Cultural Exchange Programs, an increase of $55 million above the fiscal year 2007 level.

The bill does not include the so-called Mexico City language concerning international family planning which would have led to a Presidential veto. It is regrettable that the President would rather score political points than support private organizations that would use our funds for voluntary family planning services.

The bill provides $968 million for embassy security, which is $190 million above the fiscal year 2007 level.

There are several other important programs in the Senate Foreign Operations portion of this omnibus bill.

One would make long overdue reforms to current law by allowing thousands of persecuted refugees, barred because they were members of armed groups that were allied with the U.S., or who were forced to offer food, shelter or other services to terrorist groups, to seek asylum here.
This change was worked out by myself and Senator Kyl, and would provide relief to such Vietnam-era allies as the Hmong tribesman of Laos and the Montagnards of Vietnam, for child soldiers and others who were forced against their will to provide support to terrorism.

These people were there for us when we needed them, and we should not turn our backs when they need the safety of our shores. It is an affront to our values and to our reputation as a safe haven for victims of persecution.

The changes we are making will also provide relief for Iraqi refugees, some of whom have been barred for paying ransom to secure the release of a family member who was kidnapped by insurgents.

This change will not raise the number of refugees admitted to the United States, but it will bring our laws back in line with our values.

This bill contains other provisions, some proposed by the Senator Paul Simon Water for the Poor Act.

There are funds set aside for reconciliation and people-to-people coexistence programs in the Middle East, as well as in other countries divided by ethnic, religious, or political conflict.

There are new provisions which address the problem of corruption and governance in countries that receive U.S. assistance.

There are new provisions to improve monitoring of U.S. military aid to countries that have human rights problems, and to address the problem of child soldiers.

Mr. President, these are only a few of the items supported by both Democrats and Republicans in this omnibus bill, and they are only within the State and Foreign Operations portion.

There are thousands of other important domestic programs funded by each of the other subcommittees whose bills make up this omnibus appropriations bill.

Lastly, I wish the American public realized how much Senators on both sides of the aisle work together. I wish the American public realized the number of people who work on both sides of the aisle, both among the Senators and their families. Are we going to pass a perfect bill here? No. Am I opposed to the blank check for Iraq? Yes.

We have been in Iraq longer than we were engaged in World War II. It is time to tell the brave men and women who come home to their families, I believe that from the bottom of my soul. The opposition I have to this bill is because of that.

I know how proud I was when my youngest son, LCpl Mark Patrick Leahy of the Marine Corps, was one to answer the call in Desert Storm, as much as I feared for his safety, and how pleased I was that war ended so quickly, that he was not in harm's way.

I also worry that that is not something parents can say when they see parents and wives and husbands, children and others in harm's way when they or their family members in a war that has lasted longer than World War II. It is time to say: Come home, America. Come home, America, and face the problems in our country.

Let the Iraqis now face the problems that stand at the plate. Let us address the fact that we have so many unanswered problems in health and science, in addressing our myriad diseases, education, infrastructure, and everything else in this country.

One thing I must say is that is in this bill, Senator Stevens and I changed the so-called WHTI provision in the omnibus. It shows some realities across the border into Canada and vice versa. There are those of us who think of Canada as the north of our nation, but it is not. There are some of us who have family ties in Canada, some of us who feel that Canada is not a threat to the United States and we should not treat it as such.

Mr. President, one important issue I wish to highlight today is an international border issue with our friendly neighbors in Canada, Mexico, and the Caribbean that could have severe implications for the social and economic well-being of the United States, Canada, Mexico, and the Caribbean will have great difficulty moving between our countries. Most importantly, a hasty implementation will undermine the intended goals of the program.

The massive backlogs in processing passport applications we saw earlier this year when the Departments of Homeland Security and State started to require passports for air travel is just a taste of the chaos that is likely when they start enforcing citizenship checks at our nation's land and sea borders in January. There is another train wreck on the horizon if these Federal agencies continue pushing forward with full implementation of the Western Hemisphere Travel Initiative before the necessary policies and procedures are in place to handle the surge in applications and the lengthy border crossing delays that are sure to come.

I appreciate the recognition by this Congress that premature implementation will recklessly risk the travel plans of millions of Americans and the economies of scores of U.S. States and communities. The Departments of Homeland Security and State have shown that they need more time to establish a set of rules and procedures that will do more than just shut our borders down to legitimate travel and trade.

Mr. President, there is one item that was in the Senate passed version of H.R. 2764, the State and Foreign Operations Appropriations bill, that the conferees agreed to address in the explanatory statement accompanying the amended bill that is Division J of the current bill. The conflict between the Lord's Resistance Army and the Government of Uganda. The language specifies certain issues to be addressed in the strategy. It also indicates that
$5 million is provided to implement the strategy. Due to an oversight, the $5 million was omitted from the funding table in the explanatory statement under the Economic Support Fund heading. However, as a result of the conference, that amount in unallocated Economic Support Fund assistance be made available for this purpose.

Mr. President, I yield the floor. I see the Senator from Georgia is about to speak.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I know many of my colleagues have become involved in issues in their States stemming from a shortage of water over the years. Sometimes these issues are intrastate, sometimes they are interstate. Regardless of the size or scope, they always get very complicated quickly.

The water wars between Georgia, Florida, and Alabama that have been going on for decades are no different in that regard. They too get very complicated very quickly. There are decades of negotiations, agreements, lawsuits and settlements, and the governors of the three States are still attempting in good faith to come to a resolution. In fact, those three governors met in Tallahassee, FL yesterday, along with Secretary Kempthorne, to create a roadmap forward on this very complicated issue.

There is language included in this Omnibus appropriations bill that does not resolve the very complex problems that the three States continue to deal with, the allocation of water among them. Rather, the language in this bill seeks to, one, insert Congress into the middle of an ongoing dispute and attempts to pick winners and losers in that dispute; two, it attempts to limit the ability of the Corps of Engineers to provide complete and accurate technical data to make recommendations to the States involved in the dispute; and, three, prohibits the Corps of Engineers from completing the process of updating water control manuals, which they have begun to do on a basin-by-basin basis, and which they are required to do by statute and their own regulations.

I object strongly to the language regarding this issue included in this bill. This language was not in the House-passed version of the Energy and Water appropriations bill. Similar language was removed from the RECORD the complete article of a floor of the Senate tonight.

The Army Corps of Engineers operates a number of reservoirs across river systems around the country. Normally they conduct their operations under a water control plan, which is a plan that identifies the objectives for managing the system; basically, the release and retention of water for different needs, such as navigation, water supply, hydropower production, recreation, as well as other needs.

The water control plan is the manual by which the Corps of Engineers manages the river systems, and they do so within the confines of water allocations set for each State.

Now water can be allocated among States in one of three ways: interstate water compacts, direct congressional appointments, or equitable apportionment by the Supreme Court of the United States. Obviously, interstate water compacts are the preferred method for allocating water, because they allow the States, which are the most knowledgeable about their own water resources and needs for water, to do the apportioning. That is what the Governors of Georgia, Alabama, and Florida are currently trying to do.

The State of Georgia shares the Apalachicola-Chattahoochee-Flint River Basin with Alabama and Florida. Georgia also shares the Alabama-Coosa-Tallapoosa River Basin with Alabama. After 17 years of litigation, the Governors of these three States are finally at the negotiating table finding a way forward on this very difficult issue.

I commend them for doing so during these-environmental laws that allow the States to reach agreement to Senator REID for his attempt to pick winners and losers in the process by which it got into this omnibus bill. I can only take solace in the fact that at least the language that allows the Corps of Engineers to continue the process of updating the water control manuals, even though it seems to prevent them from actually implementing those manuals, whatever recommendations come out of those manuals. We all know updating water control manuals is a 2-year process. You can rest assured that we will revisit this issue and rest assured when the time comes, I will do everything in my power to make sure that critical updating of those manuals is finally implemented. I think at the end of the day my colleague from Alabama will discover that updated water control manuals will benefit all parties involved in the difficult negotiations of water allocation among the three States.

I yield the floor. The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I associate myself entirely with the remarks of the distinguished Senator from Georgia. Secondly, I express my appreciation to Senator REID for his attempt and which was discovered to allow us a chance to debate the merits of the proposal in division C of section 134 of the Omnibus appropriations act. Unfortunately, that could not be done. Senator CHAMBLISS and I are left with expressing our concern to the floor of the Senate tonight.

I ask unanimous consent to print in the RECORD the complete article of a December 18, 2007, front-page article from the Marietta Daily Journal entitled “Drought Talks to Speed Up.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:
DROUGHT TALKS TO SPEED UP
( By David Royse)
TALLAHASSEE, Fla.—The governors of three Southeastern states agreed Monday to speed up talks on sharing water during scarcities, hoping to end a nearly 18-year fight over the issue by March.

The Alabama, Florida and Georgia and federal officials also agreed not to reduce for now the minimum amount of water that will flow into the Apalachicola River, a major oyster breeding ground in the Florida Panhandle. That eases the minds of some fishermen and Florida officials—they had feared the flow could be further reduced to meet drinking water needs in Atlanta. Florida’s Charlie Crist, Georgia’s Sonny Purdue and Alabama’s Bob Riley said they agreed that their staffs will continue to work together to come up with a plan for doling out the region’s water by March 15.

That was hopeful news to fishermen along the Panhandle. Fishing boats were looking at the prospect of water flows remaining lower than they say they can tolerate until June 1, when an interim agreement on flow levels was set to expire. Now, there’s a possibility of agreeing on raising the amount of water coming into Florida earlier.

“We’re cautiously optimistic,” said Kevin Begos, the director of the Franklin County Oyster & Seafood Task Force.

U.S. Interior Secretary Dirk Kempthorne, who also participated, said he was pleased the governors agreed to try to end the states’ nearly two decades of disagreement on the issue as early as this spring.

“This was real. It was meaningful,” Kempthorne said. “The atmosphere today reinvigorated that we can get this done.”

One of the worst droughts in years in the Southeast has created a sense of urgency, all three governors acknowledged.

“We’re talking about solving something we’ve been working on for 18 years within the next two months,” Riley said.

The Florida area also gets most of its water from Lake Lanier, at the head of the river basin shared by the states. But drawing more water from the lake means less for downstream use in Alabama and Florida.

Alabama is concerned about water for the Florida Keys.

Mr. ISAKSON. I would like to read one sentence from that article: Gov-
ernors Charlie Crist of Florida, Sonny Perdue of Georgia, and Alabama’s Bob Riley said “that their staffs will con-
tinue to work together to come up with a plan for doling out the region’s water by March 15.”

That common goal stated by those three Governors today in Florida puts us within less than 90 days’ reach of what has been out of the grasp of the States of Georgia, Alabama, and Flor-
ida for 18 years since 1989. At the last minute, because of a broken process for an Omnibus appropriations bill to con-
tain legislation that directs, poten-
tially limits, or sets the parameters by which the Corps of Engineers might be able to control the wa-
terways is just not right. It is my sin-
cere hope at some time in the future those who might have thought this was a good idea will recognize it is actually contrary to what we in the Senate from the three States have attempted to do with the Wash-
ington less than 2 months ago with our three Governors and the Secretary of the Interior.

There is no more precious gift than water, no better and more precious re-
source than water. There also is nothing better in the legislative process than a spirit of cooperation between each of us who shares borders in our States so as to find the right way to the problems, and use tactics to postpone or delay decisions.

I conclude by expressing my deep dis-
appointment that the Omnibus appro-
priations bill contains division C, sec-
tion 194, which has those potentially libelous factors and urges my col-
leagues to look to the future to find sol-
utions, rather than a way to protract and delay and find confusion.

I yield the floor.

The PRESIDING OFFICER. The Sen-
or from New Mexico.

Mr. DOMENICI. Mr. President, I wanted to say to the two Senators who have just spoken, this Senator from New Mexico is ranking member of that committee. I am not a member of any longer of the committee they have ad-
luded to. I can assure them that it was not overt action on this Senator’s part that put that provision in the bill. I think you know that. We would be talking; I am pretty accessible. You two have already been down to Washington less than 2 months ago with our 3 States, and I am hopeful that my presence on that commis-
sion will be of help to you in resolv-
ating whatever problems might be caused by its being there. Having said that, I want to make a comment. If it takes me an extra minute, I ask for an extra minute at this point.

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

Mr. DOMENICI. I come to the floor as I embark upon my last year as a Senator after 35 years. Tonight, today, this week, this month reminds me of something. It reminds me that it is time for the Senate to have a serious debate on whether we should be doing appropriations every year and doing a bi-cycle resolution every year or wheth-

er it is time for the Senate to do that on a 2-year basis, as many States do, and as we certainly could do, taking the first year for appropriations and budgeting and the second year of the bi-cycle with no appropriations other than emergency supplemental or whatever we define. I believe it will work. I believe it will work because it is better than what we have. I also be-
tieve things are so bad in terms of not being able to get our work done and ending up with appropriations like this.

As good as they are, as hard as people work, everybody knows it is not the way to do business. We have done it. Democrats have done it. I lay blame on no party. I merely say the Senate can’t sleepwalk through this for much longer. This is a huge problem with a simple solution. The solution will be a little one that will address a huge prob-
lem. Plain and simple, the legislation is to take the two years, have 2 years ofhear-
ings, a 2-year cycle for the processes of budgeting and appropriations. I hope those who have come up to me in the
last week will follow through. I hope the chairman of the Committee on the Budget, who has indicated he is going to look carefully and study thoroughly, will do that quickly.

I would like to join with those early on next year in seeing what we can do to better a process that has served us well but, clearly, at this point in history, considering the size of government, how often government must produce budgets, how wasteful that is, all the other things that go with it, I would like to make some giant move in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am advised that there are between both sides nearly an hour and a half left to debate. My colleagues have been asking when we might vote on this and on the judge who is also to be voted on. If my friends on the other side are willing to yield all their time, I am willing to yield back all time on this side and go to a vote on this measure. I am not trying to cut off anybody from their long speeches. But if they are willing to do that, we could save an hour and a half and then yield back everything but 1 minute per side on the judicial nomination and go straight to a vote on that. Do I hear any takers?

I ask unanimous consent that all time be yielded back on both sides and then yield back everything but 1 minute per side on the judicial nomination and go straight to a vote on that.

Does the Senator yield back?

Mr. LEAHY. You want to stay here for the next hour and a half and vote and the next hour or so for the judge and vote.

Mr. DEMINT. Will the Senator yield?

Mr. LEAHY. I am advised that there are a few of us who would like to make comments on the omnibus, but I don’t think we are going to use all of our time.

Mr. LEAHY. I recommend that the Senators, for those who wish to go home, may want to make speeches after the vote. If they would like to make them before, of course. If they would like to make them before, they have that absolute right, and we would not yield back any time.

Mr. LEAHY. I yield the floor to my preference, to make some comments.

Mr. LEAHY. Then I will not yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, hopefully, we can cut the time short. We insist on some comments about this bill because it is probably the largest bill that has ever passed in the Senate. It was received yesterday. Normally it is a courtesy in the Senate that the bills we are debating are placed on every Senator’s desk so that we can at least have the pretense that we have looked at them. But you will notice that this bill is not on any desk in the Senate. There is not one single Senator here tonight who can say they have read this bill.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DEMINT. No, sir. I am going to make my statement. I know we are all tired and ready to go home. I do appreciate the work of my colleagues. I wish them all a very Merry Christmas and a wonderful time with their families. But this is the last bill of the year. It is not just any bill. We began the year, all of us, very hopeful. Oftentimes a change is helpful as we rethink how we do things. In fact, I began this year introducing one of Speaker PELOSI’s bills that provided more transparency to how this government spends money. I see this as larger than ours. I introduced it on the Senate side. But, unfortunately, as we have gone through the year, we have not been able to get our work done.

We like to say we are the world’s greatest deliberative body. We have to ask my colleagues tonight, on the largest bill we have ever considered, the most expensive bill we have ever considered, what deliberation? We don’t even know what is in this bill. We don’t even have a desk copy.

I would like to make a few things clear about this bill. This does not include the Iraq and Afghanistan money. It is not a combination bill. It is going to go back to the House. A vote against this bill is not a vote against our troops, but it is a vote against how this has been done and the mismanagement that has occurred. To bring this much spending and all these provisions, 3,400 pages plus in 24 hours, and ask us to vote on it is irresponsible.

There should be no confusion tonight. We are not going to vote on the Iraq war tonight. It is done. It is going to go back to the House. A vote against this bill is not a vote against our troops, but it is a vote against how this has been done and the mismanagement that has occurred. To bring this much spending and all these provisions, 3,400 pages plus in 24 hours, and ask us to vote on it is irresponsible.

I am here to encourage my colleagues to consider for many reasons voting against this omnibus spending bill. I am afraid it is indicative of the way we have run this year, as we look at this big bill sitting in front of us.

I am afraid that this new majority has attempted to cater to so many special interests with so many diverse interests that we have really become dysfunctional and have not been able to get our work done. They cannot really support or stand by the others or they will irritate the antiwar left. They cannot vote for fiscal responsibility or they will irritate the special interest lobbyists who need a lot of the special projects and earmarks in this bill.

So instead, we have come up with this arcane procedural process. This is not really a bill; it is some form of message. And we are going to pass it separately so that we can have it both ways. No one can be blamed for the mismanagement. But there should be no mistake. NANCY PELOSI is the Speaker of the House, and HARRY REID is the Senate majority leader. The Democrats are in charge of Congress. They control their process. It is their bill. And I am afraid, my colleagues, it is a disgrace.

This is the bill. As I have said, it might be the largest bill in the Nation’s history. It is the most expensive bill in America’s history—9,400 pages plus; 24 hours to consider its contents. It took over 6 hours just to print this out. There is one copy in the cloakroom on both sides. We have not even read it. It contains over 9,000 earmarks. Some of these have been repeatedly voted on this year. This bill is a large stack of legislation: 9,100 earmarks, plus the 2,100 that have already been passed.

If you remember, a lot of the culture of corruption we talked about at the beginning of this year is attributed to the earmarks—trading earmarks for bribes and earmarks for campaign contributions. The new majority promised the American people, with my support, that we would reduce the number of earmarks significantly.

One of the last acts of the Republican majority was to stop the big omnibus last year and to force a continuing resolution where the result was only 2,600 earmarks.

Those who say this large number of earmarks has always been a part of the Senate do not know our history. All you have to do is go back to 1995: 1,400 earmarks. If you go back past then, there were fewer than that.

There is no constitutional function. It has not been part of the history of the Senate. This growth in earmarks is a perversion of the purpose of this Congress, where we have changed our focus from national interests, the future of this country, to parochial, special interests that we work on every year and hardly even talk about those issues that challenge our Nation—such as a Tax Code that is sending jobs overseas; entitlement programs, where we do not have a clue how we are going to pay for them; health care, when people cannot receive it in our country. We are fighting over bike paths and museums and little special projects all year long.

This year, with the new majority, we are back up to the second highest level in history of the number of earmarks, special project earmarks, that we are supporting in this bill right here, and we do not even know everything that is in it as yet. It contains at least $320 billion in budget gimmicks and so-called earmarks. If we are going to vote for them, it will irritate the antiwar left. They will irritate the antiwar left. They will irritate the special interest
The serious debate over immigration came down to at least one starting solution: that we are going to secure our borders. We voted the money to build fence and barriers on our borders. But this bill changes what we have already passed. It allows for only a single-layer fence and barriers on the border. It does not provide for the location of the fence in States, that the money cannot be released until 15 new requirements authored by the Appropriations Committee are satisfied. It is just designed to delay what the American people want to do right now earlier in the year. They want us to have a country with secure borders. This bill changes that. It also provides $10 million to pay for lawyers for illegal aliens.

The English requirement. The Senate passed language earlier in the year to ensure that employers are not subjected to Government-funded lawsuits if they require English in the workplace. This bill takes that protection away from employers and exposes them to lawsuits because they used English spoken in the workplace.

Sanctuary cities. The prohibition against sanctuary cities was taken out. There are special earmarks for the APL-4 program. We could go down the list. Again, we are just starting to find out what is in the bill. I know very few Senators here tonight know what is really in it.

The organizations that are watching this Congress stop to try to identify waste are going to be key voting this tonight. I think my colleagues know they consider that a very serious issue. The Citizens Against Government Waste are saying vote no. The Club for Growth says vote no. The American Conservatives Union says vote no. The Americans for Prosperity: No. National Taxpayers Union. We can continue to go down the list. All the organizations and the conservative centers are hired as contractors, various companies—not necessarily mean that as a pun—every page—46 hours and 8 minutes. For this Senator to suggest on the floor that we are sneaking this bill in, that people have not had a chance to see it, I would just say to the Senator that the Senate Caucus came to the world of the Internet. This bill has been posted since 12:15 a.m. Monday morning on the Internet for your perusal. That is early to get up, I understand. It is an early time to be reading the bill. But, please, do not come to the floor and suggest that this is a mystery bill which no one has seen. For 2 days, this has been posted on the Internet. You have had your chance. Every Senator has had a chance. And incidentally, this bill was passed pursuant to a budget resolution.

Mr. DEMINT. Has the Senator read the bill? Have you read the bill?

Mr. DURBIN. Regular order, Mr. President. The Senator from South Carolina would not yield for my questions, and ordinarily I do, but I am going to make this quick because it is late at night.

I say to the Senator from South Carolina: Welcome to the Senate where we pass appropriations bills. We did that this year. It is new to the Senate. We did not do that last year. Welcome to the Senate where we are going to pass appropriations bills. It did not happen last year. The Senator may recall when he arrived that the Republican-controlled Senate failed to pass 11 appropriations bills, and we had to pass them when we arrived in the new Senate.

So for him to suggest that what we are doing here does not give the American people a chance to see what has happened—this has been the most transparent approach to passing these bills. In fact, I might say to the Senator—he has probably followed this—the Senate Appropriations Committee has considered all of the bills that are contained therein. There have been changes, for sure, but those that came to the floor—about 7 of them—passed with over 75 votes apiece. So I suggest that this is a moment to ignore the Internet, ignore the availability, and ignore the obvious. The last time, the Republican majority passed two appropriations bills. Congratulations. We want to pass them all. I think this is your chance. You can vote no. That is your right as a Senator.

Let me say a word about earmarks. About 4 inches of the document in front of you consists of complete disclosure on earmarks—the most detailed disclosure in the history of Congress. And your chart, unfortunately, tells the story from the wrong angle. The total dollar amount of the earmarks contained in those appropriations equals 43 percent of the earmarks contained in the Republican appropriations bills of 2 years ago. A 43-percent reduction in the dollar value of earmarks, total transparency, total disclosure—I thought that is what you were asking for when you stood up during the both debate. Let me also say that the Senator is opposing the removal of authorization language from appropriations bills. That is a point under our rules that is debated all the time. It happens. It happened in my bill, in my appropriations bill. And most of the time it happens because the White House tells us they do not want the language.

The last point I want to make to you is that to suggest that this bill is wasteful spending comes at just the right moment—just the right moment—after the Senate from South Carolina voted for $70 billion on a war that is not paid for. And the Senator joined in opposing our efforts to pay for a reduction in taxes. Wasteful spending? What is said in those two votes is to pass billions of dollars in debt on to future generations.

I would urge the Senator, discover the Internet, discover the opportunity to read these bills. And when you do, you will see that this information has been available now for 46 hours and 13 minutes.

I yield the floor. The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, in this discussion of earmarks, of course, the elephant in the room—and I do not necessarily mean that as a pun—are the hundreds of billions of dollars of earmarks from the President of the United States: the blank check to the war in Iraq; the blank check to the people who are hired as contractors, various companies—Halliburton is one that comes to mind, but many others, Blackwater, Bechtel, Honeywell, Halliburton—no one wants to talk about those.

But every President—not just this President but every President—has
hundreds of billions of dollars in earmarks in the bill. This President has had trillions of dollars. That is why this President, who inherited the largest surplus in the Nation’s history, has turned it into the largest deficit in the Nation’s history. And it is in large part because of the combination of his deficits and his war in Iraq, he is just paying the interest on the Bush administration’s debt and the war—just the interest and the cost of the war.

Every day, 7 days a week, 365 days a year—a year in leap year—we spend $1 billion every single day—every single day—in interest and the war in Iraq. That is money that does not go to education, does not go to finding a cure for cancer or Alzheimer’s or diabetes or AIDS. It is $1 billion a day that does not go to educate our children and our grandchildren. It is $1 billion a day that does not go to find a way to make sure our schools can start competing again with schools around the world. It is $1 billion a day that does not go to paying down the national debt.

So those are the earmarks we do not talk about.

Mr. President, I yield to the senior Senator from Florida.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Vermont. I will be very brief. I will vote for this bill. There are good things in the bill and there are bad things. One bad thing, as the Senator from Florida said, is that we have to list out a number of things that have not been adequately funded, is the fact that the widows and orphans of the people who have served our Nation in uniform are not being compensated a paltry $1,200 a month due to an offset between what they paid—what their spouse paid for in the spouse’s benefit, and what, under the dependents indemnity compensation, they are entitled to by law.

This bill, to its credit, tries to address that. It has $50 per month for those widows and orphans. It was President Lincoln who said a Nation has an obligation for those who went to war to care for the widows and orphans. Widows and orphans are a cost of war, and we have denied that cost and we still do so again tonight. We have only been working on this for 7 straight years, and at least we got a paltry $50. But there is much more that needs to be done to right this wrong.

In the crazy world that is Washington, there is much more that needs to be done to right this wrong.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I see the Senator from Iowa, who obviously has the right to speak. Let me ask again how many times we are willing on both sides.

The PRESIDING OFFICER. The majority controls 30 minutes and the minority controls 32 minutes.

Mr. LEAHY. Mr. President, I hope we can quickly reach a point where Senators are willing to finish speaking. Obviously, I am not going to ask to cut off anybody’s time. As soon as there is no Senator seeking recognition, I will move again to yield back all time on this vote and all time on the judge’s vote, so we can go to both those votes back to back.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. RXD. I do need to rise to speak in strong opposition to what folks in Wyoming have figured out is an ominous omnibus appropriations bill, and they think there are literally billions of reasons to vote against this bill, and that is what I intend to do when I vote on it.

We are nearly a quarter of the way through fiscal year 2008 and only one of the 12 appropriations bills is law. The remaining 11 bills are stuck together in this bill. There is one-half trillion dollars of spending in the 3,000-page bill.

Now, when I was going to school, we spent a lot of time figuring out what a million was, and I think I kind of figured that out after I got here. But we talk mostly about billions, and that is about 12 little building blocks. But I did run into one example that explains a billion a little bit, and that is if we are talking about a billion seconds ago, we are talking about 1958. If we are talking about a billion minutes ago, Christ was on this Earth. If we are talking about a billion dollars of spending ago, we are talking about 8 hours and 20 minutes, the way we are spending it right now.

There was some comment about not having access to the bill. Well, the Web site had the bill the way the House was to address it 2 days ago. I suspect you can get through the 3,400 pages if you stayed up the whole 48 hours and read it, but we didn’t know what that bill was going to be after their action until less than 12 hours ago—perhaps a few more than that, considering the time of night it is now. But this is a real unreal state of affairs and it has become the norm.

It has been pointed out that this isn’t the only year we have done an omnibus bill, but this is exhibit No. 1 on what is wrong with government in this country, and I don’t want to condone it. Every year this happens, every year we drive an omnibus, we get closer to failing. But instead of change, we have seen Washington run in a more partisan manner than ever before. This bill contains 3,400 pages, and I can’t imagine that many of my colleagues have read it, even those who knew it was on the Web site 48 hours ago. In the crazy world that is Washington, the bill complies with the spending level set forth by President Bush, but it does so in a way that uses budget gimmicks and hides billions of dollars in extra spending. As the only accountant in the Senate, I can tell you the Federal Government’s budgeting is criminal. If a private company were to play by areas for Federal funding. But we cannot spend money on everything we want and call ourselves fiscally responsible. If the money is needed for these programs, maybe we should cut out the more than $9,000 earmarks that were in the bill to pay for them. At some point, someone will have to pay for our overspending, and I would ask: Where do my colleagues think that money comes from? This money is coming from mothers working at the mall or fathers working on plowing their fields. They do not work so hard so they can serve up a dish of pork to people thousands of miles away without their consent. But that is what the architects of this bill are doing.

Mr. President, it doesn’t make sense to talk mostly about billions, and that is more than just fiscal. We do have a process around here for considering legislation. I am talking about legislation versus appropriation. This bill ignores that process and the Senate rules that express our commitment to legislative appropriation bills. By making it an omnibus bill, it makes things that are important seem insignificant when compared to the one-half trillion dollars we are spending. So it seems petty if anybody suggests taking out some minor item of a few million, or even a few billion, considering the size of the bill.

But I am talking about the legislation part. It ignores the process and the Senate rules that expressly prohibit legislating omnibus bills. Again, because it is an omnibus bill, we don’t have the same right to challenge parts that would be legislating. We do hold hearings in committee. We work within the committee to develop and pass legislation. Then when we consider the bill on the Senate floor. We do this so that important issues get the input and attention the American people expect and deserve. It might take longer to go through these steps, but the product is better, not perfect, but certainly better than the product that is before us today.

The amount of legislating in the Omnibus appropriations bill, particularly the Labor-HHS title, is criminal and outrageous. HIV/AIDS funding is a perfect example. A year ago, we passed a bill with a formula in it that made sure that money for HIV/AIDS followed the patients. How well did that do? It passed unanimously in the Senate and it passed unanimously in the House. It did not go into law, but it was more than that. You can’t be more agreeable than that. We said the formula was right and that the money should follow the
patients. Well, there is legislation in this bill that changes that formula, and it never received a hearing before a congressional committee, it has never been marked up, and it was inserted in the House bill without a full debate or even a vote.

We struck that part over here. We struck that part by a very significant vote because it was mostly 7 cities stealing from 42 other cities. That is not transparent. So this part did occur in the Senate by a significant vote. So much for transparency and sunshine in Washington.

The Labor-HHS section of the bill is not the only section that includes problematic legislation. The Bill includes provisions that allow a 2-percent deduction of State mineral royalty payments to help cover administrative costs at the Department of Interior.

Let’s see, what does the Department of Interior want to get a check from Wyoming companies, collected by the State of Wyoming, audited by the State of Wyoming, and they take half of it and send us a check back for the other half. That check is going to cost us $20 million.

Whoever heard of paying somebody $20 million to write you a check? Well, maybe there is some accounting they have to do to figure out whether the money sent was exactly right. You know, accountants are not allowed to take a percentage of the money. That is what lawyers do. Accountants are supposed to stay on flat fees, and I guarantee you nobody ever got $20 million for doing that kind of work. This is another example of the Government taking money that is owed to States to pay for the unrelated Federal priorities because a majority in Congress doesn’t control spending.

The omnibus bill contains provisions to prohibit the Department of the Interior from issuing final regulations for oil shale development, even though the process for development was laid out through careful bipartisan negotiations. The House passed a committee that were voted on by the people in the committee, that were voted on here on floor of the Senate, that were voted on the House floor, and that were combined into what we call the Energy Policy Act of 2005. We said: Get that process set up. We didn’t say: Do the process. We said: Get the process set up.

Well, there is language in this bill that says: You can’t set it up. You can’t do what we said in 2005 as a necessity for getting energy going in this country. Now, there are plenty of possibilities for stopping that process through things that are already in place, but that is legislation in this bill that says: We don’t want energy. We don’t want you to even consider energy. We don’t even want you to set up the regulations for how you might proceed in an orderly way so that we can object to that orderly way if we want to.

It also includes the new $4,000 fee for each application for a permit to drill oil and gas wells, with no guarantees that the permits will move forward in an expeditious manner so they can produce more domestic energy. If we don’t produce more energy, the price, I guarantee you, will go up. You cannot constrain the supply and get the price to go down.

It is unfortunate that Congress waited until December 18 to advance these appropriations bills. Without the “gotcha” politics part, they could have been completed in a very bipartisan way. We have to quit playing “gotcha” politics. Congress wasted countless weeks writing and debating bills that were never going to be signed. The President has been quite vocal about his objections. People on both sides of the aisle have expressed objections on a lot of the things we have voted on.

So here we are today a week before Christmas, cramming through in 1 day a project larger than several Manhattan phone books, and that most of my colleagues have not had the time to read and review, and that is even if they were up here all their staff and had them look at all the parts they are familiar with. So I am telling you I am offended by the process. I am disappointed in the institution. I vote “no” on the bill. I want us to change it.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I am disappointed with the omnibus appropriations bill that is before us today. With the McConnell amendment, this one has yet another blank check—this one for a whopping $70 billion—for the President to spend on his wars in Iraq and Afghanistan. At the same time, this bill will grossly underfund urgent priorities here at home—everything from cancer research to law enforcement to home heating assistance.

And why is this happening? It is happening because President Bush has refused to compromise, refused to negotiate, refused to respect Congress as a coequal partner in the budgeting process.

The President claims that he is standing on principle, the principle of budget restraint and fiscal conservatism. But this claim is laughable. Think about it: Mr. Bush provoked a bitter confrontation with Congress over the $22 billion that we proposed spending on urgent domestic priorities above his budget. The Democrats offered to split the difference, lowering that amount to $11 billion. But Mr. Bush still refused to negotiate or compromise.

Meanwhile, he and his allies have insisted on vastly more than that—a total of $144 billion—for the war in Iraq this year, all of which will simply be added to the deficit. At the same time, he demands a $50 billion AMT fix—which we all favor—but he insists that we not pay for it. That’s another $50 billion piled onto the deficit.

So the President has forced Congress to cut $22 billion in domestic funding from the budget, and he turns right around and demands that Congress add more than 10 times that—more than $200 billion—for wars and tax cuts, all of it unpaid for, all of it added to the deficit. And this is what he calls budget restraint and fiscal conservatism? And I said, that claim is simply laughable.

Actually, this is not so much laughable as it is shameful. Bear in mind that in October the Senate passed an appropriations bill for Labor, Health and Human Services by an overwhelming 75 to 19 margin, including a strong majority of Republican Senators. That bipartisan support reflected the fact that the bill funded essential, life-supporting, and life-saving services for millions of people in this country. That bill reflected the values and priorities of the American people.

But even before we brought the health and education appropriations bill to the floor, President Bush threatened to veto it. He dismissed the bill as “social spending,” as though it pays for Saturday night socials or something. Then, on November 13, in one fell swoop, Mr. Bush vetoed the bill, and insisted, again, that we bend to his budget demands.

Let me remind our colleagues what Mr. Bush was demanding. The President demanded that we cut cancer research and other medical research at the National Institutes of Health.

He demanded that we completely eliminate the safety net that includes job training, housing, and emergency food assistance for our most needy citizens, including seniors and people with disabilities.

He demanded that we slash funding for Community Health Centers, preventing 225 new centers from opening.

He demanded that we dramatically cut funding for law enforcement and the COPS program.

He demanded that we cut funding for special education and Head Start.

I am pleased to say that we did not allow these heartless, misguided priorities to prevail entirely. The President has refused to compromise, refused to negotiate—and, no question, this is going to hurt millions of Americans, including the most needy among us. Nonetheless, I am pleased with what we have been able to salvage in this bill.

The omnibus bill before us today technically yields to the President’s top-line number of $515.7 billion. But I am pleased to report that it shifts funding in order to address some of the bottom-line priorities of the American people and of the Democratic majority in Congress.

Every within the constraints of this bill, the final Labor-HHS-Education section of the omnibus includes significant increases above the President’s budget. For instance, it includes: an
additional $607 million for the National Institutes of Health, additional $788 million for LIHEAP, the home-heating assistance program for low-income families.

It provides $77 million above the President’s budget for community Health Centers, allowing more than 50 new centers to be opened.

It provides an additional $855 million for Head Start, Title I, special education, and teacher quality.

It also provides an additional $150 million for the Social Security Administration to help clear out the backlog of disability claims.

However, because of the President’s veto threat and refusal to compromise, law enforcement remains woefully underfunded, in particular support for local police departments. Fewer community health centers will be opened and fewer children will be vaccinated. More than 80,000 fewer children will be served under Title I.

Institutes of Health, additional $788 million for the National Institutes of Health, additional $607 million for the National Institutes of Health.

This means that the next decade. Yet, just last week, he pledged to veto the omnibus bill because it funds only $1 billion over a full year for domestic funding. This is simply not reasonable or rational.

At the same time, the President is insisting that families, to its great credit, came up with a responsible way of paying for the AMT fix. The House proposed to eliminate the so-called “carried interest” tax break for hedge fund managers with incomes—a tax break that allows them to pay their taxes at lower marginal rates than middle-income Americans.

Eliminating this egregious tax break is a matter of basic fairness. It also makes sense to eliminate this tax cut, which primarily benefits the wealthiest Americans.

So I regret that the President vetoed a good, bipartisan Labor-HHS-Education appropriations bill that passed this body overwhelmingly. I regret that Mr. Bush refused to negotiate or compromise. I regret that he demands that we spend endlessly on his war in Iraq, even as he demands that we slash essential services and programs here at home.

But, as I have said, Mr. Bush’s pose as a fiscal conservative is absurd.

During the six years that the Republicans largely controlled Congress, Mr. Bush did not veto a single appropriations bill, including many that exceeded his budget requests.

He is demanding that we pass supplemental bills that bring war spending, this year alone, to more than $196 billion, mostly for Iraq. The Congressional Budget Office now estimates that Mr. Bush’s war in Iraq will cost a staggering $1.9 trillion through the next decade. Yet, just last week, he pledged to veto the omnibus bill because it funds only $1 billion over a full year for domestic funding. This is simply not reasonable or rational.

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Iriors ranging from cancer research to education, health, biomedical research and other domestic priorities.

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Eliminating this egregious tax break is a matter of basic fairness. It also makes sense to eliminate this tax cut, which primarily benefits the wealthiest Americans.

So I regret that the President vetoed a good, bipartisan Labor-HHS-Education appropriations bill that passed this body overwhelmingly. I regret that Mr. Bush refused to negotiate or compromise. I regret that he demands that we spend endlessly on his war in Iraq, even as he demands that we slash essential services and programs here at home.

But, as I have said, Mr. Bush’s pose as a fiscal conservative is absurd.

During the six years that the Republicans largely controlled Congress, Mr. Bush did not veto a single appropriations bill, including many that exceeded his budget requests.
Mr. PARKER. Mr. President, I am pleased to support the legislation pending before us today, which will ensure that Iowa’s seniors continue to have access to their physicians and will reauthorize the SCHIP program through March 31, 2009, with additional funds for the ‘‘tweener States, like Iowa. I am however concerned about the cost of the proposed legislation, which includes a provision that is not included in the Senate’srafted package. This provision is critically needed to help Iowa’s senior citizens continue to have access to their physicians.

Unfortunately, current Medicare payments are low for hospitals that do not account for the cost of maintaining their facilities. This leads to inadequate reimbursement, which threatens the very existence of these facilities. To help address this financial threat, the Medicare Payment Advisory Committee MedPAC has recommended implementing a payment adjustment for certain small rural hospitals that serve a lowvolume of patients. For example, Grinnell Regional Medical Center in Grinnell, IA, is having difficulty keeping their doors open simply because of its size and location. Due to Medicare policies, they are currently reimbursed at 60 percent of its costs. This cannot continue. These hospitals are essential to giving our seniors access to healthcare.

Mr. GRASSLEY. I want to thank my distinguished colleague for raising this issue, which has also been a concern of mine. I agree with him that these rural hospitals—the so-called ‘‘tweener’’ hospitals—play a critical role in the medical care of our seniors throughout Iowa, and I remain committed to working with Senator BAUCUS to include these hospitals in the next Medicare legislation.

Mr. BAUCUS. Senator HARKIN, I agree with you that this is an issue we need to address. Indeed, I intend to work with Senator GRASSLEY to move a Medicare reform package early in the new Congress. Given the importance of this issue, I committed to working with you to find solutions that will assist these hospitals within the context of our Medicare efforts.

Mr. HARKIN. As you are aware, these hospitals are essential to giving our seniors the care they need to continue to be able to stay at home. For example, Grinnell Regional Medical Center in Grinnell, IA, is having difficulty keeping their doors open simply because of its size and location. Due to Medicare policies, they are currently reimbursed at 60 percent of its costs. This cannot continue. These hospitals are essential to giving our seniors access to healthcare.

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Mr. HARKIN. I appreciate that commitment. I look forward to working with both of you early next year to move legislation to assist these hospitals in Iowa and throughout the country.

Advanced Technology Loan Guarantees

Mr. LEVIN. Mr. President, I would like to ask the distinguished chairman of the Energy and Water Development Appropriations Committee, Senator DORGAN, to clarify for me the scope of the budget authority contained in the fiscal year 2008 Consolidated Appropriations Act for the Department of Energy’s guaranteed loans for development of advanced energy technologies. My understanding is that there would be $10 billion in budget authority for the Department to guarantee loans in the broad technology areas of renewable, energy efficiency, manufacturing, electricity transmission and distribution technologies.

I believe there is tremendous potential for new technologies to produce ethanol from cellulosic materials through all phases of development, including pretreatment. An important step toward proving these technologies will be the development of pilot-scale facilities. Is it the chairman’s understanding that a range of technologies and pilot-scale demonstration facilities would be eligible for a loan guarantee issued by the Department of Energy using the budget authority included in this Consolidated Appropriations Act?

Mr. DORGAN. Yes, cellulosic ethanol projects are consistent with the intent of title XVII of the Energy Policy Act of 2005 and would clearly be within the scope of technologies that would be eligible for a loan guarantee from the Department of Energy.

Mr. LEVIN. I am also very interested in ensuring that advanced batteries and fuel technologies are developed and believe that loan guarantees for projects and facilities to develop lithium ion batteries could provide a significant boost for U.S. competitiveness. In the case of battery technologies, we need to develop the manufacturing capabilities in this country to ensure that these batteries will be produced here. Is it the chairman’s understanding that advanced battery technologies would be included in the scope of the budget authority in this bill and that they would be eligible for a loan guarantee from the Department of Energy?

Mr. DORGAN. Yes, I believe that loan guarantees for development of advanced battery technologies would also fit into the scope of manufacturing technologies contemplated by the language in the Consolidated Appropriations Act of 2008 and should be consistent with the intent of title XVII of the Energy Policy Act of 2005.
Section 691’s expansion of section 212(d)(3)(B) nonapplicability authority generally draws a line between Tier I and II terrorist organizations, on the one hand—groups which have been designated as Foreign Terrorist Organizations by the State Department or other agencies or as sanctioned by the United Nations Security Council, and Tier III organizations, on the other hand, which are swept into the definition of “terrorist organization” as a result of their conduct. The State Department’s PTO list includes some of the most bloodthirsty terrorist organizations on the planet. The list includes groups such as al-Qaida, Hamas, Hezbollah, and the Salafist Group for Call and Combat. By precluding nonapplicability determinations with regard to persons tied to these groups, section 691 not only helps to protect the U.S. homeland from terrorism—it also contributes to making these groups radioactive in the foreign countries where they are based. Joining or helping one of these groups or accepting funds from them will bar an individual from ever being allowed to enter or reside in the United States, in all cases and without exception. And making these groups radioactive makes it more difficult for them to recruit members or to carry out terrorist attacks.

Information that has been developed in hearings before the Senate Judiciary Committee explains why it is imperative that the United States discourage individuals from providing any kind of aid or material support to foreign terrorist organizations. In an April 20, 2005, hearing before the Terrorism Subcommittee, for example, Barry Sabin, the Chief of the Counterterrorism Section of the Justice Department’s Criminal Division, explained how the provision of material aid to terrorist groups is critical to the functioning of these organizations. Mr. Sabin noted:

We know from experience that terrorists need funding and logistical support to operate. This funding, open bank accounts to transfer money, and to communicate by phone and the Internet. They need travel documents. They need to train, recruit new operatives, and procure equipment for their attacks.

It is also important to emphasize that all provision of material support to terrorist organizations is bad. There is no such thing as “good” aid to a terrorist organization, because all aid is fungible and can be converted to evil purposes, and because even humanitarian aid can be used by a terrorist organization to help it to recruit new members. These points were developed in detail in a forthcoming book, entitled: Humanitarian Law Project v. Reno, 205 F. 3d 1130, 1134 (2000).

Even support designed and intended to encourage a group to pursue lawful, nonviolent means to achieve its ends may be used to further the organization’s violent aims.

Some terrorist organizations use humanitarian activities as an integral part of an overall program that includes murdering innocent civilians and assassinating government officials. For example, one expert on terrorist organizations, Matthew Levitt, describes in “Hamas from Cradle to Grave,” Middle East Quarterly, Winter 2004, at 3-15, that this foreign terrorist organization uses the cover of social welfare organizations, supported by numerous charities, answer to the same leaders who set Hamas political and terrorist policy. These charities distribute aid to committee members, mosque classes, student unions, and sport clubs serve as places where Hamas activists recruit Palestinian youth for terrorist purposes and Rastafarian and Ira. And, for suicidal terrorist attacks. And, he discusses how a single soccer team from the Jihad mosque in Hebron has produced several Hamas alumni, and is responsible for five suicide bombings in 2003.

Even more frightening, Levitt explains how Hamas’s charity organizations, hospitals, schools, and mosques openly land suicide bombings. Hamas-run schools and summer camps begin indoctrinating children as early as kindergarten for later use as suicide bombers. As Levitt notes, Palestinian children raised in this environment make willing terrorist recruits.

This program is in significant part by the multi-faceted nature of Hamas, which gains strength through its humanitarian and charitable activities in the community. Thus, even if individuals are providing material support, such as money, for groups like the Hamas, and are somehow able to ensure that this money provides charitable acts—such as feeding the poor, providing medical care and schooling, or helping to victims of charitable causes—these actions are no less harmful than any other activity or effort on behalf of a terrorist organization.

Section 691 of the Consolidated Appropriations Act also bars the extension of a non-applicability determination to any alien who has voluntarily received any training from a Tier I or II terrorist organization. Again in his April 20, 2005, testimony before the Terrorism Sub-committee, Counterterrorism Section Chief Barry Sabin explained why individuals who have received such training are dangerous to the United States and why an individual’s participation in such training benefits the terrorist organization. Mr. Sabin explained:

Some terrorist organizations are more dangerous than others—indeed, those that have already the training are dangerous to the United States. Please note, it would be impossible to train one terrorist organization, a support that is essential to the health and vitality of the organization.

Section 691 also clarifies that the decision to extend or to not extend a non-applicability determination to a particular group or individual is not subject to judicial review. As the Department of Justice explains, whether a particular individual or group that would otherwise be within the scope of a section 212(a)(3)(B) bar should instead be deemed outside the scope of that bar is a decision that is inherently executive in nature. Such a decision will often involve consideration of classified information that would be compromised if litigated in open court, and it will involve sensitive judgments about which terrorist groups are more dangerous than others.

Vesting this discretion solely in the executive allows executive officers to consider the full range of information about a particular group that is available to the State Department, the Justice Department, the National Security Council, and to intelligence agencies. It allows the executive to decide that some groups are less dangerous and therefore the REAL ID bars may be deemed to not apply to activities tied to that group, and that other groups are extremely dangerous and that even tenuous connections to such a group should serve as grounds for exclusion, with no exceptions allowed.

Were decisions about nonapplicability to be made under a precedent-based system of decision-making would require the courts to extend the same “rights” to members of one group as had extended to the last group whose case was reviewed. What is sufficient to justify a nonapplicability determination with regard to the FARC in Columbia, for example, would also be good for al-Qaida. By keeping these non-applicability decisions out of the courts, section 691’s amendments to INA section 212(d)(3)(B) allow the Department of Justice’s commonsense approach of treating different groups differently based on how violent they are and how much of a threat they pose.
to the United States. For that reason, section 691 does not allow judicial relief from an executive determination. Rather, it is the executive alone that will decide whether a bar should be inapplicable—that it should not even apply to the first instance. I would like to continue to face a fierce and determined enemy—and this bill does not fund their mission. The omission of Iraq funding is more than a political stunt—and we all know it. What kind of message do we send to those brave men and women in the field?

Unfortunately, little has changed over the years. Here we are again, nearly 3 full months into fiscal year 2008, and we have before us another appropriation monster. Let me remind my colleagues that, because of our inability to get much done around here under the regular order, we have been forced to consider huge omnibus appropriations bills and one long-term continuing resolution in 5 of the last 6 fiscal years.

The bill before us today is more than 1,400 pages long and is accompanied by a joint explanatory statement that was so big they couldn’t even number the pages. This bill consolidates 11 of the 12 continuing resolutions and has a price tag of nearly $475 billion. Amazingly, this bill contains 9,170 earmarks. Add those to the 2,161 earmarks that were contained in the Defense appropriations bill and the grand total for fiscal year 2008 earmarks stands at 11,331 unnecessary, wasteful, run-of-the-mill pork barrel projects. And that is just for the House and Senate-passed bill. I can only imagine what this will look like when it comes out of conference.

A New York Times/CBS News poll that was released today shows that the approval rating of Congress stands at 21 percent. Can we blame the American people for holding us in such low esteem? Let’s look at how we are spending their hard-earned tax dollars.

Here is just a sampling of some of the earmarks contained in this bill: $150,000 for the STEED, Soaring Toward Educational Enrichment via Equine Discovery, Youth Program in Washington, DC. Basically this is an earmark of $150,000 so that disadvantaged kids can ride horses; $50,000 for the construction of a National Mule and Packers Museum in Bishop, CA; $100,000 for Cooters Pond in Prattville, AL; $250,000 for the St. Joseph’s Cemetery right here on Capitol Hill; $1.95 million for the City College of NY for the Charles B. Rangel Center for Public Service; $975,000 for the Clinton School of Public Service at the University of Arkansas, Little Rock, AR; $1.628 million for animal vaccines in Greenport, NY; $477,000 for Barley Health Food Benefits in Beltsville, MD; $244,000 for Bee Research in Weslaco, TX; $10 million to Nevada for the design and construction of the Derby Dam fish screen and $1.6 million for barbed wire and sensitivity training for law enforcement in Los Angeles; $1.786 million to develop an exhibit for the Thunder Bay National Marine Sanctuary in Michigan; $846,000 to the Father’s Day Rally Committee in Philadelphia, PA; $125,000 for International Mother’s Day Shrine in Grafton, WV; $470,000 for an Oyster Hatchery Economic Pilot Program, Morgan State University, MD; $446,500 for Horseshoe Crab Research, Virginia Tech, VA; $125,000 for the Polish American Cultural Center in Philadelphia, PA; $400,000 for the National Iron Worker’s Training Program; $374,000 for leafy spurge control in North Dakota; $1.725 million for the Hudson Valley Welcome Center in Hyde Park, NY.

This omnibus was made available just yesterday, yet approved by the House last night. Imagine that—a 1,445 page bill, with a joint explanatory statement that is nine inches tall and costs $475 billion was made available and voted on by both chambers in less than 48 hours. Simply read the bill. It is impossible for us to know exactly what is in this thing, and we are expected to simply take the appropriators word that it is all okay. Well, I have been here long enough that I know that a bill of this size, put together behind closed doors and rammed through at the last minute, cannot be all good. And I know it will be a long time before all of the hidden provisions in this legislation are exposed.

I fully recognize that it isn’t necessarily the fault of the appropriators that we are forced into this new pattern of adopting omnibus appropriations measures. Overly partisan politics is largely responsible for following the regular legislative order, and that fact must change. But while it may not be the appropriators fault that we are forced to consider omnibus appropriations measures, it is their duty and obligation to work with unauthorized earmarks and at a rate that seems only increases year after year.

When we ram through a gigantic bill, spending hundreds of billions of taxpayer’s dollars with little or no debate because we want to go home for Christmas, we send the message to the American people that we are not serious about our jobs. We essentially accomplish little almost all year long because everything requires 60 votes, and then, at the very last minute, we scramble around and throw together a mammoth bill like the one before us today. We are sending the signal that it is more important to be able to issue press releases, and I am sure hundreds of them will be going out today, about how much pork we have been able to get for our States and districts, than we are about good government and fiscal responsibility. How can we, in good conscience, defend this behavior to the American people?

Among the most egregious aspects of this bill are the so-called “economic development initiatives” funded under the Department of Housing and Urban Development. This account is nothing more than a slush fund for the appropriators—plain and simple. Contained
within this section of the joint explanatory statement are 741 locality-specific earmarks costing nearly $180 million. These pork barrel projects are spread out over 42 pages and fund everything from construction of coastal trails, nature education centers, public parks and renovations for museums and theaters.

On defense matters, the omnibus appropriations bill proposes funding $1.18 billion in military construction projects that were not requested by the President. Of that amount, $584 million was vetoed by both the Senate Armed Services and Appropriations Committees to ensure that the services’ critical unfunded priorities requirements were met. On the Senate floor, those projects were further reviewed, and approved in the Senate versions of the authorization and appropriations bills.

However, this bloated omnibus appropriations bill also includes another $580 million in military “airdrop” construction projects, that is, funding for projects that were not included in any previous appropriations bill passed by the House or Senate. The House appropriators have once again waited until the last minute to present these new requests to skimp on the responsibility for their pork spending. Mr. President, in the ethics reform law we passed with much fanfare earlier this year, we amended Senate rule 44 specifically to discourage such “airdropping” of new spending items into final reports that have not been vetted on the floor of Congress. In an unprecedented and unfortunate act, the majority accepted $282 million of airdropped military construction authorizations into the recently passed national defense authorization bill. It was in part for this reason that I reluctantly decided not to sign the defense authorization conference report. I could not then, and cannot now, support the parachuting of new spending items into final reports that have not been thoroughly vetted on the floor of Congress. I am very disappointed that we in the Senate continue to condone this irresponsible practice in light of our efforts to prevent it with ethics reform.

The omnibus appropriations bill also earmarks over $41 million for the planning and design of pork military construction projects requested by Members of Congress. Congress normally authorizes funding annually for each military construction project that has been planned and that has passed their critical future military construction priorities. This bill disregards the military’s priorities and earmarks funds towards specific projects—without the Department being given the opportunity to determine whether or not those projects reflect actual military requirements.

Even more egregious is that we are proposing to pay for this airdropped pork by cutting over $900 million from the amount of $8.1 billion requested by the President to carry out the critical military construction activities related to the 2005 defense base closure and realignment report. The Department of Defense and the local communities affected by BRAC need enough funding to meet the statutory deadline of September 2011. To underfund BRAC in order to pay for earmarks is a sad reflection on the priorities of this Congress, which has also unabashedly put parochial interests above the needs of the Defense Department, our local communities and the American taxpayer.

We simply must start making some tough decisions around here if we are serious about improving our fiscal future. We need to be thinking about the future of America and the future generations who are going to be paying the tab for our continued spending. It is simply not fiscally responsible for us to continue to load up appropriations bills with wasteful and unnecessary spending, and good deals for special interests and their lobbyists. We have had ample opportunities to tighten our belts in this town in recent years, and we have taken most of them every time. We can’t put off the inevitable any longer.

In a report on our long-term budget outlook issued this month, the Congressional Budget Office states this: “Significant uncertainty surrounds long-term fiscal projections, but under any plausible scenario, the federal budget is on an unsustainable path—that is, federal debt will grow much faster than the economy over the long run. Significant changes in policy, rising costs for health care and the aging of the U.S. population will cause federal spending to grow rapidly.” The report goes on to say that: “If outlays increased as projected and revenues did not grow at a corresponding rate, deficits would climb and federal debt would grow significantly. Substantial budget deficits would reduce national saving, which would lead to an increase in borrowing from abroad and lower levels of domestic investment that in turn would constrain income growth in the United States. In the extreme, deficits could seriously harm the economy. Such economic damage could be averted by putting the nation on a sustainable fiscal course, which would require some combination of less spending and more revenues than the amounts now projected. Making such changes sooner rather than later and on an unsustainably fiscal path poses to the economy.” Again—this is not my dire prediction, it comes from our own CBO.

To underscore the urgency of the problem, in a speech at The National Press Club just yesterday, David Walker, the Comptroller General of the United States announced that—for the eleventh straight year—the Federal Government failed its financial audit. Mr. Walker said that “the federal government’s total liabilities and unfunded commitments, or entitlement benefits payments promised under the current Social Security and Medicare programs are now estimated at $33 trillion, in current dollar terms, up from about $20 trillion in 2000. This translates into a defacto mortgage of about $455,000 for every American household and there’s no house to back this mortgage. In other words, our government is needed a whole lot less that, in the long run, it cannot possibly keep without huge tax increases.”

The Comptroller General also highlighted a specific program that serves as an example of the problems we face. He said: “The prescription drug benefit alone represents about $3 trillion of Medicare’s $34 trillion gap. Incredibly, this number was not disclosed or discussed until after the Congress had voted on the bill and the President had signed it into law. Generations of Americans will be paying the price—with compound interest—for this new entitlement benefit.” He went on to note that: “Unfortunately, once federal programs or agencies are created, the tendency is to fund them in perpetuity. Washington rarely seems to question the wisdom of its existing commitments. Instead, it simply adds in new programs and projects on top of the old ones. This continual layering is a key reason our government has grown so large, so expensive, so inefficient, and in some cases, so ineffective.”

Mr. Walker ended his speech by saying: “If all of us do our part, and if we start making tough choices sooner rather than later, we can keep America great, ensure that our future is better than the past, and our great nation is the first republic to stand the test of time. To me, that is a cause worth fighting for.” I agree wholeheartedly. And I say to my colleagues: Let’s start making those tough choices today. We have to face the facts, and one fact is that we can’t continue to spend taxpayer’s dollars on wasteful, unnecessary pork barrel projects or cater to wealthy corporate special interests any longer. The American people won’t stand for it and they shouldn’t. They deserve better treatment from us.

ST. JOHN’S BAYOU/NEW MEXICO FLOODWAY

Mrs. BOXER, Mr. President, I wish to speak to the intent of section 123 of title I of division C of the bill, which addresses the Corps of Engineers project—Saint Johns Bayou/New Madrid Floodway. As the chairman of the Committee on Environment and Public Works with jurisdiction over the Corps of Engineers, the Clean Water Act and the National Environmental Policy Act, I offer my understanding of section 123. Section 123 does not interfere with our overturn any court decision concerning this project. It supports or either or both of the Clean Water Act and the National Environmental Policy Act. The language provides that the project as described in the June 2002 Revised Supplemental Impact Statement is implemented by the March 2006 Revised Supplemental Environmental Impact Statement 2 is determined to be economically justified.
The language does not affect the application of the Clean Water Act and NEPA to this project. Because of the specific reference to the project documents, the language in section 123 does not alter legal requirements regarding cost/benefit analysis for subsequent or revised project documents, including environmental impact statements, or any requirements with regard to NEPA and the Clean Water Act.

Mr. CARDIN. Mr. President, nearly a year ago, when President Bush announced his decision to send 30,000 additional troops to Iraq, he predicted that increased U.S. troop levels would stabilize the country so that its national security could reach political agreement. More troops would enable us to accelerate training initiatives so that the Iraqi army and police force could assume control of all security in the country by November 2007. According to this plan, the Iraqi army and police force were to assume control of Iraq’s security last month.

Well, the information before us in December, like the reports before us in September, show us that President Bush’s troop escalation hasn’t delivered on the President’s promises. It has failed to stem the civil war going on in Iraq, failed to allow Iraqi forces to take control over their own security, and failed to lead to political reconciliation. That failure was clear when I last came to the floor to discuss this issue in September, and it is clear today.

With troop levels still 24,000 above where they were a year ago, and with no plans to lower them below pre-surge levels, not even President Bush’s claims that substantial progress toward the ultimate goal of the escalation—political reconciliation—has occurred. Then, there have been no agreements on de-Ba’athification reform, oil revenue sharing, provincial elections, or amnesty laws, nor has the Iraqi government or the Administration offered a clear plan for achieving a sustainable political solution. Just 2 years ago, LTG Raymond Odierno, the No. 2 commander of U.S. forces in Iraq, was quoted pleading with the Iraqi government to make progress on national reconciliation and improving basic services.

Our country’s resources remain locked in Iraq. Iran is emboldened. Insurgent violence is at its highest level in Afghanistan since U.S.-led forces first ousted the Taliban and our military reports signs of al Qaeda is returning to Afghanistan from Iraq. Pakistan is facing political turmoil and Turkey has begun military incursions into Iraq’s Kurdish regions.

We cannot change our mission in Iraq. The cost of further delay in lives, materiel, treasure, and our standing in the world is too great. The United States cannot impose the political reconciliation necessary to bring lasting security to that nation. It is time to direct our resources toward the rest of the region and to needs here at home.

A new policy begins by removing our troops from the middle of a civil war and giving them a more realistic mission, one that is in the best interests of Iraq and the United States. Given the facts and the realities independent reports provide us, I continue to support an amendment proposed by Senators FEINGOLD and REID, to change our mission in Iraq from providing security and services to a focus on training, counter-terrorism and force protection.

I voted against an amendment to add $40 billion to the omnibus spending package without any limits on the President’s use of that money. The military has no immediate need for additional funds for Iraq. Congress just passed a $456 billion Defense Appropriations bill. The omnibus provides the Army and Marine Corps an additional $20 billion. Given the Department of Defense’s ability to shift funds, this money should pay for the war through 2008. I am going to vote on additional funding next year when we will have more information about trends on the ground in Iraq.

Further, while negotiating this year’s spending levels this President has vetoed education and education funding and refused to negotiate over a modest increase in overall appropriations to fund critical needs here at home, and he continues to insist Congress fund a failed strategy in Iraq. The President’s intransigence undercuts our mine’s and the world’s and has left this Congress fewer resources to direct toward priorities here at home. Those are the wrong priorities for our nation.

The world has an interest in a safe and secure Iraq. It is time to take steps to protect our troops and all our volunteer force, change the mission, step up our diplomatic efforts, and internationalize the effort to bring stability to that country and to the Middle East.

We don’t need additional funds for Iraq, we need a new direction.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to discuss one provision of the fiscal year 2008 Omnibus appropriations bill which is of great importance to the security of our nation, and of particular importance to my State of New Jersey. That is Section 534, which will overturn the Department of Homeland Security’s efforts to preempt the rights of State and local governments to adopt chemical security protections stronger than the standards adopted by the Federal Government.

The effort by DHS to prevent States from going beyond the measures adopted by DHS to protect their residents from terrorist attacks on chemical facilities was never authorized by Congress, and the inclusion of my provision overturning the Department’s effort represents a strong rejection by Congress of the Department’s attempt to do so.

Opposition to the Department’s effort has been widespread and bipartisan, including from the National Governor’s Association, the National Conference of State Legislatures and the Chairmen of the 9/11 Commission, Representative LEE Hamilton and former New Jersey Governor Tom Kean. Nevertheless, DHS continues to insist that its partnership with industry rather than a partnership with States—will be sufficient to protect the American public. By including this provision in the omnibus bill, Congress is making clear that the role of State Governments is not to be undermined by the Department of Homeland Security.

The provision included in the omnibus bill amends Section 550 of the Department of Homeland Security Appropriations Act, 2007 to clarify that DHS does not have the authority to preempt State or local governments from adopting chemical security measures stronger than those adopted by DHS. The language in this bill will allow States to go beyond the Federal regulations as long as there is no conflict with the Federal regulations. This means that unless it is impossible to comply with both State and Federal law, the State law is not preempted. Determinations on whether it is impossible to comply with both State and Federal law are properly decided by the Federal courts, and DHS should not be prejudging or interfering with this determination.

While we all wish it were not so, the threat of terrorists using our chemical plants as a mechanism for killing hundreds or thousands of citizens is not far-fetched. It was reported as far back as December 2001 that chemical trade publications had been found in a hide-out in Afghanistan used by Osama bin Laden. Numerous Government agencies and independent bodies have identified the Nation’s chemical facilities as an attractive target for terrorists. And New Jersey has good reason to be concerned about a terrorist threat to a facility storing large amounts of dangerous chemicals. The FBI has called the stretch between Port Newark and Liberty International Airport “the most dangerous two miles in America.” According to a 2005 CRS report, 7 of the 11 sites identified by EPA that could put more than 1 million people at risk in the event of an attack or serious accident are in New Jersey. According to the same report, up to 7 facilities in New Jersey put up to 1 million people at risk and up to 200,000 facilities pose a risk to up to 100,000 people.

I want to thank the leadership of the Appropriations Committee and my colleagues in the Senate and the House for their support for including this critically important national security provision in the Omnibus appropriations bill.

Mr. SANDERS. Mr. President, like many of my colleagues, I worked very hard to assure that, given the threats of President Bush, the Omnibus appropriations bill was as strong as it could be. In that regard, we have made some real progress. Unfortunately,
however, this bill contains $40 billion for Iraq operations, with no strings attached the money to be used as the President wishes, with no accountability for when our involvement in Iraq will end. With expenditures of $12 billion for Iraq alone, it is now estimated that the total cost of our Iraq involvement will end up being more than $1 trillion.

I cannot support providing more money for continuing our ill-conceived and tragic presence in Iraq, money provided with no requirement for plans as to when the redeployment will begin, when it will be concluded, and what our future course in Iraq will be. Consequently, I will vote against the Omnibus appropriations bill.

My vote against this bill also reflects genuine concern regarding last-minute additions of loan guarantees for questionable energy sources, which move us in exactly the wrong direction. More specifically, the report language accompanying the Omnibus appropriations bill provides $18.5 billion in loan guarantees for nuclear powerplants, $2.0 billion in loan guarantees for uranium enrichment, $6.0 billion in loan guarantees for which I have reason to believe includes coal to liquids, and $2.0 billion in loan guarantees for coal gasification, which I also fear could be used for coal to liquids. It is, quite frankly, beyond belief that we would consider legislation to support these questionable energy sources. In my view, we should be doing everything we can to transform our energy system so as to move away from unsafe and polluting sources to energy efficiency and sustainable and renewable technologies. Congress can, and must, do better.

Mr. INHOFE. Mr. President, now December 18 and we are all anxious to get home. Additionally tomorrow is my 48th wedding anniversary. That’s why I want to get home. Standing in our way is final disposition of the 2008 appropriation bills. The leadership has brought before us an omnibus bill that combines the remaining 11 regular appropriation bills not yet signed by the President. That in and of itself is a failure. Instead of working to pass the annual appropriations bills and ensure the continued operation of our Government, congressional Democrats have spent the majority of the 110th Congress playing games with critical funding for our troops, attempting to pass surrender resolutions, and pushing a path to amnesty for the millions of illegal immigrants in our Nation. Two months past the end of the fiscal year, Congress only managed to pass one of the annual appropriations bills, instead choosing to roll billions of dollars in funding into an Omnibus appropriations bill hours before Congress is supposed to recess for the year. In fact, this year we observed the latest farce of the “extension” that Congress failed to send a single annual appropriations bill to the President’s desk.

This Democrat-controlled Congress should be labeled as nothing but irresponsible. Additionally, I am here to point out that this bill violates rule XVI of the Standing Rules of the Senate because it is legislating on an appropriations bill.

Title VII of Division C, which appropriates money for the Civil Works program of the Army Corps of Engineers, the following projects have either not yet been authorized or the amounts appropriated for them under this bill exceed the authorized levels: Louisiana Coastal Protection and Restoration study; coastal Mississippi hurricane and storm damage reduction study; rural health care facility on the Fort Berthold Reservation of the three affiliated tribes; North Dakota environmental infrastructure project.

During consideration of H.R. 1492, the Water Resources Development Act, Public Law 110-114, I elaborated for my colleagues in great detail the history and function of the authorization process and stated that I would oppose any appropriation bill that attempted to fund projects either not previously authorized, or above their authorized level. As I made clear in my statements on September 24 prior to passage of the bill, and again on the floor on November 8, prior to the Senate’s veto override vote, the authorization process is the foremost mechanism we have to control spending. We are violating it in this bill.

In addition to these increases in spending, the omnibus includes numerous provisions authorizing or modifying other projects and policies of the Corps in nonspending ways. These legislative provisions, too, should be decided within the authorization process, not in an omnibus appropriations bill.

Just over a month ago, we authorized $23 billion in projects for the Corps of Engineers, and Chairwoman BOXER and I have already begun discussions on a new authorization bill for 2008. So, I have to ask why are we violating not only the Standing Rules of the Senate, but creating an opportunity for criticism on our ability to control spending. It makes no sense, it is not necessary and I believe goes to the heart of why the public has such a low opinion of Congress. They don’t trust us. Why should they, we cannot seem to follow our own rules.

Before I close, I would like to point out one more area of unnecessary and irresponsible legislating in this omnibus appropriation bill. There are several provisions to address climate change scattered throughout the bill. These provisions include creation of new requirements and a new mitigation incentives fund for the Economic Development Administration, in title I of Division B; a sense of Congress with a call for a mandatory program to reduce greenhouse gas emissions, in Division F; and the creation of a mandatory greenhouse gas reporting requirement and a new authorization level of $6.0 billion for a new program to increase energy efficiency and to reduce levels of greenhouse gas emissions.

E85 is an alternative form of transportation fuel that consists of 85 percent ethanol and 15 percent gasoline. It has been developed, in part, to address American’s air quality issues and its dangerous dependence on foreign oil.

Currently, there are 7 million E85 capable vehicles on the Nation’s highways, and the use of E85 in these vehicles has the potential to significantly reduce the Nation’s dependence on foreign oil, add billions to total farm income, help improve rural and American economies, and help reduce greenhouse gas emissions.

The proposed E85 sugars for production...
Recognizing the importance of E85, President Bush and Secretary of Transportation Mary Peters participated with the CEOs of General Motors, Ford, and Chrysler in an event on March of 2007, where they announced the growth in the production of flexible-fuel vehicles, FFVs, and the expansion of E85.

The automakers pledged to double their existing production of flexible fuel vehicles by 2010. They also pledged that by 2012 fully 50 percent of all vehicle production would be FFVs.

However, was predicated on the fact that adequate fueling infrastructure would be available by that time to fuel the millions of additional E85-compatible vehicles.

It is the responsibility of Congress to provide adequate funding to help advance the deployment of E85 fueling infrastructure. I was encouraged then that the Senate elected to set aside $2 million for this purpose in the Energy and Water Appropriations bill. Once finalized, it will become the Department of Energy’s responsibility to allocate this funding to the entity that can provide the most effective and cost-efficient service.

As Governor of Nebraska, I helped create the Governors’ Ethanol Coalition. In 1997, this coalition, along with the National Corn Growers Association, domestic automakers, and others, established a group named the National Ethanol Vehicle Coalition, NEVC, that can run on E85 ethanol as an alternative to oil-based transportation fuel.

Working with its many partners, NEVC maintains the primary national database on E85 fueling locations, E85 fuel providers, and comprehensive data on the technical requirements necessary to install E85 fueling systems. NEVC also provides the marketing and promotional materials used by all E85 fueling stations in the nation.

NEVC accomplishes all of these actions in a cost-effective, timely, and prudent manner. In addition to having assisted with the opening of 1,413 existing stations, NEVC has provided assistance to station operators for securing reasonably priced supplies of ethanol. NEVC has also provided assistance regarding State and Federal tax credits and the materials needed for proper marketing and promotion by these stations.

NEVC has an extensive background, high level of technical competence, and vast experience in establishing and maintaining E85 fueling facilities, and they have proven themselves capable of effectively delivering assistance in a cost-efficient manner.

I note that there is broad consensus that additional alternative fueling infrastructure is needed in this country, and I stress the need for DOE to wisely use the limited funds we have made available.

As such, Mr. President, I strongly urge the Department of Energy to work closely with NEVC and give them all due consideration when it is expending the funding Congress has provided to meet the needs and goals for E85 fueling stations.

Mr. CORNYN. Mr. President, it is no secret that every Senator who comes to Washington, DC, comes with a few sacred issues in mind which he makes his own, and which he takes a particular interest in. For me, open and transparent government has been one of those issues.

From my home as a Texas lawyer, supreme court justice, and attorney general I know firsthand the importance, but also the difficulty of creating and enforcing open government and the free flow of information. I have always taken to heart, however, the words of James Madison, who once declared: “The advancement and diffusion of knowledge is the only guardian of true liberty.”

Of course, I have the advantage of coming from Texas, one of the strongest States in terms of free information and open government. In Texas, it is a matter of principle that everyone should be able to quickly and easily find out what their government is doing and how.

That is why I was so pleased last week when the Senate passed the Openness Promotes Effectiveness in our National Government, or OPEN Government Act of 2007. Now, the House has likewise passed this important bill, and I eagerly await the President signing it into law.

I have to thank my colleagues, the chairman of the Judiciary committee, Senator LEAHY, and Lydia Griggsby of his staff; Senator KYL, and Joe Matal of his staff; and two of my former chief counsels, James Ho and Reed O’Connor. Without their hard work, we wouldn’t be celebrating this legislative victory today.

I have spoken on several occasions in this Chamber about the importance of reforming and updating the Freedom of Information Act, so that undue delays and onerous burdens which plague American citizens looking for information that they by right should have. After 40 years of FOIA there still remain pending requests for information more than a decade old. And many requests result in costly and drawn out lawsuits which effectively prevent the average citizen from receiving the information they deserve.

This bill will restore this most fundamental principle of a free and informed citizenry. It reinforces Lincoln’s notion of a government “of the people, by the people, for the people,” placing information back in the hands of Americans. It is nothing short of a victory for democracy.

This bill restores meaningful deadlines with real consequences to the FOIA system, ensuring Government agencies will provide timely responses to requests. It creates a new system for tracking pending FOIA requests and an ombudsman to review agency compliance. At the same time it closes loopholes and strengthens FOIA law ensuring all journalists have equal access to information.

These reforms are long overdue, and are but a part of creating a government focused on openness. Still, I look forward to the President signing this bill and paving the way for a more transparent government.

Ms. SNOWE. Mr. President, I rise today to draw your attention to a critical amendment that I am offering to the Omnibus appropriation bill. As ranking member of the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard, I am working with my colleagues in the New England delegation to seek support for this amendment. Our amendment would allow fisheries disaster relief funds to be made available to hard-hit fishermen in New England, just Massachusetts, as is currently stipulated.

From the time the first Europeans arrived in the region that would become New England, fish—particularly groundfish such as cod and haddock—were the fundamental natural resource. It was said that fish were once so bountiful that one could walk across the Gulf of Maine on the backs of codfish. But today, our centuries-old tradition of groundfishing is at a critical junction, and many of our fishermen are increasingly finding that they can no longer find enough fish to make a living in an industry that has sustained their families for generations. This is because ongoing requirements to rebuild New England’s groundfishery have resulted in decreased harvests, devastating our fishing industry and severe economic impacts to our fishing communities.

Since 1996, groundfishermen in the Northeast Multispecies Groundfish Fishery have seen their allotted days-at-sea slashed by over 75 percent, from an average of 116 to just 24 days a year. This effectively closes the fishery 93 percent of the time.

I understand the need to reduce catch on a temporary basis in order to allow the stocks to rebound from decades of overfishing, but if we are going to have any fishermen left to harvest those rebuilt stocks, we must have Government assistance to sustain the fleet through this rebuilding period. The Maine groundfishing fleet already has been cut in half over the past 13 years, from more than 220 boats in 1994 to just 110 today. Groundfish landings in Maine are down 58 percent over that same time period. Shoreside support industries such as fish processors, and ice, bait and fuel suppliers have suffered similar losses to fish processing and wholesaling dropping 40 percent, from nearly 3,000 jobs to less than 1,800 today.
Because of these severe economic impacts and their ramifications to shore-side infrastructure and the overall health of coastal communities, earlier this year the Governor of Maine appealed to the Secretary of Commerce, asking him to officially declare the New England groundfishery a “fisheries failure” in this region. Such a declaration under existing law would allow the release of vital disaster assistance to help minimize the devastating losses our fishing communities are experiencing.

Unfortunately, the Secretary of Commerce failed our fishermen, when he failed to make this declaration. He misinterpreted Congress’s intent when, in the most recent reauthorization of the Magnuson-Stevens Fishery Conservation Management Act, we authorized disaster relief funding for fisheries crippled by overly onerous regulations.

And that mistake was fueled by his decision to cherry-pick numbers and timeframes that provided a rosier analysis of the true cumulative economic impact of the groundfish regulations.

It was his contention that the fishery was “rebuilding.” While this may be true, the facts remain: today, our fishermen need to work 24 days a week to keep their families afloat. If these are the regulations we require, I think that is evidence enough that the fishery should be considered a failure.

But, given the Secretary’s decision, and his rejection of numerous appeals to reconsider, it is now up to Congress to provide this vital economic relief, which will enable our fishing communities to survive while groundfish stocks rebuild over the next several years. But as it now stands in the omnibus, Congress is poised to repeat the mistakes made by the Secretary of Commerce by denying this relief where it is most needed.

Currently, the language in the bill would only allow disaster relief funding to groundfishermen in the State of Massachusetts. This language marks a significant departure from the New England States’ past efforts to address the impacts of groundfish regulations.

For nearly a decade, until this point, New England States, who have already endured years of costly regulations and are working hard to help stocks recover, I implore my colleagues to support this amendment. Congress must right the wrongs that continue to be faced by our hardest hit fishermen and communities.

Mr. LIEBERMAN. Mr. President, I rise today to support the fiscal year 2008 omnibus appropriations bill. I have tried to reach a compromise on this bill, and I realize that many funding levels for important programs were reduced so we could reach an agreement.

Despite these cutbacks, I believe we can still do great work and the language of this bill contains considerable funding for counter-terrorism and crime prevention, scientific and medical research, Pell grants, Title I schools, special education, small business programs, consumer product protection, Amtrak, grants to states and the District of Columbia, and low-income energy assistance. To meet the President’s top line budget number, my colleagues had to make hard choices. To their credit, the bill before us today prioritizes the most critical domestic programs in the Federal Government.

The omnibus also contains an additional $3.7 billion in emergency funding for the VA, including a $400 million increase in veterans’ spending in the history of our Nation. $1.9 billion of the increase is targeted for VA medical services. This much needed funding will improve treatment for traumatic brain injury and post-traumatic stress disorder, one of the nations most recent injuries from the global war on terrorism.

I am also proud of what this bill will do for the people and communities of Connecticut. The money I requested will assist many worthy local efforts, such as hospital renovations, the construction of a small craft maintenance facility at Naval Submarine Base New London, a community college manufacturing technology program, and important improvements to our intermodal transportation facilities.

I would like to clarify conference language concerning two specific projects in the bill. Currently, the Interior, Environment, and Related Agencies conference report lists an Office of Museum and Library Services project as $300,000 for The City of Southington for wellhead cleanup.” This language should be interpreted as if it stated “$300,000 for the Southington Water Department for wellhead cleanup.”

Mr. COBURN. As we approach the end of the year, Congress once again finds itself on a last-minute spending spree, approving billions of dollars of new spending with few questions asked, no amendments allowed, and little debate, discussion, or inspection permitted.

The U.S. national debt now exceeds $9.13 trillion. That means almost $30,000 in debt for each and every man, woman, and child in the United States. The U.S. debt is expanding by about $1.4 billion a day, or nearly $1 million a minute. The unfunded liability placed on a child born today is $400,000.

The “Financial Report of the United States Government” released this week found that the Federal deficit would be...
nearly 70 percent higher than the $162.8 billion reported 2 months ago if the Government used the same accounting practices as private firms. Accounting for such liabilities as pensions and health care costs when they are incurred when they are paid would have boosted the deficit to $275.5 billion, the report noted.

It is completely irresponsible for Congress to add to this debt that threatens the retirement security of our senior citizens and the economic prosperity of our children and grandchildren who will inherit the debt that results from the spending decisions Congress is making today.

The Omnibus appropriations bill, which combines the 11 unfinished appropriations bills to fund the Federal Government’s operations in fiscal year 2008, provides approximately $515.7 billion in discretionary spending. The bill also adds approximately $11 billion in emergency spending, of which $3.7 billion is contingent emergency spending for veterans programs.

This bill was approved by the House of Representatives last night, and the Senate on it today, even though it has only been available now for 36 hours. The bill is more than 3,400 pages, and I am fairly certain that not a single Member of either chamber of Congress, or anyone else, for that matter, has read it in its entirety. What is most shocking, however, is that the eagerness of Members of Congress to re-cuss for the year and to satisfy the desire to secure pork projects has taken precedent over our responsibility to properly manage the Nation’s finances and set national spending priorities.

While this bill does not provide the funding that is needed for our brave men and women in uniform fighting on the front lines in Iraq, it does contain over 9,000 special interest pork projects, known as “earmarks.”

“An earmark Christmas, Lawmakers deck out omnibus with many a spending project,” proclaims the front page of the Today, “Earmark Extravaganza. Nearly 9,000 Requests in Omnibus,” exclaims the front page of Roll Call.

Nearly 300 of the earmarks in this bill costing over $800 million were air dropped into this bill during closed-door meetings not open to the public or most Members of Congress.

Among the thousands of earmarked projects tucked into this bill are:

- $150,000 for a Louis Armstrong Museum in New York;
- $700,000 for a bike trail in Minnesota;
- $1,000,000 for river walk in Massachusetts;
- $300,000 for a post office museum in downtown Los Angeles;
- $1,000,000 for an earmark requested by a House Member who has been indicted on Federal charges of racketeering, money-laundering and soliciting bribes;
- $924,000 for alternative salmon products;
- $146,000 for an aquarium in South Carolina;
- $1,000,000 for managing weeds in Idaho; and
- $37,000 for the Lincoln Park Zoo in Illinois.

It is hard to argue that any of these are national priorities or more important than funding the troops in Iraq or worth increasing the national debt. Yet, instead of focusing on these issues, Members of Congress have, however, learned to rationalize the practice of earmarking, but the truth is every earmark diverts funds away from more important national priorities.

I filed two amendments to this bill that would have ended this point that I had hoped to offer but was blocked from doing so. These amendments would have given Congress the opportunity to choose between improving deficient roads and bridges and providing health care to women and children before steering funds toward special interest earmarks.

The first amendment, 3860, would have allowed the Department of Transportation to redirect earmarked funds to improve unsafe roads and bridges. On August 1, 2007, the Interstate 35 West, I-35W bridge over the Mississippi River in Minneapolis, MN, collapsed during rush hour, killing 13 people and injuring another 123. This tragedy exposed both a nationwide problem of deficient bridges as well as misplaced priorities of Congress, which has focused more on funding earmarks than improving aging infrastructure.

According to the U.S. Department of Transportation, one out of every eight bridges in our Nation is structurally deficient. Of the 597,340 bridges in the United States, 154,101 bridges are deficient. Yet, instead of addressing needed bridge maintenance, Congress has prioritized earmarks for politicians’ pet projects which do not even involve roads or bridges.

The $286 billion, 5-year Transportation authorization bill approved by Congress in 2005, for example, included 6,373 earmarks, totaling $24 billion, including the infamous “Bridge to Nowhere” in Alaska.

An investigation by the inspector general of the Department of Transportation found that “Many earmarked projects considered by the agencies as low priority are being funded over non-earmarked projects.” The IG notes that “Funding these new low priority projects added to the already substantial backlog of replacement projects and caused [Federal Aviation Administration] to delay the planning of its higher priority replacement projects by at least 3 years.”

Earmarks have siphoned away tens of billions of dollars that could and should have been spent to upgrade deficient bridges or improve aging roads rather than being spent on politicians’ pet projects.

The Senate has already rejected a similar amendment in September, and this bill shows once again that Congress is more interested in securing earmarks than securing our Nation’s roads and bridges.

The second amendment, 3861, would have allowed the Department of Health and Human Services to redirect earmarked funds to the Maternal and Child Health Block Grant Program.

Congress has spent much of this year posturing about who cares most about providing health care for children and the uninsured. Yet Congress has failed to enact any reforms to expand health care access. According to the Kaiser Family Foundation, in this country there were 9.5 million children who lacked health insurance for at least part of last year, and over 17 million women are uninsured.

This amendment ensures that many of these uninsured women and children would receive services from the Maternal and Child Health Block Grant, which provides funding to address urgent health needs for pregnant women, mothers, infants, children, and adolescents. It is shameful that Congress has diverted tens of millions of dollars in the health title of this bill towards special interest pork projects when millions of children and women do not have access to critical health care.

The Senate rejected a similar amendment in October, and this bill demonstrates once again that while Congress may talk about prioritizing children’s health care, the real priority of Congress is its own special interest pork projects.

There are plenty of other examples in this bill of Congress’s misplaced priorities. The bill, for example, terminates the Baby AIDS Program that provides resources to prevent perinatal HIV transmission and care for children with HIV, while ensuring that San Francisco receives funding for deceased AIDS patients. The bill provides another $100 million for the 2008 political party conventions. It allows the Department of Justice to again provide Federal financial support for groups linked to terrorism by removing the prohibition passed by the Senate in October.

Who know what other travesties are hidden within this 3,400 page omnibus spending bill that Congress is expected to read, review, or amend? Members of Congress may never know, and apparently few seem to care.
It should come as no surprise to any one that the approval ratings of Congress have reached all-time historical lows. Congress has ignored the needs of our troops in combat, the looming bankruptcy of Social Security and Medicare, and the nearly insurmountable national debt that threatens the future prosperity of our Nation while showing virtually no restraint on spending, especially for parochial pork projects.

Mr. CRAPO. Mr. President, I rise today to offer my distinct dismay with the outcome of what has become omnibus funding legislation for 11 of the 13 appropriations bills for fiscal year 2008. H.R. 2764 is a sad testament to Congress’s inability to draft and pass responsible Federal funding legislation. I am very disappointed that critical funding for drug abuse education efforts, crime victims and, more specifically, victims of domestic violence has been included in this bill. Idaho will lose more than 10 percent of Victims of Crime Act Funding, money, incidentally, which was never supposed to be subject to the appropriations process in the first place. Furthermore, funding for programs that help victims of sexual abuses in Idaho through a program that has helped thousands of Idaho schoolchildren learn of the dangers of Internet predators have been eliminated during the conference process on this omnibus spending bill. Justice and law enforcement grants have been significantly reduced. The Office of National Drug Control Policy Youth Anti-Drug Media Campaign was significantly cut, which jeopardizes important anti drug and, particularly anti meth media messaging for Idaho’s youth. Although I have supported important funding along the way in these bills including veterans funding, border funds and other Idaho priorities, in my view, victims of crime and our youth are the clear losers in this legislation. And because of this and other substantial concerns I have with this, I have to vote against the bill.

Mr. PRYOR. Mr. President, I would like to express my support for a provision of the Consolidated Appropriations Act, 2008. Specifically, I would like to take this opportunity to highlight and clarify language included in Division E, the Department of Homeland Security Appropriations Act of 2008 that allows for secure handling of ammonium nitrate.

This legislation reduces the risk of large quantities of ammonium nitrate falling into the wrong hands, while ensuring access for agriculture professionals and farmers who use this fertilizer for legitimate purposes. It requires that ammonium nitrate sellers and purchasers register and receive a registration number in order to distribute or buy the product. Doing so reduces the possibility that ammonium nitrate will be misused. First, it allows Department of Homeland Security and relevant law enforcement agencies to know who has access to ammonium nitrate. Second, it requires registration number applicants to be matched against the terrorism screening database before being authorized to buy or sell ammonium nitrate. Finally, by making the sale or purchase of ammonium nitrate more difficult, it deters acquisition of ammonium nitrate by terrorist or other persons.

Farmers who use ammonium nitrate in agriculture production normally obtain the ammonium nitrate from a retail fertilizer dealer. Another retail fertilizer dealership that stores and sells ammonium nitrate would have to register under this legislation. The intent of this legislation is “track and trace”—to provide law enforcement officials with the ability to know where ammonium nitrate is being stored and the establishment of a prescreening process before a person can purchase and take away ammonium nitrate.

Retail fertilizer dealerships provide many services for farmers and one of those services is custom application. Many farmers buy the fertilizer, but never physically take possession of the ammonium nitrate. Instead, farmers purchase the services of a dealer who spreads the ammonium nitrate on their fields. The United States, nearly 90 percent of the 41,800 tons of ammonium nitrate purchased in the southeastern United States is ever under the direct control and possession of the farm customer. Businesses and employees who provide custom application services would be subject to the registration requirements of the legislation. It is not the intent of this legislation to require registration by individuals who use custom application services but never physically control any ammonium nitrate.

I believe this bill will help keep ammonium nitrate out of would-be terrorists’ hands while allowing farmers to use it for legitimate purposes.

Mr. BROWNBACK. Mr. President, I rise to discuss the Omnibus appropriations bill that is before us today. Although I am supportive of a number of important items in the bill, I have serious concerns and reservations about how this voluminous package was put together and how this bill has reached this point. As we are all aware, none of the 11 bills in this package have ever been considered on the floor of this chamber. I believe this is a travesty and entirely contrary to our democratic process. I, for one, believe that next year we must make it a priority to consider all of the appropriations bills in regular order so that all Members can participate in the process. We are appropriating nearly $933 billion through this bill and only a select few Members in both Chambers have participated in the allocation of those dollars.

Despite my deep concerns about the process of putting this bill together, I have chosen to support it because it is within the President’s budget request, it provides bridge-funding to support our troops in Iraq and Afghanistan, and it contains a number of other items that I support. I am pleased that the bill contains funds to continue Marriage Development Accounts in the District of Columbia. We began this program in fiscal year 2006 as a way to stem the erosion of marriage in District of Columbia. I am pleased that this bill will require the U.S. Mint to return our national motto and since the beginning of our Nation, America’s citizens have acknowledged how God is very much a part of the founding principles and traditions of our democracy. I would like to note that in 1864, Secretary of the Treasury Samuel P. Chase ordered that coins bear a motto expressing the American people’s trust in God. The first coins were minted in 1866 with the phrase “In God We Trust” on our national motto. In 1855, the phrase was required for all new coins, and in 1956 Congress officially endorsed “In God We Trust” as the national motto. Therefore, I was troubled to learn that the words “In God We Trust” do not appear on the face of the new Presidential coins. These words are barely visible and almost hidden on the edge of the new coins. To rectify this situation, we have included language that will require the U.S. Mint to return our national motto to the front of the coin.

I would like to note that we have provided $80 million for the Consumer Product Safety Commission, an increase of $17 million over the fiscal year 2007 level. I believe that this increase is important and necessary because it will allow the CPSC to hire additional inspectors to ensure that toys and other consumer products entering our ports are safe. Many of our ports of entry are located near metropolitan areas in the nation which are deeply concerned over the flood of shoddy and dangerous products entering our ports. Most troubling is that...
many of these products are designed for our smallest and most vulnerable consumers: everything from baby cribs and strollers to children’s toys and baby teething devices. These products have been recalled just this past year. I believe these additions and other funds will help CPSC address this growing problem.

I am supportive of the $60 million available in this bill to support democracy in Iraq and Afghanistan. The amendment that Senator MCCONNELL has offered today contains those important and necessary funds. We are making progress in the war in Iraq and we must continue to provide our brave service men and servicewomen all the armor and ammunition and support they need to continue to secure a peace in that region of the world.

I reiterate my deep concerns and consternation with how this omnibus bill was put together. To say that this behemoth bill was cobbled together in the dead of night among just a few Members is no exaggeration. Such an approach is undemocratic and dangerous. Although I will vote for the bill, I must insist that we abandon this undemocratic process and return to regular order when we take up next year’s appropriations bills.

Ms. MIKULSKIS. Mr. President, I rise today to discuss the Commerce, Justice, Science and Related Agencies, CJS, division of the Omnibus appropriations bill before the Senate. The CJS subcommittee for this bill is in a good position, bicameral compromise that is a product of hard work and tough choices. In order to meet a very stringent allocation mandated by the President, we had to cut $2.6 billion from the Senate CJS bill, which passed the Senate on October 16, 2007.

Although we were forced to make substantial cuts, we protected the subcommittee’s priorities. First, security—keeping Americans safe from threats of terrorism and the growing threat of cyber attacks. Second, we are making progress in the war on terror and are supporting and empowering our troops in Iraq and Afghanistan. The amendment that Senator MCCONNELL has offered today contains those important and necessary funds. We are making progress in the war in Iraq and we must continue to provide our brave service men and servicewomen all the armor and ammunition and support they need to continue to secure a peace in that region of the world.

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that the House would not agree to the extension.

Overall, the CJS agreement is a bipartisan effort, a product of hard work and tough choices in order to meet a very tight allocation. Even within the tight allocation, we provide funding to keep America safe, we secure America’s competitiveness, and we provide strong oversight and accountability to ensure stewardship of taxpayer dollars. I want to thank my ranking member, Senator SHELY for his collegiality and cooperation. I also want to thank Chairman BYRD and Ranking Member COCHRAN for their hard work and advocacy. And I thank their staff, specifically, Art Cameron, Chuck Kieffer, and Bruce Evans. I encourage my colleagues to support of the CJS agreement.

Mr. KERRY. Mr. President, I rise in support of the Feingold amendment because the strategy it mandates gives us the best chance to succeed in Iraq and strengthen our security and the world. In fact, recent developments in Iraq and Afghanistan have made it clear that this amendment is as important now as it was when Senator FEINGOLD and I first introduced a similar measure almost a year ago.

I have heard the arguments that the escalation has worked, that we no longer need to change the mission, and that we are now on the path to victory in Iraq. Every one of us agrees that the troops have accomplished and that the Iraqis to finally take advantage of the opportunity they have before them. That’s what the Feingold amendment does. It changes the mission to one that can be sustained even as we draw down troops to pre-surge levels which our overstretched military requires us to do: training Iraqi security forces, conducting targeted counter-terrorism missions, and protecting U.S. forces and facilities. And most importantly, it sets the deadline we need to create the leverage necessary to bring about real political reconciliation.

In fact, if you look closely at what has occurred over the past few months in Iraq, it is clear that a significant amount of the progress we have seen in terms of reducing violence has been the result of political decisions. That’s not to underestimate the key role our troops have played—it’s simply to recognize the realities of this type of counterinsurgency mission.

We all know that the Sunni tribal leaders in Anbar province made a calculated decision, based on their own self-interest, to turn against al-Qaeda in fact, many of us have argued for some time the Iraqis themselves would never tolerate foreign extremists in their midst.

But we must not lose sight of the bigger picture, which is that the brave men and women of our armed forces no matter how heroically they perform cannot end an Iraqi civil war. Every one of our generals, the Secretary of Defense, and the Secretary of State have told us repeatedly that there is simply no military solution to this conflict. The President himself has acknowledged as much and that is why he made clear that the purpose of the escalation was to give the Iraqis one last opportunity to make the tough political compromises that are the only hope for bringing lasting stability to Iraq.

But the bottom line is that we have not seen any political progress from the Bush administration since the escalation began nearly one year ago. Not one single additional political benchmark has been met and by some accounts they are even further away from compromising than they have ever been. So when we assess progress in Iraq over the past few months, let’s be clear: by the measure that ultimately counts the most political reconciliation this strategy has not accomplished the goal that the President himself established.

The reason is simple: the Iraqi government has proven time and again that without a deadline they will not make the tough compromises necessary to bring about a political solution that is the only solution. And as long as we continue to follow the same course of giving them an open-ended commitment, they will continue to pursue their narrow sectarian interests and real political reconciliation. So we must insist on a strategy that honors what our troops have accomplished and force the Iraqis to finally take advantage of the opportunity they have before them. That’s what the Feingold amendment does. It changes the mission to one that can be sustained even as we draw down troops to pre-surge levels which our overstretched military requires us to do: training Iraqi security forces, conducting targeted counter-terrorism missions, and protecting U.S. forces and facilities. And most importantly, it sets the deadline we need to create the leverage necessary to bring about real political reconciliation.

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We all know that the Sunni tribal leaders in Anbar province made a calculated decision, based on their own self-interest, to turn against al-Qaeda in fact, many of us have argued for some time the Iraqis themselves would never tolerate foreign extremists in their midst.

But we also know that one of the key factors in reducing the violence has been the decision by Moktada al-Sadr to tell his Mahdi militia to stand down—at least temporarily. This was reportedly due, at least in part, to a request Prime Minister Maliki made of Iran in August to help rein in the Shia militia. In fact, according to the New York Times, spokesmen for our own military have gone out of their way to publicly acknowledge Iran’s role in helping to slow the flow of weapons into the country.

And finally, we know that the flow of foreign fighters into Iraq from Syria has diminished considerably at a time when we have finally begun some level of diplomatic engagement with Syria. So we must take lessons from the positive developments we have seen over the last few months and recognize that the way forward, the best chance for lasting progress, is through political and diplomatic efforts. That is the advantage of the window our troops have provided. I applaud the summits that have been held on Iraq in Sharm el Sheikh and Istanbul, but we need to see much more sustained, hands-on engagement at the highest levels of the administration. And we need a deadline to fundamentally change the dynamic for Iraq’s political leaders.

The alternative is to continue giving the President a blank check which is exactly what the McConnell amendment does. There’s no requirement to transition the mission, and no deadline to leverage political process. And there’s no relief for a military stretched to the breaking point.

That will not resolve the sectarian divisions that have fed this civil war, it will not bring longterm stability to Iraq, and it will not protect our national security interests around the world.

Nowhere is that more important than in Afghanistan, where the same killers who attacked us on 9/11 are right where we left them, plotting more attacks on our homeland. The simple fact is that because of the attention, energy, and resources we have devoted to Iraq, we’re now in danger of losing Afghani-

The Taliban and al-Qaida have regrouped along the Afghan-Pakistan border, currently hold large swathes of territory, and are expanding their efforts to regions we never saw the Taliban since 2001. Violence may be down in Iraq, but it’s at its highest levels in Afghanistan since the invasion. Opium cultivation has soared to 93 percent of the world’s market. Reconstruction efforts have been hobbled, and Opium International is reporting “humanitarian conditions rarely seen outside sub-Saharan Africa.”

That is why Secretary Gates and Admiral Mullen called for more troops, equipment, and a strategic plan to get it right in Afghanistan last week. But because we have expended valuable American blood and treasure in Iraq and allowed our focus to wander from our top national security priority, the resources just aren’t there to fight Taliban and al-Qaida in Afghanistan. If we change the mission in Iraq and return our focus to Afghanistan, we still have time to achieve the stable democracy we promised.

The time is now. In Iraq and in Afghanistan, time is not on our side. We must seize this moment to put America on course to a safer and more secure future.

Mr. DURBIN. Mr. President, the fiscal year 2008 appropriations bills do not adequately address all of the long-term needs of the American people. We have no one to blame but the President and his Republican allies who have chosen to stand by his side.

We drafted and passed out of the Appropriations Committees on a bipartisan basis went far beyond what we have here today, but the President has made it clear he would veto any bills that were above his grossly inadequate budget.

These bills stood with the President and his budget, a budget that I cannot believe anyone would be proud to support. The President’s budget contained cuts of 800 grants for medical research at NIH, cuts in programs that provide education and training for the nation’s military, cuts in rural health initiatives by 50 percent, cuts for crucial Department of Education programs by $1.2 billion, and...
cuts in Homeland Security Grants for police, firefighters, and medical personnel by $1.1 billion.

This is what we were presented with take it or leave it. The President refused to compromise and instead made it very clear to us that he thought in his eyes, cuts for health care, education, jobs, and homeland security are nonnegotiable. For the cost of what we spend in 2 months in Iraq, the President was more than willing to sacrifice a year's worth of badly needed investments into health research, our children's education, worker safety, and homeland security.

The President has done all of this under the banner of fiscal responsibility. I believe it is in the President's hard-line position on his overall budget numbers, the fiscal year 2008 Consolidated Appropriations Act better reflects American priorities.

Democratic increases above the President's budget request include $3.7 billion for veterans healthcare, $613 million for medical research, $3 billion for education, $986 million for renewable energy, $7.7 billion for heating assistance for low-income households, $1.6 billion for highways and bridges, $1.2 billion for State and local law enforcement, $1.8 billion for homeland security, and $17 million for consumer protection.

I am also very pleased and proud of what we were able to do with very limited funding within the Financial Services and General Government Appropriations Subcommittee. Our bill provides $410 million—an 8.3 percent increase over last year—for court security. The bill also authorizes a pilot program to permit the U.S. Marshals instead of the Federal Protective Service to provide security for seven Federal courthouses including the Dirksen Courthouse in Chicago.

Finally, among a range of general provisions applicable government-wide in Title VII of Division D, the bill provides for a 3.5 percent cost-of-living adjustment for civilian Federal employes as included in both the House-passed and Senate committee-reported bills.

I am frustrated that we were not able to do more and that the process has been delayed, but the fiscal year 2008 funding levels we consider this evening reflect America's priorities and I am pleased to support the final package.

Mr. REID. Mr. President, with the Senate's passage of the Omnibus appropriations bill for fiscal year 2008 and H.R. 6, the Energy Security and Independence Act of 2007, the Department of Energy must now finally understand that its irrational hostility toward geothermal energy research and development has come to an end, pursuant to these two acts of Congress.

First, H.R. 6 will become law ahead of the omnibus and thereby controls the primary use and priorities for funds provided by Congress following its enactment. As Senators may know, the United States and particularly Nevada and the West have tens of thousands of megawatts of clean power generation potential from geothermal energy sources just waiting to be developed. In title VI, H.R. 6 contains very important research and development provisions collectively referred to as the Advanced Geothermal Energy Research and Development Act of 2007 that will help realize that enormous potential and create significant sustainable economic growth in rural areas throughout America.

The Department must, by law, comply with the program direction provided in H.R. 6. The Department staff
need not reinvent the wheel or plead that they cannot accept or acknowledge statutory direction from Congress at this point in the fiscal year, since they have not and will not have any conflicting direction from Congress.

Second, the Omnibus appropriations bill requires that the Department cease and desist its efforts to shut down the existing geothermal program. Instead, the bill provides approximately $20 million for geothermal energy technology research. This is an increase of $20 million over the budget request for the deployment of large-scale enhanced geothermal systems, to include accelerating the development of subsurface technologies, including geological and geophysical data collection and synthesis. This direction to the Department is entirely consistent with that provided in H.R. 6.

The Congress expects the Department to use that money wisely and in a balanced fashion that comports with the direction in the appropriations bill’s statement of managers and the statutory direction provided in H.R. 6. Clearly, the funds should not and cannot be used to focus on one or even a narrow set of technologies to the exclusion of the continuum of geothermal energy technologies. I also expect that next year’s budget request will reflect the direction given to the Department by Congress in H.R. 6.

The PRESIDING OFFICER. All time is yielded back.

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

The PRESIDING OFFICER. The time is yielded back.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The motion to lay on the table was agreed to.

Executive Session

NOMINATION OF JOHN DANIEL TINDER, OF INDIANA, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT

The motion was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF JOHN DANIEL TINDER, OF INDIANA, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT

The motion was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Executive Calendar No. 373, the nomination of John Daniel Tinder, to be United States Circuit Judge.

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

The legislative clerk read the nomination of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate on the nomination, equally divided.

Mr. LEAHY. Mr. President, I end the 2007 legislative session as we began it, by making significant progress in confirming the President’s nominations for lifetime appointments to the Federal bench. At the Judiciary Committee’s first business meeting of the year, held less than 2 weeks after the Republican caucus agreed to the resolutions organizing the Senate, I included on our agenda five judicial nominations. On January 30, the Senate confirmed the first two judicial nominations of the session. Today’s confirmation of John Daniel Tinder to the Court of Appeals for the Seventh Circuit will be the 40th, including 6 of this President’s nominations to powerful circuit courts.

I thank the members of the Judiciary Committee for their hard work all year in considering these important nominations. I understand especially those Senators who have given generously of their time to chair confirmation hearings throughout the year.

Given the work of the Senators serving on the Judiciary Committee, we will have exceeded the yearly total in each of the last 3 years when a Republican majority managed the Senate and the consideration of this Republican President’s nominations. Indeed, with the confirmation today of Judge Tinder to replace Judge Daniel A. Manion, like that of Reed O’Connor who was confirmed last month to the Northern District, we are proceeding to fill vacancies before they even arise.

The progress we have made this year in considering and confirming judicial nominations is sometimes lost amid the partisan sniping over a handful of controversial nominations and attempts to appeal to some on the far right wing. When we confirm the nomination we consider today, the Senate will have confirmed 40 nominations for lifetime appointments to the Federal bench this session alone. That is more than the total number of judicial nominations that a Republican Congress confirmed in all of 1996, 1997, 1999, 2000, 2004, 2005 or 2006. It is 23 more confirmations than were achieved during the entire 1996 session, more than double that session’s total of 17, when Republicans stalled consideration of President Clinton’s nominations. It is seven more than the confirmations in the second to last year of President Clinton’s final term.

We continue to make progress on circuit court nominations. We began the year by resolving an unnecessary controversy over Judge Norman Randy Smith’s nomination to one of California’s seats on the Ninth Circuit. That nomination could easily have been confirmed—and a judicial emergency addressed—in the last Congress had the Bush administration chosen the commonsense approach of nominating Judge Smith, who is from Idaho, to Idaho’s seat on the Ninth Circuit. That nomination could easily have been confirmed—and a judicial emergency addressed—in the last Congress had the Bush administration chosen the commonsense approach of nominating Judge Smith, who is from Idaho, to Idaho’s seat on the Ninth Circuit. After many months of urging by me and others, President Bush finally did the right thing at the beginning of this Congress by pulling the controversial Myers nomination to Idaho’s Ninth Circuit seat and nominating Judge Smith, instead. He was confirmed in February. We could make even more progress if the President would make a California nomination to fill the long-vacant California Ninth Circuit seat left open by Judge Stephen Trott’s retirement.

We continued through the year to consider and confirm district and circuit court judges. In October, the Senate confirmed the nominations of Judges Jennifer Walker Elrod and Judge Leslie Southwick, who became the fourth and fifth circuit court nominees confirmed this year.

After this confirmation today, the Senate will have confirmed six circuit court nominees, matching the total circuit court confirmations for all of 2004. We will also have exceeded the circuit court totals achieved in all of 2001 when a Republican-led Senate was considering this President’s circuit
nominees; all of 1989; all of 1983, when a Republican-led Senate was considering President Reagan’s nominees; all of 1993 when a Democratic-led Senate was considering President Clinton’s nominees; and, of course, the entire 1996 session during which a Republican-led Senate refused to even consider the nominees of President Clinton’s circuit nominees the entire session.

The treatment of President Clinton’s nominees contrasts harshly with the treatment Democrats gave the circuit court nominees of Presidents Reagan and Bush in the Democratic presidential election years of 1988 and 1992. In those two election years, the Democratic-controlled Senate averaged nine circuit court confirmations. Regrettably, the Republican Senate reversed that course in the treatment of President Clinton’s circuit court nominations, confirming an average of only four in the Presidential election years of 1996 and 2000, and none in the entire 1996 session.

At the end of the 106th Congress, the last 2 years of the Clinton administration, the Republican-led Senate returned to the President without action on 17 of his appellate court nominees. I have not duplicated that record and I do not any more than I need to send the Senate the package filibuster more than 60 of President Bush’s judicial nominees, as Republicans did with President Clinton’s.

It is a little known fact that during the Clinton presidency, more court judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

I continue to try to find ways to make progress. Last month, I sent the President a letter urging him to work with me, Senator SPECER, and home State Senators to send us more well-qualified, consensus nominations. Now is the time for him to send us more nominations that could be considered and confirmed as his Presidency approaches its last year, before the Thurmond Rule kicks in.

As I noted in that letter, I have been concerned that several recent nominations seem to be part of an effort to pick political fights rather than judges to fill vacancies. For example, President Bush nominated Duncan Getchell to one of Virginia’s Fourth Circuit vacancies over the objections of Senators WARNER and WEBB, one a Republican and one a Democrat.

They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell. As a result, this nomination that is opposed by Democratic and Republican home-state Senators is one that cannot move.

The Administrative Office of the U.S. Courts is considering 43 judicial vacancies and 14 circuit court vacancies after today’s confirmations. Compare that to the numbers at the end of the 109th Congress, when the total vacancies under a Republican controlled Judiciary Committee were 51 judicial vacancies and 15 circuit court vacancies. That means that despite the additional 5 vacancies that arose at the beginning of the 110th Congress, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican-led Judiciary Committee.

The President has sent us 27 nominations for these remaining vacancies. Sixteen of these vacancies—more than one third—have no nominee. Of the 17 vacancies deemed by the Administrative Office to be judicial emergencies, the President has nominated us nominees for 7, nearly half of them. If the President would decide to work with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make even more progress.

Of the 16 vacancies without any nominee, the President has violated the timeline he set for himself at least 11 times—11 have been vacant without so much as more than 180 days. The number of violations may in fact be much higher since the President said he would nominate within 180 days of receiving notice that there would be a vacancy or intended retirement, rather than wait for the vacancy itself. We conservatively estimate that he also violated his own rule 15 times in connection with the nominations he has made. That would mean that with respect to the 43 vacancies, the President is out of his own rule more than half of the time.

We have succeeded in dramatically lowering vacancies and, in particular, circuit court vacancies. We have helped cut the circuit vacancies from a high water mark of 32 in the early days of this administration to as low as 13 this year. Contrast that with the Republican-led Senate’s lack of action on President Clinton’s moderate and liberal nominees in increasing circuit vacancies during the Clinton years from 17 when he was inaugurated to 26 at the end of his term. During those years, the Republican-led Senate engaged in strenuous and successful efforts under the radar to keep circuit judgeships vacant in anticipation of a Republican President. More than 60 percent of current circuit court judges were appointed by Republican Presidents, with the current President having appointed more than 30 percent of the active circuit judges already.

The American people expect the Federal courts to be fair forums where justice is dispensed without favor to the right or the left. I have set out since the day I took office to do all that I can to ensure that the Federal judiciary remains independent and able to provide justice to all Americans. These are the only lifetime appointments in our entire government, and they are the treasured post-passage remarks of bounds for any President to use signing statements—which are at most post-passage remarks—for the more expansive and controversial purpose of creating legislative history that our courts would be expected to follow. Legislative history is created within the Congress, which is charged by the Constitution with considering and passing laws. The President may veto legislation, but the system of checks and balances does not allow the President to speak for Congress.

The Nation stands at a pivotal moment in history, where Americans are faced with a President who makes sweeping claims for almost unchecked Executive power. This President has used signing statements to challenge laws banning torture, laws on affirmative action, and laws that prohibit the censorship of scientific data. When the President uses signing statements to unilaterally rewrite laws enacted by Congress, he undermines the rule of law and our constitutional checks and balances. It is incumbent upon the Federal judiciary, to safeguard and protect the constitutional balance when necessary.

I hope that Judge Tinder will fulfill his oath and be an independent buffer against constitutional overreaching. I congratulate the nominee and his family on his confirmation today.

Mr. LUGAR. Mr. President, I appreciate this opportunity to support the
President's nomination of Judge John Daniel Tinder to serve as a United States Circuit Judge for the Seventh Circuit.

I would first like to thank Senate Judiciary Chairman PAT LEAHY, Ranking Member EVAN BAYH, the respective Leaders and Senator BAYH for their important work to facilitate timely consideration of this nomination.

Late last year, Circuit Judge Dan Manion informed me of his decision to assume the duties after a distinguished career of public service. Given this upcoming vacancy and the need for continued strong leadership, I was pleased to join with my colleague EVAN BAYH in commending John Tinder to President Bush. This selection was a product of a bipartisan process and reflective of the importance of finding highly qualified Federal judges to carry forward the tradition of fair, principled, and collegial leadership.

As the Founders observed when our Constitution was drafted, few persons “will have sufficient skill in the laws to qualify them for the stations of judges,” and “the number must be still smaller of those who unite the requisite integrity with the requisite knowledge.” Judge Tinder embodies the rare combination that the Framers envisioned.

I have known John for many years and I have always been impressed with his high energy, resolute integrity, and remarkable dedication to public service.

John graduated with honors from Indiana University while earning his Bachelor's degree and then later graduated from Indiana University School of Law in Bloomington.

John served in a variety of critical legal roles early in his career which helped to shape his strong litigation background and experience. Among many legal positions, he has served as an assistant United States Attorney, a public defender, chief trial deputy in the county prosecutor's office and as a partner in private practice.

Given his broad experience and great abilities, John was a natural selection to serve as United States Attorney for the Southern District. After 3 years of active and distinguished service, John was then tapped again by President Reagan to serve as United States District Court Judge for Southern Indiana where he served since 1987. In 20 years on the bench, he has presided over more than 200 jury trials in this district. His decisions are well known to be clear, well-reasoned, and thorough while applying appropriate precedents to the facts in each case. He is fully aware of the importance of appellate court decisions and their impact on the trial courts.

Throughout John's career, his reputation for personal courtesy, fairness, decency and integrity was equally well-earned by widespread among colleagues and opposing counsel alike and on both sides of the political aisle. The Senate has already unanimously confirmed him twice, and it is not surprising that news of his Circuit Court nomination has been well received by stakeholders in the legal community and the public.

I am also pleased that John's experience and professional record were recognized by the American Bar Association which bestowed their highest rating of "well qualified" for his nomination.

I would again like to thank Chairman LEAHY and Ranking Member SPECK for their important work on this nomination. I believe that Judge Tinder will demonstrate remarkable leadership and will appropriately uphold and defend our laws under the Constitution.

Mr. BAYH. Mr. President, this past spring, Senator LUGAR and I made a joint recommendation to President Bush to nominate Judge John Tinder for a seat on the U.S. Court of Appeals for the Seventh Circuit, the second highest court in the land. President Bush forwarded the Judiciary Committee unanimously approved his nomination, and today I am pleased to announce that the Senate will vote on Judge Tinder's nomination.

I take very seriously the Senate's constitutional responsibility to provide advice and consent for all judicial nominees. The Senate shares a responsibility with the President to ensure that the judiciary is staffed with men and women who possess outstanding legal skills, suitable temperament, and the highest ethical standing.

I regret, however, that the process for confirming judicial nominees has become too partisan in recent years and has produced too many controversial nominations. The Republicans confirmed in all of 1996, 1997, 1999, 2000, 2004, 2005, and 2006. I thought I would mention that.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays were ordered.

Mr. SPECK. Mr. President, I simply ask unanimous consent that the record of John Daniel Tinder be printed in the CONGRESSIONAL RECORD, and I urge my colleagues to support him for confirmation.

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

JOHN DANIEL TINDER
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT


Selected Activities: Academy of Law Alumni Fellow, Indiana University School of Law—Bloomington, 1975; Adjunct Professor, Indiana University School of Law, 1988-1997; United States Circuit Judge for the Seventh Circuit.
December 18, 2007

CONGRESSIONAL RECORD — SENATE

S15891


ABA Rating: Unanimous well-qualified.

The PRESIDING OFFICER: If there is no further debate, the question is, Shall the Senate advise and consent to the nomination of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit? The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. LOTT. The following Senators are necessarily absent; the Senator from New Mexico (Mr. DOMENICI) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 442 Ex.]

YEARS—93

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Brownsack
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Collins
Conrad
Corker
Corzine
Craig
Crapo
DeMint
Dole

N OT VOTING—7

Rosen
McCain
McCaskill
McConnell
Menendez
Mikulski
Murray
Netanyahu
Reed
Reid
Reid
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Snowe
Spector
Stabenow
Stapleton
Stevens
Subar
Tester
Thune
Vitter
Voinovich
Warner
Whitehouse
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate’s action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

50TH ANNIVERSARY OF THE ORVIS SCHOOL OF NURSING

Mr. REID. Mr. President, as the Senate finishes its business for the year, it is my privilege to rise today in recognition of the 50th anniversary of the Orvis School of Nursing at the University of Nevada, an important part of Nevada’s health care community.

The beginnings of the Orvis School are humble. During a brief hospitalization in Reno, Arthur Orvis, a stockbroker and Nevada resident, noticed the lack of student nurses and began to wonder about the educational opportunities for health care providers in Nevada. On December 15, 1955, in a letter to University President Minard W. Stout, Orvis wrote, “I desire to give $100,000 to the University of Nevada for the establishment of a department to be known as the ‘Orvis School of Nursing.’ The funds will be offered with no strings attached.”

As a result of this generosity, the Orvis School of Nursing was founded by Arthur and Mae Orvis at the University of Nevada in 1957. When the Orvis School opened its doors in the fall of that year, there were 12 students and 5 faculty members. Unusual for the time period, the Orvis School’s first class was very diverse, including one African-American student, one male student, one Asian-American student, and nine white female students.

The Orvis School of Nursing has come a long way from that first class of 12 students. Today, a wide group of students attend a world-class institution that offers the highest quality of nursing education. While traditional nursing programs focus only on hospital nursing, the Orvis School is distinctive in that it offers a bachelor’s of science degree in nursing, emphasizing nursing leadership, community health, and nursing research. I confidently believe that this unique focus will lead to greater innovations and ideas for the future of health care.

In closing, I extend my most sincere gratitude to the Orvis School of Nursing, its alumni, and greater community. Nevadans are fortunate to have such a talented and skilled institution in our State.

GLOBAL HIV/AIDS

Mr. REID. Mr. President, I rise in recognition of World AIDS Day, which millions around the globe commemorate on December 1. Although this event will be a recent memory as the new year begins, it is my hope that its purpose will be reflected in our thoughts and actions throughout 2008 and beyond.

World AIDS Day is a solemn opportunity to remember that HIV/AIDS continues to wreak havoc on individuals, families, and communities around the globe. Although the new estimates on HIV prevalence is good news, we cannot forget that AIDS is still a leading cause of death. More than 5,700 lives are taken by this disease every day, many just at a time when they are attending school, raising children, or contributing to society as productive adults. At the same time, nearly 7,000 people become infected each day, meaning that as 2.5 million more people—about as many people in my home state of Nevada—will face the start of the new year with HIV/AIDS.

In Nevada, the number of HIV and AIDS cases diagnosed each year since 2000 is on the upward trend, and AIDS rates continue to disproportionately impact ethnic and racial minorities. Our State also ranks 14th in the Nation for the rate of adolescents and adults living with AIDS. As a Nevada, as well as a Member of Congress, I know that more must be done to tackle the epidemic at home and abroad.

In Congress, we must continue to support international AIDS relief programs like PEPFAR and the Global Fund to Fight AIDS, Tuberculosis, and Malaria. It should be a priority to fund vital programs that fight HIV/AIDS domestically as well, especially the Ryan White Care Act and the National Family Planning Program, which works to prevent the spread of HIV/AIDS and other diseases. Medicaid in particular is a lifeline for vulnerable HIV/AIDS patients who would otherwise have no other means of receiving the care they need.

In giving recognition to the human toll of the HIV/AIDS global epidemic, let us also heed the resulting call to action. From supporting prevention to treatment, individual remembrance to public awareness, let us all keep working together to ensure that the goals of World AIDS Day will soon become reality.

DARFUR

Mr. DURBIN. Mr. President, I have repeatedly come to the floor to speak
about one of the worst human tragedies in recent memory—the crisis in Darfur.

For 4 long years the world has watched as thousands of innocent victims have been murdered, tortured, and raped—their villages burned, their lives, livelihoods gone before more than 2 million people have been chased from their homes—many trapped in dangerous refugee camps for almost 5 years.

Many of us on both sides of the aisle and in the international community have repeatedly called for greater U.S. and global action. President Bush has rightly called the situation in Darfur genocide. British Prime Minister Gordon Brown has said, “Darfur is the greatest humanitarian crisis the world faces today.”

And U.N. Secretary General Ban Ki-moon has made ending the crisis one of his top priorities.

His efforts and those of many others led to 2 promising breakthroughs earlier this year.

First, the various parties agreed to start peace talks. With more and more rebel groups involved in the violence, a long-term political settlement will be vital in bringing stability to the region.

Second, the U.N. Security Council voted to deploy a 26,000-member peacekeeping force to bring the ongoing carnage to an end and help create an atmosphere for such negotiations.

Under pressure from the international community, the Sudanese government—notorious for its delays, denials, and obstruction—grudgingly accepted this new force.

Despite these assurances, we had many reasons to be skeptical of the regime’s true intentions.

For example, Sudan has appointed its own former minister of interior, Mr. Ahmed Harun, to lead a committee to investigate human rights abuses and also to help oversee the deployment of the peacekeeping force.

Mr. Harun is wanted by the International Criminal Court for war crimes.

As interior minister, Mr. Harun helped fund, recruit, and arm the Janjaweed militia which was directly involved in perpetuating the genocide in Darfur.

Mr. Harun’s place in on trial in The Hague, not investigating violence he helped perpetuate.

Equally troubling are the continued attacks on international aid workers, fissures in the peace agreement between North and South Sudan, and continued violence in Darfur.

While the Khartoum government thumps its nose at the international community, thousands of innocent victims remain trapped in sprawling refugee camps—their lives horribly uprooted, their families traumatized with fear and disillusion.

And most tragically, it appears that the Sudanese government was never serious about the U.N. peacekeeping force. With only 3 weeks until the deployment is scheduled to begin the Sudanese government is back to its old tricks.

A few weeks ago, the U.N.’s top peacekeeping official, Jean-Marie Guéhenno, told the Security Council that obstacles created by the Sudanese Government were jeopardizing the deployment of the new peacekeeping force.

In particular, Sudan is now objecting to the deployment of non-African peacekeepers.

Sudan’s obstruction is madness and must not be tolerated.

In fact, 13 former world leaders and current activists, including former President Jimmy Carter, former U.N. Secretary General Kofi Annan, Bangladesh microfinance champion Muhammed Yunus, and Archbishop Desmond Tutu have called for the immediate deployment of the peacekeeping force.

This group of “Elders” noted in a recent report that the residents of Darfur, as well as Sudanese elsewhere, are desperate for the peacekeepers to arrive.

The stakes are too high and the humanitarian crisis has dragged on too long to allow any further backsliding by the Sudanese Government.

That is why I believe it is time to increase the pressure on the Sudanese Government.

Earlier this year I introduced 2 versions of legislation that would increase economic pressure on the Sudanese regime. Each of those bills supported state and local divestment efforts, and therefore would allow each of us to do our part to end the madness in Darfur by selling off any investments in companies that support the Sudanese regime.

I am pleased that Senator DODD, as chairman of the Banking Committee, adopted ideas from these bills into the Sudan Divestment Act of 2007—a bill the Senate passed last week and the House just moments ago passed by a unanimous vote of 411 to 0.

I thank him, as well as Ranking Member SHELBY and others who have worked hard to bring about this historic divestment Act.

I hope Congress’s support for this bill sends the Government of Sudan an important message—that its brazen delays and obstruction of an internationally sanctioned peacekeeping force in Darfur can no longer be tolerated.

CONGRATULATING OLIVET NAZARENE UNIVERSITY

Mr. DURBIN. Mr. President, I rise today to congratulate Olivet Nazarene University on its 100th-year anniversary.

Olivet Nazarene University was founded by a group of families led by Edward Richards and Orla Nesbitt in 1907, first as a grade school and later as a liberal arts college. From humble beginnings, the university has endured bankruptcy, fire, a change of location to Bourbonnais, and tornado devastation to become the fine institution that it is today. Olivet Nazarene University has grown as a liberal arts institution, with additional locations now throughout the greater Chicago area and in Hong Kong.

The university also has the distinction of serving as the home of the Chicago Bears. Olivet has hosted the NFL team for its training camp since 2002.

Currently, 4,400 undergraduate and postgraduate students attend the university. Olivet Nazarene offers these students 100 undergraduate fields of study, nearly 20 master’s degrees, non-traditional adult degree completion programs, and a doctor of education in ethical leadership.

Olivet Nazarene University has graduated many notable alumni who have given back to the university, the State of Illinois, and this country in significant ways. An estimated 30,000 Olivet Nazarene University alumni live and work around the world, including Georgi Southwestern State University president Kendall A. Blanchard and Ticketmaster cofounder Cecil Crawford.

Olivet Nazarene University sets a standard of affordable excellence, with a cost below average for private colleges nationwide. Approximately 96 percent of traditional undergraduates receive a total of $24.9 million in scholarships and grants.

I congratulate Olivet Nazarene University, its president, Dr. John C. Bowling, and all the staff on 100 years of service to their students and alumni, the State of Illinois, and our Nation.

FARM BILL CONFERENCE

Mr. GRASSLEY. Mr. President, I want to speak about an issue that may come up during the negotiations between the House and the Senate to reconcile the farm bill.

The bill we passed last week in the Senate included a sense-of-the-Senate resolution addressing trade in sweeteners between parties to the North American Free Trade Agreement, also known as NAFTA.

Apparently, some view this language as just a placeholder for new language that will be inserted in conference.

Even more troubling, the new language that is being contemplated would call for managed trade in sweeteners between the United States and Mexico.

The issue of trade in sweeteners between the United States and Mexico has a long history.

For years, Mexico put up barrier after barrier to our exports of high fructose corn syrup.

It started in 1998. That year, Mexico imposed an antidumping duty order on imports of high fructose corn syrup from the United States.
We challenged that order, and we won. In 2001, a dispute resolution panel determined that Mexico was out of compliance with its obligations under NAFTA.

The appellate body of the World Trade Organization reached a similar conclusion.

The antidumping duty order on our high fructose corn syrup was inconsistent with Mexico’s obligations under the WTO.

Mexico finally lifted its antidumping duties in 2002. But that same year, Mexico imposed a 20 percent tax on soft drinks flavored with high fructose corn syrup.

This soda tax was designed specifically to discriminate against high fructose corn syrup imported from the United States.

As a result of this unfair discrimination, our exports of high fructose corn syrup to Mexico fell dramatically.

In 2006, the appellate body determined that this tax was inconsistent with Mexico’s obligations under the WTO.

Mexico complied with the WTO decision earlier this year by repealing its discriminatory soda tax.

Now, after years of pressuring Mexico to drop its unfair barriers to our exports of high fructose syrup, we’re finally at a good spot.

Mexico has eliminated both its antidumping duty order and its discriminatory tax.

We are on the verge of seeing high fructose corn syrup start to flow freely across our border.

Starting January 1, 2008, Mexico is obligated to provide duty-free access to our exports of high fructose corn syrup under NAFTA.

That is why I am so concerned. This new language being contemplated for the farm bill could disrupt our legitimate expectations of free trade in high fructose corn syrup next year.

If, instead of free trade we end up with managed trade, it could significantly impede our exports of high fructose corn syrup to Mexico.

Under a managed trade regime, we would presumeably limit the amount of sugar that we import from Mexico.

And in response, Mexico would presumably limit imports of high fructose corn syrup from the United States.

Simply put, managed trade could reverse all the gains we have made over the years to get Mexico to take our high fructose corn syrup.

Corn farmers and high fructose corn syrup producers in Iowa and other States have been harmed by any import restrictions imposed by Mexico as a result of managed trade.

And managed trade could well result in Mexico further violating its obligations under NAFTA.

Many of my colleagues complain, legitimately, when our trading partners fail to comply with their international trade obligations.

The last thing we should do is give Mexico an excuse to violate its NAFTA obligations, particularly when it would harm U.S. agricultural producers.

The current language in the Senate-passed bill does not call for managed trade.

The current language would not likely induce Mexico to impose further restrictions on our exports of high fructose corn syrup.

As a Senator from Iowa, as well as the ranking member of the Senate Finance Committee and a member of the Committee on Agriculture, I have worked hard over the years to get a fair deal for agriculture when it comes to international trade.

In particular, I have put considerable effort into opening foreign markets to our exports of agricultural products.

Too often our trading partners have imposed barriers to U.S. farm exports. And too often those barriers are in violation of international trade obligations.

Those barriers harm American farmers and agricultural producers.

Whether it is unfair restrictions on U.S. beef exports to Japan and Korea, or under restrictions on U.S. corn exports to Europe, it is imperative that we focus our efforts to remove barriers to trade.

With effort, we have been successful in getting our trading partners to remove such barriers.

That is the case with Mexico’s treatment of high fructose corn syrup, as I have described.

We can’t go backwards.

Our corn farmers and our producers of high fructose corn syrup are counting on us.

I will be working hard to see that the current language on trade in sweeteners is retained without change in the conference report to the farm bill.

Free trade in high fructose corn syrup with Mexico is long overdue.

I yield the floor.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 207(c) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 207(b) discretionary spending limits and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 for legislation reported by the Senate Appropriations Committee that provides a certain level of funding for fiscal year 2008 for certain programs.

The initiatives are continuing disability reviews and supplemental security income redeterminations, Internal Revenue Service tax enforcement, health care fraud and abuse control, and unemployment insurance improper payment reviews.

On July 23, 2007, I revised both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays to reflect that the committee had reported legislation that met the conference report to the farm bill for the four program integrity initiatives.

The total amount of that adjustment was an additional $1,082 million in budget authority and $999 million in outlays for fiscal year 2008.

The level of funding provided for each of the program integrity initiatives is lower than the levels mandated by section 207(c).

Consequently, I am reversing the adjustments made on July 23, 2007, to both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 207(c) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 207(b) SENATE DISCRETIONARY SPENDING LIMITS

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CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 301(a) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children’s Health Insurance Program, SCHIP. Section 301 authorizes the revisions provided that certain conditions are met, including that such legislation maintains coverage for those currently enrolled in SCHIP and that it not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

In addition, section 301(b)(2) of S. Con. Res. 21 permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that both increases the reimbursement rate for physician services under section
1848(d) of the Social Security Act and includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures. Section 310(a)(2) authorizes that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Further, section 320(a) of S. Con. Res. 21 permits the chairman of the Senate Finance Committee to revise the allocations, aggregates, and other appropriate levels for legislation that provides for a delay in the implementation of the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register, or any other rule that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or other hospital-based, administration, transportation, or medical services under title XIX of the Social Security Act. The adjustment is contingent on such legislation not worsening the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Finally, section 320(c) of S. Con. Res. 21 permits the chairman of the Senate Finance Committee to revise the allocations, aggregates, and other appropriate levels for legislation that extends the Transitional Medical Assistance program, provided that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Mr. President, I find that the Medicare, Medicaid, and SCHIP Extension Act of 2007, which was introduced today by Senators Baucus and Grassley, satisfies the conditions of the four deficit-neutral reserve funds mentioned above. Therefore, pursuant to sections 301(a), 304(b)(2), 320(a), and 320(c) of S. Con. Res. 21, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

**Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 301(a) of the Budget Act of 2007 For SCHIP Legislation, Section 304(b)(2) Deficit-Neutral Reserve Fund for Physician Payments, Section 320(a) Deficit-Neutral Reserve Fund for Delay of Rule, and Section 320(c) Deficit-Neutral Reserve Fund for Transitional Medical Assistance—Continued**

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**(1)(B) Change in Federal Revenues:**

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**(3) Budget Outlays:**

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<td>FY 2008</td>
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<td>FY 2009</td>
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<td>FY 2011</td>
<td>2,701,268</td>
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<td>FY 2012</td>
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**Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 301(a) of the Budget Act of 2007 For SCHIP Legislation, Section 304(b)(2) Deficit-Neutral Reserve Fund for Physician Payments, Section 320(a) Deficit-Neutral Reserve Fund for Delay of Rule, and Section 320(c) Deficit-Neutral Reserve Fund for Transitional Medical Assistance—Continued**

**Federal Revenues:**

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<th>Fiscal Year</th>
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<td>FY 2007 Outlays</td>
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**Changes to S. Con. Res. 21**

Mr. CONRAD. Mr. President, section 310 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other levels for legislation that reauthorizes the risk insurance program, provided that such legislation does not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that H.R. 2761, the Terrorism Risk Insurance Program Reauthorization Act of 2007, which cleared the House of Representatives today, satisfies the conditions of the deficit-neutral reserve fund for terrorism risk insurance reauthorization. Therefore, pursuant to section 310, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Banking, Housing, and Urban Affairs Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

**Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 310 of the Budget Act of 2007 For Terrorism Risk Insurance Reauthorization**

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**Budget Authority:**

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**Revised Allocation to Senate Finance Committee**

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<td>FY 2012-2012 Outlays</td>
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Mr. MARTINEZ. Mr. President, I wish to address the issue of what is commonly referred to as the Medicare “doctor fix.” Unless Congress acts, there will be a 10-percent reduction to Medicare reimbursement rates in the coming year; putting good doctors further at odds with Medicare payments for their service.

This is a problem that not only affects patients with Medicare but also our military veterans, many of whom rely on Medicare as their primary health care provider.

Delaying the issue will put our veterans relying—on Tricare until the age of 65 and Medicare after retirement—at increased risk of additional health problems if their ability to see a doctor remains in question.

If you addressed millions of Americans could be denied immediate access to treatment when they need it most. It would also put an even greater strain on doctors, who are already forced to be selective in determining which Medicare patients they can treat.

This is a choice no doctor should have to make, and our seniors and doctors deserve better. We have the opportunity to act before we leave in the coming days, and I urge my colleagues to consider the consequences that would result from an additional cut to the program.

In my home State of Florida, the dilemma has reached a critical mass, with the large number of doctors leaving the program—refusing to continue treating a very vulnerable population. All because the bureaucracy is too much and reimbursement is too low.

These are doctors that play important roles in treating seniors in their communities. These are doctors like Dr. Troy Tippett, a neurosurgeon in Pensacola, who is often faced with the choice of continuing to treat Medicare patients at a loss or refuse them because of declining reimbursements from Medicare.

Dr. Tippett was so worried about the threat of further cuts to the Medicare reimbursements he receives, he recently called to let me know the detrimental impact the declining reimbursement rate would have on his ability to continue treating Medicare patients.

I hope for the sake of good doctors like Dr. Tippett to develop a comprehensive, long-term solution that fixes this problem once and for all.

This is a problem, I believe, that we must fix soon, rather than kicking the can down the road and hoping the next Congress will provide an answer to the more than 40-million Medicare patients. But today, we can do our part by opposing a cut to the broken payment system that penalizes our doctors for treating Medicare patients.

We owe it to the doctors who have worked so hard in life and need quality care now more than ever. We also owe it to the doctors who treat them on a regular basis.

I urge my colleagues to support fixing the reimbursement rate that so many doctors in my State—and around the country—depend on, especially in the face of rising medical costs and skyrocketing medical malpractice insurance premiums.

It is my understanding that we are very close to coming to agreement on a doctor fix and that floor action could occur very soon. I am hopeful we will have the opportunity to approve that fix. We must act because our physical therapists and their patients are counting on us.

And while I am pleased we are about to address the problem—let’s not make the mistake of leaving it as a short-term fix. The American people deserve a long-term solution. I look forward to coming back next year and working on a permanent “doctor fix.”

RENEWABLE CONSUMER AND ENERGY EFFICIENCY ACT

Mr. INOUYE. Mr. President, today, I am pleased that the Congress is sending energy legislation to the President.

For too long, the United States has taken a back seat in the fight against global warming. This bill is a good first step in moving our Nation’s energy policy in the right direction.

Without the support of a number of Senators, this legislation, and title I in particular, would not have been possible. I wish to extend thanks to Senators Feinstein, Stevens, Levin, Snowe, Kerry, Dorgan, Lott, Carper, Boxer, Durbin, Alexander, Corzine, and Cantwell for their work in increasing automobile fuel economy standards.

In addition, the tireless efforts of groups dedicated to conservation and improving national security were vital to enacting this legislation. Of special note is the support of a nonpartisan group of retired senior military leaders concerned about global energy security, known as Securing America’s Future Energy, SAFE. I am grateful for the support and hard work of its leaders, Frederick W. Smith and General P.X. Kelley, as well as Robbie Diamond, who served as their liaison. The Union of Concerned Scientists—David Friedman in particular—provided significant technical support and advocacy for the Ten-in-Ten Fuel Economy Act.

The White House says that the President will sign the bill tomorrow. I thank him for taking swift action on this landmark legislation.

NEW CENTURY FARM PROGRAMS

Mr. HARKIN. Mr. President, I certify that neither I nor any of my family members have a pecuniary interest in the New Century Farm Programs for which I requested congressionally directed spending via floor action on Harkin amendment No. 3500, a substitute to H.R. 2119.

NATIONAL DEFENSE AUTHORIZATION ACT

Mrs. MCCASKILL. Mr. President, this chamber approved the fiscal year 2008 National Defense Authorization Act. I am particularly pleased with the inclusion of an important provision contained in section 846 of the legislation to modernize the whistleblower protections afforded to defense contractor employees. At a time when reports of fraud, waste, and abuse in defense contracts are rampant, it is absolutely vital that we have in place the strongest whistleblower protections for contractor employees that I will empower them in reporting such abuse and therefore will protect those who wish to protect American taxpayers dollars.

I would like to thank Senator Collins for working with me on this important provision and further thank Senators Levin and McCain for their leadership and stewardship of this provision through the Senate and conference considerations of the Defense Authorization Act.

I come to the floor, however, to make one explanatory clarification as to the final language of this amendment because I think it critical that this record be clear as to the intent of the Congress. Last year in Garcetti v. Ceballos, the Supreme Court canceled constitutional protection for speech made within the normal course of an employee’s execution of his or her job duties, specifically because those disclosures are covered by other whistleblower statutes. There should be absolutely no confusion that the Congress believes that the logic and holding of Garcetti is inapplicable to the defense contractor whistleblower protection statute, 10 U.S.C. 2409, as amended by section 846 of this act.

Disclosures taken to carry out job responsibilities, within the normal course of an employee’s duties, are protected by this provision for three core reasons. First, they are essential preliminary steps for a responsible disclosure to the government. Second, often they in fact are indirect disclosures to Government inspectors, auditors, and investigators who must study associated internal corporate records to engage in informed oversight. Third, the purpose of whistleblower statutes is to reduce waste. But waste would be maximized if employees had to avoid waiving their whistleblower rights. The law’s goal is maximized by employees being empowered to safely
The Frank bill is unacceptable to the State attorneys general and it ought to be unacceptable to Members of Congress as well. I urge my colleagues to oppose the Frank bill or any similar proposals that would create a permissive Federal licensing scheme for Internet gambling.

I ask unanimous consent to have printed in the Record the letter from the National Association of Attorneys General.

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

**National Association of Attorneys General, Washington, DC, November 30, 2007.**

Hon. Nancy Pelosi, Speaker, House of Representatives.

Hon. Harry Reid, Majority Leader, U.S. Senate.

Hon. John Barrasso, Minority Leader, House of Representatives.

Hon. Mitch McConnell, Minority Leader, U.S. Senate.

To the Leadership of the U.S. House of Representatives and Senate:

We, the Attorneys General of our respective States, have grave concerns about H.R. 2046, the Internet Gambling Enforcement Act of 2007. We believe that the bill would undermine States' traditional powers to make and enforce their own gambling laws.

On March 21, 2006, 49 NAAG members wrote to the leadership of Congress: "We encourage the leadership of the Congress to help combat the skirting of state gambling regulations by enactment legislation which would address Internet gambling, while at the same time ensuring that the authority to set overall gambling regulations and policy remains with the states which tradition-ally have been most effective: at the state level."

But now, less than a year later, H.R. 2046 proposes to do the opposite, by replacing state regulations with a federal licensing scheme that would permit Internet gambling companies to do business with U.S. customers. The letter continues:

A federal license would supersede any state enforcement action, because § 5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

One final but very important point from the letter is the impact of the so-called "opt-out" provisions. Specifically, the letter reads:

[The opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

Furthermore, the opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

...and the amount wagered cannot exceed $100 per day and the participants must be 21 or older, the federal law might nevertheless allow 18-year-olds in that State to wager much larger amounts on poker around the clock."

Sincerely,


H.R. 2046 effectively nationalizes America's gambling laws on the Internet, "harmonizing" the law for the benefit of foreign gambling operations that were defying our laws for years, at least until UIGEA was enacted. We therefore oppose this proposal, and any other proposal that hinders the right of States to prohibit or regulate gambling by their residents.
Mr. FEINGOLD. Mr. President, I thank Senators HARKIN and CHAMBLISS for their tireless work on this important bill. I know that both worked diligently on this legislation, and that, like all of us, they have the best interests of America's farmers, ranchers, rural and urban communities at heart.

I would also like to thank the committee staff for the assistance and support they have provided to me and my staff throughout the farm bill process. While I am disappointed at the lack of reform in the commodity programs, the bill does make significant improvements in a number of other programs.

The committee bill included a number of provisions I included in legislation that I introduced earlier this year, the Rural Opportunities Act, to help sustain and strengthen rural economies for the future, and create more opportunities in rural communities. I am pleased that the committee included a number of similar titles to my legislation to support local bioeconomies and food markets, encourage local renewable fuels and biobased products, expand broadband Internet service in rural areas, and help develop the next generation of farmers, ranchers, and land managers.

The bill also includes several important provisions to increase affordable broadband service in rural areas. Critical among the bill's provisions is making sure that limited Federal resources are better targeted to actual rural areas without broadband service. Several reports have highlighted problems with the current program including funding projects in new suburban communities.

The bill also provides funding for the community food projects and other programs that promote local markets, which help farmers and consumers by providing a direct connection between them. The local food movement is gaining more and more momentum, and I hope that these provisions in the bill will help expand this wonderful opportunity to even more communities across the country. There is also a clarification included in the bill that I first proposed in 2006 to help ensure that schools can use local preference when purchasing food for meals and snacks. The bill also makes an investment in advanced biofuels, as well as language that I cosponsored to provide local residents an opportunity to invest in biorefineries located in their communities.

Mr. President, I am extremely pleased that the bill makes improvements to the Milk Income Loss Contract—MILC—program. Along with several of my colleagues, including Senator KOHL, I have called for the MILC program's reimbursement rate to be raised to its original 45 percent, which will happen in 2009 under this legislation. The MILC program is an important safety net for Wisconsin's dairy farmers, and one that operates in a responsible way—only kicking in and providing payments to farmers when times are tough. Milk prices are higher now than they have been in years; consequently, no MILC payments have been made since February of this year. Further, the MILC program caps the amount of payments, so a farmer can receive payments only if it has small and medium farms survive tough times without subsidizing expansion of larger farms. The improvements to this program are vital to farmers in Wisconsin. The bill also makes significant improvements to existing nutrition and conservation programs. While there is room for more improvement in both of these areas, I know the committee worked hard to provide additional funds for these programs within a very tight budget. On the conservation side, the bill includes significant funding for a number of programs, including the Environmental Quality Incentives Program, EQIP, the Conservation Security Program, CSP, and the Conservation Stewardship Program. It is good to know that these and other programs are extremely popular among Wisconsin farmers and residents, and I am pleased that the committee worked to address some of the funding shortfall that exists.

The nutrition title of this bill makes significant investments in the Food Stamp Program. Perhaps most importantly, the bill ends benefit erosion by indexing benefits to inflation. The bill also makes improvements for childcare costs, which had been set at $175 per month, though Wisconsin parents spend, on average, $780 per month on childcare. Lastly, the bill changes certain assets limits for the Food Stamp Program, allowing recipients to save money for retirement or to help send their children to college or other training. I know that improving food stamps was a priority for Senator HARKIN, as it was for me and many of the other Members of this body. Other important programs see an increase in this bill, including the Emergency Food Assistance Program, grants to promote use of food stamp EBT cards at farmers markets, the Fresh Fruit and Vegetable Pilot Program, and the Senior Farmers Market Program.

I was also extremely pleased to see the addition of a new livestock title in the bill to promote competition and fair practices in agriculture. As many of my colleagues know, the local food movement is often hampered by the concentration of large companies in agriculture that this bill will help expand. Other important programs see an increase in this bill, including the Emergency Food Assistance Program, grants to promote use of food stamp EBT cards at farmers markets, the Fresh Fruit and Vegetable Pilot Program, and the Senior Farmers Market Program.

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As many of my colleagues know, I have long been advocating for reform of the Federal milk marketing order system. To that end, I was pleased that the chairman provided for a commission to examine dairy marketing orders in his draft of the bill and hope that this commission takes a close look at the antiquated rules that provide small and beginning farmers an advantage over large-scale producers. Other important programs see an increase in this bill, including the Emergency Food Assistance Program, grants to promote use of food stamp EBT cards at farmers markets, the Fresh Fruit and Vegetable Pilot Program, and the Senior Farmers Market Program.

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though there have been some improvements. Secondly, a sustained nonfat dry milk price reporting error that lasted over a year was found to have cost dairy farmers millions in reduced prices. I was glad to have an amendment accepted that would require and the expansion of regional bioeconomic consortiums, which can create opportunities and linkages between large supermarkets and local, State agriculture agencies dedicated to researching and promoting sustainable and locally supported bioenergy. I was also pleased to work with Senator COLEMAN on another “rural opportunities” amendment, based on the Cornucopia Institute, the National Rural Health Association, the Rural Coalition, and the National Conference of Catholic Bishops.

For farmers, the need to keep the majority of the savings in our farmers’ pockets and in our rural communities, but instead of going to the largest landowners, the money would have been refocused to meet many of the unmet needs in programs that help a broad number of farmers. Our amendment had the support of a diverse group of organizations including the Wisconsin Farmers Union, the New Jersey Conservation Foundation, Wisconsin Farm Bureau, the Cornucopia Institute, the National Rural Health Association, the Rural Coalition, and the National Conference of Catholic Bishops.

I have no doubt that many of my colleagues hear from farmers and their families regularly about the particular challenges they face in finding and affording health care. More and more, one member of a farming family is essentially forced to work off-farm just to be eligible for a health care plan. I cannot tell you how many times my staff and I have heard from a farmer’s spouse about how much they would like to be spending their days working on the farm, with their family, but instead go into town to work as a teacher or at a bank just for the health care. I would like to be spending their days working on the farm, with their family, but in numerous hearings with the testimony of dozens of farmers, I look forward to the results of a study that was cosponsored by Senator HARKIN and was also accepted into the managers’ package on the challenges farmers—and the rural areas they live in—face in obtaining health care. I hope that this body can work in the future to alleviate this problem faced by so many hard-working American farmers.

I also believe that as we look to expand our Nation’s renewable energy and lessen our dependence on oil, we need to provide opportunities for farmers and rural communities. Earlier this year, I introduced the Rural Opportunity Act and am very pleased that several key elements supporting local bioenergy were included in the farm bill. One amendment I got accepted encourages the USDA’s continued support for and the expansion of regional bioeconomic consortiums, which can create opportunities and linkages between large supermarkets and local, State agriculture agencies dedicated to researching and promoting sustainable and locally supported bioenergy. I was also pleased to work with Senator COLEMAN on another “rural opportunities” amendment, based on the Cornucopia Institute, the National Rural Health Association, the Rural Coalition, and the National Conference of Catholic Bishops.

Mr. President, I would like to take a moment, along with the distinguished Senator from Utah, a longstanding member of the Judiciary Committee and a consistent partner of mine on intellectual property issues, to discuss S. 1145, the Patent Reform Act of 2007.

Mr. HATCH. I would be happy to discuss this important issue with my good friend from Vermont.

Mr. LEAHY. First, I want to express my appreciation for my colleague’s efforts in working to ensure that our patent laws are modernized. We first cosponsored patent reform last Congress. We again jointly introduced comprehensive patent reform this Congress in the form of S. 1145 in April of this year. Both bills had their foundations in numerous hearings with the testimony of dozens of farmers, and in innumerable meetings with the myriad of interested participants in the patent system. The message we heard repeatedly was of the urgent need to modernize our patent laws. The leaders of the House Judiciary Committee also needed that call to legislate, and working with them, we introduced identical, bipartisan bills. H.R. 1908 was introduced the very same day that we introduced the Senate bill.

In July, after several extensive and successful markup sessions, the Senate Judiciary Committee reported S. 1145 favorably and on a clear and strong bipartisan vote. In the course of
our committee deliberations, a great many changes were made to improve and perfect the bill. These improvements included changes on the key issues of enhancing patent quality, clarifying rules on infringement and compulsory licensing, inventors, and improving the ability of the Patent and Trademark Office to do its job well.

Mr. HATCH. I am proud to be a leading cosponsor of patent reform. The inventories of our citizens is the core strength of our economy. Our Founding Fathers recognized the critically important role of patents by mandating in article 1, section 8, of the Constitution that Congress was to enact a patent law. The Congress has periodically seen fit to update the law to ensure it meets the changing needs of both science and our economy. But the current law has not seen a major revision since 1952. Much has changed since then, as both Members, valiantly to interpret the law in ways that make sense in light of change, but that piecemeal process has left many areas unclear and some areas of the law out of balance. So action by the Congress is needed urgently.

Mr. LEAHY. I agree with my distinguished colleague that now is the time to enact patent reform, and we are in good company in that belief. Our leadership has committed to taking up S. 1145 as early in the new year as possible, and we commend that commitment. I fully recognize that when the bill was reported by the Judiciary Committee, a number of members expressed a desire that it be further perfected before it comes to a vote on the floor of the Senate. I made a commitment to the members of the Judiciary Committee at the markup that I would work closely with each of them, as both Members, valiantly to interpret the law in ways that make sense in light of change, but that piecemeal process has left many areas unclear and some areas of the law out of balance. So action by the Congress is needed urgently.

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TRIBUTE TO FORMER GEORGIA HOUSE LEADER TOM MURPHY

Mr. CHAMBLISS. Mr. President, I want to associate the following comments with my distinguished colleague and friend, Senator ISAKSON, to honor the late former Georgia House Leader Tom Murphy, who passed away last night.

Tom, known by his friends as Speaker and others as “Mr. Speaker,” was once the longest serving State House speaker in the nation, serving Georgia from 1974 to 2002. In describing the life’s work of Tom Murphy, one of our veteran reporters in Atlanta quoted an old 1960’s western film and wrote, “When the legend becomes fact, print the legend.” The reporter goes on to say, “There will be no such confusion over Tom Murphy, the tough-talking master politician whose gruff exterior concealed a heart that ached for the poor and helpless and in the Speaker’s case, they were one and the same.”

He was a true champion for our great State, and all Georgians, from Rabun Gap to Tybee Light, will reap the benefits of Tom’s work legacy for generations to come.

During the time Tom served our State, Georgia became one of the leading States to attract international business, our ports were expanded, the Quick Start program was created and expanded to help companies train new workers, and teachers salaries were given higher priority.

The expressway system in Georgia was completed during his tenure, and if you live in the vicinity of Atlanta, you have Tom to thank for the widening of the connector in Atlanta; additional runways at Hartsfield-Jackson International Airport and the World Congress Center that was built and expanded to allow Georgia to compete for conventions and trade shows.

He was always supportive of rural Georgia and agribusiness, and he was part of a transformation of our state into a State that has a significantly more diversified and stronger economic base than ever before.

One of our colleagues, former Senator and Governor, Zell Miller, one of our greatest Governors, describes his working relationship with Tom as one that was tumultuous, but mutually beneficial. They worked together for many years in the State legislature, and it was not the two often dueled over many issues, but they always had Georgia’s best interest in mind. Zell has stated, “If there had not been a Tom Murphy, I guess I would have created one, and if there had not been a Zell Miller, I guess he would have had to create one. Because that’s the way we rallied our troops.” Both recognized that they could not survive without the other.

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

Mr. President, I ask unanimous consent to have printed in the RECORD Zell’s interview:

“Tom’s integrity and fairness were his trademarks, and he will always be remembered for his longstanding commitment to Georgia values. When we depart from this world, we all hope to leave it a better place. Tom Murphy left Georgia better than he found it.

He was a one-of-a-kind individual.”

(By Dick Pettry)

Make no mistake: there was real respect and, yes, even affection between Tom Murphy and Zell Miller, though you would never have known it from the way Murphy introduced Miller on occasion as the “extinguished” lieutenant governor, or the way Miller referred to Murphy’s House as the “mausoleum.” Murphy, who died Monday, and Miller came to the Georgia Legislature in the same year—1974—and served forever entangled after Murphy became Speaker and Miller became lieutenant governor and later governor.

“T’ve often thought this as I looked back on (our) careers—we worked off each other to benefit what we were trying to get done,” Miller said in a telephone interview Tuesday. “If there had not been a Tom Murphy, I guess I would have created one, and if there had not been a Zell Miller, I guess he would have had to create one. Because that’s the way we rallied our troops. At such times, it often took a woman’s touch to keep them from doing each other a bodly harm, and Shirley Miller filled that role, Murphy used to say.

There was sadness in Miller’s voice as he spoke of Murphy’s legacy.

“‘He was a one-of-a-kind individual, and for four decades he had his way in Georgia. He was right in the middle of it,’” Miller said. “‘We will never see, I don’t think, ever again one Georgia leader have the power that he had for as many years as he had it. It’s really remarkable and I don’t think the way politics is today that you’d ever see that again.’”

Miller, who taught college history at an earlier point in his career, said Murphy came along at an historic time in the state’s history.

COMMENDING CINDY CHANG

Mr. GREGG. Mr. President, I want to take a moment to recognize the hard work of Ms. Cindy Chang, Senior Advisor for Budget and Appropriations at the State Department’s Bureau of Legislative Affairs.

Cindy has worked closely with the State, Foreign Operations, and Related Programs Appropriations Subcommittee for the past several years and has been an invaluable asset to the Congress. Cindy understands the appropriations and budget processes. She understands foreign policy, whether the complexities associated with the Middle East or the nuances of Southeast Asia. Cindy is also extremely responsive to the subcommittee’s many and frequent requests for information.

Secretary of State Condoleezza Rice should understand that in the opinion of the Appropriations Committee, Cindy Chang is among the brightest stars at the State Department. As the year draws to a close, my staff joins me in recognizing and thanking Cindy for her outstanding support of the subcommittee in 2007.

SPECIAL THANKS TO WALLY RUSTAD

Mr. CONRAD. Mr. President, today I want to pay tribute to an outstanding friend and advisor, Wally Rustad, who will be concluding his time as chief of staff on January 10, 2008.
In July 2007, when my longtime chief of staff announced his intention to retire, Wally agreed to come out of retirement to serve as interim chief of staff during the transition period. Wally was no stranger to my office. Following a long career working for the United States Navy and the Department of Defense, he served as my state liaison for 6 years. In fact, Wally and I have a history of working together that spans back over 40 years when I was an intern in the office of Congressman Rolland Redd. He did a splendid job as the young chief of staff for the Congressman. Wally and I have been working together in one form or another ever since.

Wally came on board as my interim chief of staff and immediately provided the steady leadership that is crucial during times of change. During his tenure in my office, Wally has done an outstanding job of seeing my staff through personnel changes and legislative challenges, and has provided me the steady counsel of a seasoned veteran. His work has been outstanding.

Finally, and most importantly, Wally Rustad is an outstanding person. He has never forgotten the small-town values he learned growing up in Gena, ND. He has worked quietly and tirelessly behind the scenes to make things happen and was always happy to divert credit to others. He has been tremendously loyal, dedicated, and a passionate advocate for the people of my State. I truly appreciate all that Wally Donovan is working for the American taxpayer. And he has been a good friend and a mentor to others on staff.

With extraordinary gratitude for his time serving as my chief of staff, I wish Wally well as he returns home to his lovely wife Marlys. I have been blessed by the steady advice of a seasoned veteran and the steady leadership that is crucial during times of change. During his tenure in my office, Wally has done an outstanding job of seeing my staff through personnel changes and legislative challenges, and has provided me the steady counsel of a seasoned veteran. His work has been outstanding.

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Wally came on board as my interim chief of staff and immediately provided the steady leadership that is crucial during times of change. During his tenure in my office, Wally has done an outstanding job of seeing my staff through personnel changes and legislative challenges, and has provided me the steady counsel of a seasoned veteran. His work has been outstanding.

Finally, and most importantly, Wally Rustad is an outstanding person. He has never forgotten the small-town values he learned growing up in Gena, ND. He has worked quietly and tirelessly behind the scenes to make things happen and was always happy to divert credit to others. He has been tremendously loyal, dedicated, and a passionate advocate for the people of my State. I truly appreciate all that Wally Donovan is working for the American taxpayer. And he has been a good friend and a mentor to others on staff.

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Wally and I have been working together in one form or another ever since.
In no area has her able hand been more evident than in health care. Before her appointment as chief of staff, Trish served as chief health adviser to Senator HATCH. In that capacity, she was his lead staffer in the creation of the Children’s Health Insurance Program which today provides health care for more than 6 million poor children. She was a leader, too, in improving the work of the Food and Drug Administration in enhancing the safety and efficacy of prescription drugs and food. The Public Health Service is a stronger agency because of Trish’s able work.

Most of all, she has been a trusted adviser and friend to so many of us. It was always clear where Trish stood on a question, and she always had clear reasons for her views. Everyone who worked with her respected her for her wisdom, judgment and determination to succeed. Her subtle humor and great spirit got us through many very difficult negotiations.

Trish, we love you and we will miss you and wish you well in the next adventure.

TRIBUTE TO RETA LAFORD

Mr. CRAPO. Mr. President, I am proud to announce the recent appointment of my legislative fellow for 2007, Ms. Reta LaFord, to the position of Deputy Forest Supervisor on the Coronado National Forest in New Mexico and Arizona. Reta has been invaluable in my office throughout this past year, specializing in Native-American and natural-resource issues. Her 20 years of experience working for the Forest Service in Montana and other parts of the West provided me with greater expertise related to how the Federal Government can successfully work with the tribes and other stakeholder groups on critical land management issues. She has particular sensitivity to the cultural concerns of the tribes in the West, and the USDA Forest Service will indeed gain from her knowledge and understanding as the Federal Government works with tribal governments in the Coronado National Forest to resolve important resource management challenges. Reta’s diligence and thoroughness for the projects she manages will bring her tremendous success in this next chapter of her career.

I wish her the very best and thank her for her devoted service to the great state of Idaho during 2007. She will be missed in my office.

THE EAGLES

Mr. LEAHY. Mr. President, I have had the privilege of attending performances by the Eagles, and I have enjoyed a long friendship with Don Henley and the members of the band.

I talked with Don recently about their album set “Long Road Out of Eden” and how they came about making it. We also talked about the last impromptu performance of the Eagles I attended, which was at Camp David at a farewell party for President Bill Clinton, who was leaving office within 48 hours. As always, they were superb.

I have listened so many times to their music while traveling, at home, or in my office, and I thought my colleagues may benefit from the transcript of an interview Don Henley recently had with CNN. I ask unanimous consent that it be printed in the RECORD.

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

NASHVILLE, TENNESSEE—(CNN)—It may have been 28 years since the last Eagles studio album—“Long Road Run” came out in 1979—but, in terms of sales, it’s as if the famed band has never left.

The group’s new CD, the double-disc set “Out of Eden,” debuted at No. 1 on the Billboard album charts with more than 700,000 copies sold in its first week. This—despite its being available only at Wal-Mart.

That relationship with America’s biggest merchant has also raised eyebrows. Wal-Mart’s reputation does not seem to dovetail with the image of the Eagles, particularly the band’s Don Henley, an outspoken environmentalist.

In a rare interview, Henley addressed those concerns, along with the idea of patriotism, the changing music business, and why “Long Road” may be the group’s last album.

CNN’s Denise Quinn spoke to Henley at the Country Music Association awards last week, and said that Henley was a “true Southern gentleman,” ending the interview by sending him a couple of plates of mashed potatoes, corn and biscuits.

CNN. Don Henley, congratulations on the first-week sales of this album. I think it exceeded everyone’s expectations.

HENLEY. More than 700,000 in this country.

And I’m told it has sold 3 million worldwide. So we’re doing this.

CNN. Somewhere, Kanye West is quaking in his boots, I would imagine.

HENLEY. I doubt it. (Laughs)

CNN. You made us wait 28 years for this new CD.

HENLEY. Yeah. Well, we don’t like to rush into things.

CNN. I was surprised when it was announced you had gone with a Wal-Mart deal exclusively. Why did you?

HENLEY. Our deal with the major label expired several years ago, and we just decided we wanted to try something new. Everybody’s been calling for a new paradigm in the record industry. Some people have gone to the Internet and haven’t had a lot of success with that.

Some people have decided to go with the indie labels, who are mostly distributed by the major labels. Some people have signed with major coffee companies with varying degrees of success.

So Wal-Mart came to us, and they made us a really good offer. And they told us about the green initiative, and how they’re trying to make their company more environmentally responsible. And we were impressed by their programs in that regard, and what they’re trying to do. And a lot of our fans are customers of Wal-Mart, so we thought it was a good fit.

CNN. There are two discs in “Long Road Out of Eden.” One disc is full of romantic ballads with those harmonies the Eagles are famed for, and the other disc is full of satirical, witty, kind of biting.

HENLEY. Oh. Thank you. Thank you for not using the word ‘cynical.’ (Laugh) Which has become a real cliché.

Protest songs are an old tradition that seems to be coming back now. People writing about government has been going on since the Middle Ages. But to hear some journal tell it, this has never been done before, and it’s outrageous!

If people don’t agree with us, they can hit the skip button. We are tied off about what we want to say, and we have a lot of fun with humor. People seem to miss our humor. A lot. It seems to go (brushes of his head with his hand).

CNN. The Eagles have long been associated with the country sound—only you brought the rock element to it when you first appeared on the scene.

HENLEY. Yeah, yeah.

CNN. But your politics are different than a lot of people in Nashville, who are more conservative than I would say you are, on this album.

HENLEY. Yeah. Well, Nashville is changing. Nashville is not nearly as conservative as it used to be.

CNN. People just don’t talk about it, perhaps.

HENLEY. It’s just like you don’t talk about race, we’ll leave it.

This album was founded on rebellion. We believe that everyone has the right to speak out. In fact, we believe that it’s patriotic not to say what you feel like saying. And let the chips fall where they may.

But doesn’t the success of this album spur you to make more music? Obviously, people want to hear it.

HENLEY. I can’t sit here and tell you for certain that there will never be another Eagles album, but we are currently working on this album. You know, we got a lot of things off our chest, so to speak. I don’t know if everybody’s going to want to do another one. If we do a world tour, that’ll take at least two years. We’re all pushing 60. Well, some of us are 60.

CNN. Anyways, we’ll see. But we all have some solo plans still. I still have a contract with a major label for a couple of solo albums. I think parenting is one of the highest things in the record industry. We all have young children. So making another album is not our priority right now.

HENLEY. It seems like you’ve mellowed quite a bit. Is it fatherhood that’s changed you, or perhaps just turning 60?

HENLEY. I think we’ve all mellowed in this group. I think having children was really good for all of us. And you supposedly get mellower with age. However, as some of the songs will indicate, we’re not too mellower. (Pauses)

CNN. What are you thinking?

HENLEY. What are you thinking?

HENLEY. That word “mellow,” actually. We’ve been saddled with that word since the very beginning. You know, it has something to do with Southern California. I wish they would find a new word. We’re either “mellow” or we’re “cynical.” They can’t make up their minds. It’s sort of a contradiction.

But I think you’ve been sort of a contradiction. Certainly an enigma to a lot of people.

HENLEY. Well, good! (Laughs)

HENLEY. What are you thinking?
CNN. So how are you guys all getting along these days? HENLEY. The same. (Laughs) CNN. For better or worse? HENLEY. All that stuff has been exaggerated. You ask any band if they get along the whole time, and they will tell you, “Of course not.” But we get along. I’d say, as well as any band ever has.

There’s something we’ve created called the Eagles that’s more important than any one of us individually. And we serve that. You know, we call it “The Motherson.” We can all do this, that and the other, but we always come back to the Mothership. It’s something that we all built together.

And this stuff about fighting in the band, and brawling, and fistfights and all that stuff has been grossly exaggerated. When it gets reprinted, and our publicist says, “Well, where’d you get that information?” they invariably say, “I read it on the Internet”—as if the Internet were some source of truth! The Internet is no more accurate than the New York Post, you know. (Looks straight into the camera lens) Put that in! (Laughs)

ADDITIONAL STATEMENTS

CARROLL COLLEGE FIGHTING SAINTS FOOTBALL TEAM

• Mr. BAUCUS. Mr. President, I wish to recognize a group of hard working student athletes from my hometown who continue to make history.

This past Saturday, on a mud soaked field in Savannah, TN, the Carroll College Fighting Saints football team claimed their fifth National Association of Intercollegiate Athletics championship in the past six seasons. The Fighting Saints overcame the weather and a tough squad from the University of Sioux Falls in South Dakota to prevail with a 17 to 9 victory.

Carroll College is a private, Catholic college in my hometown of Helena, MT. Carroll boasts an enrollment of about 1,500 students and is known around the country for its award-winning academic and preprofessional programs. Carroll is particularly strong in premedical, engineering, and nursing programs.

The Saints enjoy great support from the community of Helena and from folks all across Big Sky country. Fans pack Nelson Stadium on the Carroll campus each Saturday when there is a home game. Rain, snow, sub-zero temperatures—nothing will stop the Carroll faithful from coming out to cheer on their beloved Saints. I always look forward to being a part of the crowd whenever I can. The student cheering section known as the “Carroll Crazies” joins with parents and community members in an atmosphere that is so energetic on game day you would think you were at a much larger school.

Like hard working folks all across Montana I value my money, but I was so confident that Carroll would be victorious in their game that I made a little wager with my good friend from South Dakota, Senator Tim Johnson. The winner gets some delicious buffalo steaks my staff and I look forward to enjoying them. A special thanks to Senator JOHNSON for being such a good sport.

In the title game the Saints were led by running back Gabe Le, who slogged through the mud to pick up 116 hard-fought yards and scored Carroll’s only two touchdowns on the day. For his efforts Le, a sophomore from Hayden, ID, was named the offensive player of the game. Le started the season as a backup but found his way into the starting lineup and rushed for over 100 yards in each of Carroll’s four victories in the playoffs. The Carroll defense rose to the occasion and slowed down Sioux Falls’ high-flying offense. Hard hitting linebacker Owen Koeppen, a junior from Florence, MT, took the honors as defensive player of the game. Koeppen has also been named to the 2007 American Football Coaches Association NAIA All-America Team.

The 2007 edition of the Fighting Saints was particularly dominant. They finished the season a perfect 15-0, running their record over the past 6 years to an astounding 79 to 6. The squad didn’t surrender a touchdown until the eighth game of the season and averaged an astounding five points per game. Carroll outscored their opponents by a combined total of 370 to 72.

Head football coach Mike Van Diest, a native of Greenfield, WI, had the misfortune of having to leave the University of Wisconsin to coach the Saints in 1999 to coach the Saints. In addition to the five national titles, the Saints have won eight straight Frontier Conference championships and made it to the semifinal round of the NAIA playoffs seven times under his direction. Van Diest is not only a fantastic coach who has built a winning football program; he is an even better person, husband, and father. Mike has taught his players many life lessons along the way. He preaches the importance of getting a quality education, the value of teamwork, and the need to give back to the community. This embodies the service mission of Carroll College and the school motto, “Not for school but for life.” Coach Van Diest has a lifetime of respect and appreciation for the Carroll standard and tradition of excellence and the college is truly blessed to have him.

All of Carroll’s athletic programs have enjoyed great success as of late. This fall the women’s soccer team won the first ever Frontier Conference Championship and claimed their first ever victory at the NAIA national tournament. The men’s and women’s basketball team and the volleyball team have also won numerous conference championships in recent years and have represented the school proudly in regional and national tournaments. This record of excellence can be attributed to the fine student athletes that come to Carroll from towns across Montana and the Northwest. These individuals put it all on the line not only on the playing fields and courts but also in the classroom.

I am very proud of the accomplish ment these young men have achieved. I would like to congratulate the members of the Fort Campbell High School Varsity football team for their success. But, also, I want to congratulate their peers, coaches, teachers, administrators, and dedicated parents for the support they have received by doing community service through fundraising, and school public relations.

Fort Campbell, KY, is proud to be home to the 101st Airborne Division and 160th Special Operations Airborne Division. Many of the players on the Fort Campbell Falcons have loved ones currently serving our Nation abroad. I am confident that these loved ones would be proud of what the Falcons have accomplished this season.

The citizens of Fort Campbell, KY, are fortunate to have the 2007 Class 2-A State Champions and families living and learning in their community. Their example of hard work and determination should be followed by all in the Commonwealth.

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VALDOSTA STATE NATIONAL CHAMPIONS

• Mr. CHAMBLISS. Mr. President, today I wish to congratulate the Valdosta State University Blazers football team for winning the 2007 NCAA Division II National Championship.

The Blazers celebrated their second national championship in 4 years on December 15, 2007, in Florence, AL, and completed their season with a final record of 13 to 1. Valdosta State’s play-off run included victories over Catawba University, University of North Alabama, and the University of California-Pennsylvania to advance to defeating Northwest Missouri State 25 to 20 in the championship game.

I am extremely proud of these talented men for all of their hard work and dedication that contributed to this victory. I congratulate all of the team members, particularly the senior class. Their leadership and talents will surely be missed. In addition, sophomore wide receiver Cedric Jones and junior safety Sherard Reynolds were both named First-Team All-Americans. The Blazers also had seven players named to the Gulf South Conference All-Conference Team, including Cedric Jones, Gerald Davis, William Montford, Sherard Reynolds, Maurice Leggett, Michael Terry, and Travis Harrison. Furthermore, I would like to extend my appreciation to all the families and fans for their continual support of the Blazers throughout the season.

The success of the team could not have been achieved without the exceptional coaching staff, led by head coach David Dean. Coach Dean is in his first season as head coach of the Blazers, having been the team’s offensive coordinator for the past 7 years. He is only the second first-year coach in history to lead his team to a Division II title. Valdosta, a city long known for its tradition in high school football, can now boast about the success of Valdosta State University, which has won 2 Division II National Championships in 4 years. It is my hope that the winning tradition at Valdosta State will continue for many years to come.

Congratulations again to all of these young men and to all associated with the Valdosta State Blazers football program for their great accomplishments and hard work.

BEST HIGH SCHOOLS IN NEW MEXICO

• Mr. DOMENICI. Mr. President, today I applaud the top public high schools in my home State of New Mexico. I was pleased to learn that in U.S. News and World Report’s first ranking of America’s best high schools, 16 high schools in New Mexico were awarded with silver and bronze medals for their outstanding performance on standardized tests and in providing college-level coursework.

The students come from many different backgrounds, but they are successful because of the mind-set that says every student can succeed. These schools and the communities around them have embraced the differences in their student body and demonstrated that every single student, regardless of background, can and will learn. It takes the dedicated leadership of a good principal, a talented teaching corps and engaged parents to achieve this level.

The teachers and staff of these high schools have demonstrated their commitment to excellence through quality education. I have always been very proud to call New Mexico my home because of the countless opportunities it provides. This is a well deserved recognition for the excellent work being done by these high schools, and I would like to congratulate them on their great success.

The following schools were commended with awards: Academy for Technology and the Classics in Santa Fe, NM; Bloomfield High School in Bloomfield, NM; Clayton High School in Clayton, NM; Cliff High School in Cliff, NM; Eldorado High School in Alamogordo, NM; Kirtland Air Force Base Charter High School in Sandia Park, NM; Hagerman High School in Hagerman, NM; La Cueva High School in Albuquerque, NM; Lake Arthur High School in Lake Arthur, NM; Logan High School in Logan, NM; Los Alamos High School in Los Alamos, NM; Magdalena High School in Magdalena, NM; Sandia High School in Albuquerque, NM; Springer High School in Springer, NM; Tatum High School in Tatum, NM; and Trujillo High School in Tucumcari, NM.

Again, I commend these fine high schools on a job well done, and I hope that these awards will inspire high schools in my home State and around the country to strive for the best.

TRIBUTE TO THE HONORABLE STEPHEN LOW

• Mr. LUGAR. Mr. President, I rise today to congratulate a distinguished former member of the Foreign Service, the Honorable Stephen Low, on the occasion of his recent 80th birthday on December 2, 2007. He has rendered many years of service to our Nation, and I am honored to celebrate this milestone and his achievements.

Upon receiving his doctorate from the Fletcher School of Law and Diplomacy in 1956, the future Ambassador Low joined the Department of State as an Intelligence Research Officer in what was then the Bureau of Far Eastern Affairs. In the years that followed, Ambassador Low served as the Economic-Labor Officer in Kampala, Uganda; the Chief of the Office of Colombia, Senegal; the Special Assistant to the Deputy Under Secretary of State for Political Affairs; and the Counselor for Political Affairs in Brasilia, Brazil. He then returned to Washington where he was named the Director of Brazil Affairs in the early 1970s.

During the Ford administration, Stephen Low advised our Nation’s policy-makers on the National Security Council as the senior staff member for Latin America. He then returned to service abroad, as the U.S. Ambassador to Nigeria. Three years later he served as Ambassador to Zambia. Ambassador Low performed these duties admirably, receiving the Department of State Distinguished Honor Award and two Presidential Meritorious Service Awards.

In 1982 Ambassador Low became the Director of the State Department’s Foreign Service Institute, the Federal Government’s primary training institution for officers and support personnel of the U.S. foreign affairs community. His commitment to education has been steadfast ever since. In addition to teaching and administrative posts at the Johns Hopkins University and other schools, Ambassador Low was named President of the Association of Diplomatic Studies and Teaching, an office he held until 1997.

Today the Ambassador continues his active career. As Professor Emeritus and Founder of the Foreign Affairs Museum Council, Ambassador Low worked with members of Congress and all living former Secretaries of State to improve public understanding of the role of diplomacy and the Foreign Service. As he has stated:

Many Americans have little idea what an embassy is, or what an ambassador does. Nor are they aware that our diplomats and other Foreign Service personnel work 24/7 around the world in the interest of the American people.

His subsequent advocacy and leadership in the planning of a National Museum of American Diplomacy at the Department of State has helped to ensure that our Nation honors the past achievements and ongoing service of our country’s diplomats.

I congratulate Ambassador Low on his 80th birthday and on a lifetime of achievement. I wish him many more years of good health and active service to our country.

I ask that the attached resolution be printed in the RECORD.

The material following the resolution is:

[RESOLUTION]

Congratulating Hon. Stephen Low on a lifetime of service to the cause and promotion of American diplomacy, and on the recent passing of his 80th birthday on December 2, 2007; Whereas throughout his years as a career Foreign Service Officer, Ambassador Low served as the U.S. Ambassador to Nigeria and the U.S. Ambassador to Zambia; Whereas while advising the National Security Council, Ambassador Low served as a senior staff member for Latin America; Whereas Ambassador Low has received the Department of State Distinguished Honor Award and two Presidential Meritorious Service Awards; Whereas in his commitment to education, Ambassador Low has served as the Director of the State Department’s Foreign Service Institute, President of the Association for Diplomatic Studies and Training, and several teaching posts in the United States and abroad; Whereas Ambassador Low continues to be active in the creation of a museum and center for the study of American Diplomacy at the Department of State: Now, therefore, be it...
Resolved, That the Committee on Foreign Relations expresses to Ambassador Low deep appreciation for his service to the Department of State and the United States of America.●

SERGEANT AARON HENEHAN

Ms. MURKOWSKI. Mr. President, During this holiday season, I would like to recognize the soldiers and veterans from Alaska who have given so much and continue to give so much. I would like them to know that their sacrifices in Afghanistan and Iraq have not gone unnoticed by their fellow Alaskans. When I was in Iraq I had the pleasure of meeting soldiers and National Guardsmen from Anchorage, Fairbanks, Seward, Soldotna, Eagle River, Siana, and Wasilla. Hearing their stories and commitment made me incredibly proud to be an Alaskan.

Every day, Alaskans write my office praising the service men and women who have returned and those still in combat. Sometimes it is just a short message conveying their support, while other times is a long heartfelt letter praising our heroes and expressing solidarity for the sacrifices they have made. I truly believe that the fact that Alaska has the largest number of veterans per capita says a lot about our State’s character.

Alaskan veterans are some of the most exemplary in the Armed Forces. The 172d Stryker Brigade in particular had their tour in Iraq extended to 16 months, but when their country asked them for more they remained strong and proud. Just last week I received an e-mail from the commander of the 172d. He informed me that on December 12 Sgt. Gregory Williams from the 172d was presented the Distinguished Service Cross, the highest award of valor for, for his actions in combat in Iraq. After being injured himself when their vehicle was struck by a bomb, Sergeant Williams was able to return fire and help a wounded comrade to safety. To this day, there have been only eight Distinguished Service Crosses awarded since the war began in 2001.

We Alaskans often enjoy doing things our own way. In Iraq, one Alaskan marine discovered he had hidden talents he never imagined when his innovative approach to searching out insurgents earned him both a Navy and Marine Corps Commendation Medal. SGT Aaron A. Henehan led his squad to search out and detain 18 “blacklist” or high-value insurgents while on his third tour in Iraq.

An adventurous young man, Sergeant Henehan was barely out of high school and anxious to see the world when he first thought of signing up to serve his country. September 11 and the outbreak of war did not cause his decision to waiver. He served alongside him, and began to learn the undercurrents and inner workings of Iraqi society. He returned for a second tour to Husaybah, near Iraq’s border with Syria in August 2004. At the time Husaybah was a dangerous town.

Sergeant Henehan served his second tour in Iraq with distinction again but still felt he needed to do more. Before deploying for his third and final tour in February of 2006 he told friends and family he was ready to make a difference in Iraq. Since his deployment many American soldiers and guardsmen share with him. He spent a lot of time between his second and third tours thinking about what he could do differently, how he could learn from his experience and achieve a better result.

Combining his marine training with information he learned from a retired LAPD officer deployed to Iraq to teach our troops urban tactics, Sergeant Henehan approached his third tour with what he called a “beat cop mentality.” He wanted to approach the problem of rounding up insurgents as if he were a native of the area. He spent his free time studying the tribal history and geography of Husaybah for hours at a time.

The ability to put his plan in motion, Sergeant Henehan says, was made possible in part by Operation Steel Curtain, which had cleared Husaybah most of its security block by block and set up outposts called “firm bases” throughout the city. Upon returning for his third tour, Sergeant Henehan immediately noticed that after this push, while not always willing to openly support the coalition forces, many Iraqis felt safe enough to give him tips on where the insurgents were hiding. This change in mentality, coupled with Sergeant Henehan’s knowledge of family and tribal connections, allowed him to determine which people to ask about each of the 18 high-value insurgents. He knew exactly who would be willing to tip him off about a social rival or historic foe.

Traveling with an interpreter, Sergeant Henehan had a talent for remembering names and personal details. He took every opportunity he could to talk with the locals and learn about the town’s social organization and tribal boundaries, often returning several times to talk with the same families to help with him. The local children, candy, doctors, and his good humor, he would knock on doors and politely ask to chat. Entire families opened up to him. Sometimes it would start with a toy given to a child; sometimes it was a heartfelt conversation with a shopkeeper. The response he got astonished everyone, including the insurgents hiding out in the town.

The 12 marines in his squad called him a fair, but tough leader who they felt very safe with. His intense and productive preparation for the more than 80 combat missions which he led and his personal attention to each of his 12 soldiers’ well-being gave them a sense of security. They too noted how his relaxed Alaskan exterior quickly helped earn him the respect of the townspeople.

Even more remarkably, Sergeant Henehan’s reputation for being fair and caring allowed him to detain all 18 high-value insurgents and learn the real violence. These 18 also led him to their associates, significantly disrupting insurgent operations in that part of Al Anbar Province. Sergeant Henehan remained behind after his unit returned to the States to train new troops about how he learned to wage urban warfare while gaining the trust of the townspeople. The downturn in violence in Al Anbar can be linked, in part, to his efforts and efforts of those like him.

Sergeant Henehan is currently attending a California community college and plans to transfer to a larger State school after completing his distribution credits. He wants to major in computer programs and even talks of one day creating video games that more accurately portrays what war in the modern era is like. He has already begun organizing photographs from his three tours to use as backdrops. Clearly his talent for careful planning and his desire to share his knowledge and experiences with others did not leave with his donning of civilian clothes. I wish him the best in all his future endeavors, just as I wish the best for all of our Alaskan veterans and those now serving.●

TRIBUTE TO DR. DOUGLAS C. PATTERSON

Mr. SESSIONS. Mr. President, today I commend a distinguished resident of the State of Alabama, Dr. Douglas C. Patterson on the occasion of his retirement from Troy University. Upon receiving his bachelor’s degree from Alabama College in 1967, Patterson was commissioned a lieutenant in the U.S. Marine Corps and served as a platoon commander for a Combat Engineer Platoon and as an intelligence officer for the First Engineer Battalion of the First Marine Division in the Republic of Vietnam.

Upon returning from Vietnam, Patterson received his masters from the University of Montevallo and his doctorate from the University of Alabama. Dr. Patterson’s experience includes serving as a high school counselor, director of Counseling and Career Services at Jefferson State Junior College, vice president for instruction at the Alabama Institute for the Deaf and Blind and currently, he serves as the senior vice chancellor for administration for Troy University.

Dr. Patterson has served Troy University with great honor and distinction as a senior administrator since 1989 and has provided exemplary service to the university and to the citizens of the State of Alabama. During his tenure as senior vice chancellor for administration, Dr. Patterson directed
the institution’s finance and budgeting, information technology, institutional effectiveness, television and radio, strategic planning, athletics, and day-to-day operations. Under his leadership, the University has enjoyed an unprecedented era of growth, dramatically expanding its undergraduate enrollment to almost 30,000 students. Dr. Patterson has been instrumental in Troy University’s glowing record of stewardship and financial stability, garnering praise and awards from the National Association of College and University Business Officers and earning TROY recognition as a “Best Value” university from such publications as MONEY Magazine and The Princeton Review.

Dr. Patterson played a key role in the university’s decision to move Troy University athletics to the highest level of NCAA competition, bringing national recognition to the university and fostering pride among its students, alumni, and friends. Dr. Patterson was recently honored by Troy University and the Honorary Alumnus of the Year for 2007.

I commend Dr. Douglas C. Patterson, on the occasion of his retirement from Troy University, for his leadership in Alabama higher education and for his outstanding service to Alabama and our country.

HONORING SIMPLY DIVINE BROWNIES

Ms. SNOWE. Mr. President, with the holiday season upon us, I rise today to recognize a Maine small business that operates with a philosophy of giving back to those in need. Simply Divine Brownies of Brunswick is a baker and distributor of gourmet brownies and assorted gift packages that recently received well-deserved attention for finishing second in Forbes magazine’s Boost Your Business contest.

Founded in November 2004 as a home business by Trina Beaulier, Simply Divine Brownies is a true treat for the taste buds. In just 3 years, the company has grown to 20 employees, including Trina’s daughter Meggen, and now operates in Brunswick’s historic Fort Andross Mill. Its gourmet brownies range from the chocolate and nut-filled brownies to the more eclectic cappuccino or peppermint frosted brownies. Seizing the opportunity to bring a creative twist to the epicurean world, Simply Divine produces brownies with a unique Maine accent. The Need’him is a chocolate and coconut brownie based on the needham, a traditional Maine cookie. And the Singin’ the Blues consists of a chocolate brownie that is covered with blueberry buttercream frosting and topped with wild Maine blueberries. Simply Divine’s brownies also come in a variety of shapes, such as Christmas trees, wedding cakes, and lobsters and even palm trees for those seeking a different climate. Remarkably, Simply Divine is also able to offer Reflection Brownies imprinted with a digital image of the client’s choosing, as novel remembrances for special occasions.

What makes the company so special—aside from its delicious baked goods—is what Trina and Meggen do to help the less fortunate. Seeking to use their skills, they developed the Divine Intervention Brownie Collection. These specialty brownies come in the shape of hearts and stars, and after each purchase of one of these sets, Simply Divine donates a portion of the proceeds to Volunteers for America, a national group that assists people of all ages in rebuilding their lives. Whether it be helping the homeless find safe and affordable housing, or aiding at-risk teens and those with mental illnesses, Volunteers for America helps over 2 million people in over 400 communities, a task that it successfully performed since 1896.

Volunteers for America’s philanthropic acts of kindness and compassion are admirable, and at this time of year, we must be particular for the work that Simply Divine Brownies and other businesses like it do to make these programs a reality.

For all their hard work and success, the Beauliers have been celebrated in various capacities over the past several years. Their brownies have been cited as the Snack of the Day on the “Rachel Ray Show” and have also been featured on NBC’s “Today’s Show.” Most recently, and perhaps most prominently, Simply Divine came in second in online voting for a Forbes magazine contest to receive a financial assistance package to grow its business. They beat out nearly 1,000 other small companies to place in the final round. Having to create a forward-looking business plan for the contest has been of tremendous benefit to the Beauliers, who say that their newfound knowledge, combined with increased sales and peaked interest in the company, has allowed them to forge ahead with their planned expansion.

In the past 3 years, Simply Divine Brownies has made a name for itself. As a family-owned small business that has flourished and continues to receive accolades of the highest accord, Simply Divine’s growth certainly has not gone unnoticed. Yet, through it all, the Beauliers and the employees at Simply Divine have found the will and desire to make a difference, and they are to be commended for their insatiable appetite to brighten the lives of others. I wish Trina and Meggen Beaulier and everyone at Simply Divine Brownies a happy holiday season, and continued success in the years to come.

TRIBUTE TO FLOYD RED CROW WESTERMAN

Mr. THUNE. Mr. President, today I recognize Floyd Red Crow Westerman. Mr. Westerman passed away early in the morning on Thursday, December 13, 2007, at the age of 71. Floyd was born on the Lake Traverse Reservation in Northeast South Dakota on August 17, 1936. When he was just 5 years old, he was removed from his family to attend Wahpeton Indian School. He later transferred to Flandreau Indian School where he finished his high school education. After high school, Floyd went on to operate a business from Northern State University majoring in art, speech, and theatre.

Mr. Westerman was a very intelligent and talented individual. He was a man of many trades including acting, singing, songwriting, and his career in music was especially extensive. He performed in more than 50 movies and television shows. Some of his more popular acting works included, “Dances with Wolves,” “Hidalgo,” “The X-Files,” and “Walker, Texas Ranger.”

His music career was also a successful one. Mr. Westerman performed with many talented musicians including Johnny Cash, Willie Nelson, Bonnie Raitt, Harry Belafonte, Jackson Browne, Kris Kristofferson, and Don Henley.

Floyd Red Crow Westerman was a thoughtful, kind, and inspiring man. Although many will miss him, I know his spirit will never be forgotten.

MESSAGES FROM THE HOUSE

At 11:10 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution, without amendment:

S. 274. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the “Paul E. Gillmor Post Office Building”.

S. 2984. An act to rename the National Institute of Child Health and Human Development as the Ennice Kennedy Shrivery National Institute of Child Health and Human Development.


At 2:20 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 6) to reduce our Nation’s dependence on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewable Energy Reserve to invest in alternative energy, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the amendments of the Senate to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending in September 30, 2008, and for other purposes, with amendments, in which it requests the concurrence of the Senate.
The message further announced that the House has agreed to the following resolution:

H. Res. 880. Resolution relative to the death of the Honorable Julia Carson, a Representative from the State of Indiana.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H. R. 1374. An act to amend the Florida National Forest Land Management Act of 2003 to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H. R. 3454. An act to provide for the conveyance of a small parcel of National Forest System land in the George Washington National Forest in Alleghany County, Virginia, that contains the cemetery of the Central Advent Christian Church and an adjoining tract of land located between the cemetery and road boundaries.

H. R. 4001. An act to designate the facility of the United States Postal Service located at 95 Church Street in Jessup, Pennsylvania, as the “Lance Corporal Dennis James Veater Post Office”.

H. R. 4210. An act to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the “Dock M. Brown Post Office Building”.

H. R. 4220. An act to encourage the donation of excess food to nonprofit organizations that provide food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

H. R. 4266. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

H. R. 4342. An act to designate the facility of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, as the “Post Office Building of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, that provides assistance to food-insecure people, or sale of food.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3690) to provide for the transfer of the Library of Congress police to the United States Capitol Police.

The message also announced that the House agrees to the amendment of the Senate to the title of the bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the amendments to the bill (H.R. 3761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

At 4:35 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 787. Joint resolution authorizing the issuance, sale, or purchase of Federal Government obligations, and for other purposes.

S. 214. An act to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

S. 2488. An act to prohibit United States Government contracts with such companies, and for other purposes.

S. 3997. An act to amend title 38, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the “Paul E. Gillmor Post Office Building”.

S. 2494. An act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

H. R. 797. An act to amend title 38, United States Code, to improve low-vision benefits, matters relating to burial and memorial affairs, and other matters under the law administered by the Secretary of Veterans Affairs, and for other purposes.

H. R. 2408. An act to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the “Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic”.

H. R. 2671. An act to designate the United States Courthouse located at 301 North Miami Avenue, Miami, Florida, as the “C. Clyde Atkins United States Courthouse”.

H. R. 3763. An act to provide for the modification of title 38, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H. R. 3739. An act to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

H. Res. 13. Joint resolution calling upon the Congress to express the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. Byrd).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4386. A communication from the Under Secretary of Defense (Comptroller), transmitted pursuant to a violation of the Antideficiency Act by personnel at the Naval Surface Warfare Center; to the Committee on Armed Services.

EC–4387. A communication from the Under Secretary of Defense (Comptroller), transmitted pursuant to law, a report relative to a multifaceted procurement that is being sought for UH/HH-60M and MH-60S aircraft for fiscal year 2007 through fiscal year 2011; to the Committee on Armed Services.

EC–4388. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ‘Ship Critical Safety Items’ (DFARS Case 2006–D024) received on December 18, 2007; to the Committee on Armed Services.

EC–4389. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ‘Ship Critical Safety Items’ (DFARS Case 2006–D016) received on December 18, 2007; to the Committee on Armed Services.
EC-4391. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Special Regulations for Acquisition of Fish and Wildlife Products; Experiment Removal of ‘Special Regulations for the Conservation of Wildlife’” (DFARS Case 2007-D019) received on December 18, 2007; to the Committee on Armed Services.

EC-4392. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, the report of a rule entitled “DoD Representations and Certifications in the Online Representations and Certifications Application” (DFARS Case 2008-D004) received on December 18, 2007; to the Committee on Armed Services.

EC-4393. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General John M. Brown III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4394. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Terrance T. Ettyne, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-4395. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the actions taken to ensure that audit files are conducted of its programs and operations; to the Committee on Commerce, Science, and Transportation.

EC-4396. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the actions taken to ensure that audits are conducted of its programs and operations; to the Committee on Commerce, Science, and Transportation.

EC-4397. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Special Regulations for Acquisition of Fish and Wildlife Products; Experiment Removal of ‘Special Regulations for the Conservation of Wildlife’” (RIN0124-AD29) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC-4398. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Authentic Native Handicrafts” (RIN0124-AD28) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC-4399. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Special Regulations for the Conservation of Wildlife” (RIN0124-AD40) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC-4400. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Indian Oil Valuation” (RIN0101-AD90) received on December 17, 2007; to the Committee on Energy and Natural Resources.

EC-4401. A communication from the Under Secretary for Science, Department of Energy, transmitting, pursuant to law, a report relative to the water use permits for the Western Area Power Administration; to the Committee on Energy and Natural Resources.

EC-4402. A communication from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Approval of the 2007 Fuel Container for Nuclear Power Plants” (RIN1260-AH40) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4403. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; West Virginia; Clean Air Interstate Rule” (RIN0004-0346) received on December 13, 2007; to the Committee on Environment and Public Works.

EC-4404. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Missouri; Clean Air Interstate Rule” (RIN0506-8) received on December 15, 2007; to the Committee on Environment and Public Works.

EC-4405. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Interstate Transport of Pollutant” (FRL No. 8507-1) received on December 13, 2007; to the Committee on Environment and Public Works.

EC-4406. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of Implementation Plans of Michigan: Clean Air Interstate Rule” (FRL No. 8508-1) received on December 13, 2007; to the Committee on Environment and Public Works.

EC-4407. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of Implementation Plans of Michigan: Clean Air Interstate Rule” (FRL No. 8508-1) received on December 13, 2007; to the Committee on Environment and Public Works.

EC-4408. A communication from the Acting Regulator, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Privacy and Disclosure of Official Records and Information” (RIN0960-AG14) received on December 12, 2007; to the Committee on Finance.

EC-4409. A communication from the Chief, Office of the Assistant Secretary, Office of the Secretary, Department of Interior, transmitting, pursuant to law, the report of a rule entitled “Procedures for Approval and Promulgation of Implementing Regulations; Certain Foreign Currency Transactions” (Rev. Rul. 2008-1) received on December 10, 2007; to the Committee on Finance.

EC-4410. A communication from the Chief, Office of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Timming, Character, Source and Other Issues Respecting Prepaid Forward Contracts and Similar Arrangements; Certain Return Use of Funds Requirements Temporary Amendment Act of 2007” received on December 13, 2007; to the Committee on Finance.

EC-4411. A communication from the Chief, Office of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Timing, Character, Source and Other Issues Respecting Prepaid Forward Contracts and Similar Arrangements; Certain Return Use of Funds Requirements Temporary Amendment Act of 2007” received on December 13, 2007; to the Committee on Finance.
transmitting, pursuant to law, a report on D.C. Act 17-210, “Health Services Planning Program Re-establishment Temporary Amendment Act of 2007” received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4423. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-208, “Mortgage Disclosure Amendment Act of 2007” received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4423A. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-208, “Heurich House Foundation Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2007” received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.


EC-4424A. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-205, “Home Equity Protection Act of 2007” received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4424B. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-198, “Closing of a Public Alley in Square N-515, S.O. 07-6534, Act of 2007” received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4424C. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-197, “Closing of a Portion of a Public Alley in Square 234, S.O. 07-7771, Act of 2007” received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.


EC-4431. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-178, “Advisory Neighborhood Commission Clarification Amendment Act of 2007” received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4432. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-191, “Retail Service Station Amendment Act of 2007” received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4432A. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-193, “District of Columbia Regional Airports Authority Clarification Amendment Act of 2007” received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4433. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-191, “Mortgage Disclosure Amendment Act of 2007” received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4434. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-192, “Neighborhood Investment Amendment Act of 2007” received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4435. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a proposed personnel management demonstration project, to the Committee on Homeland Security and Governmental Affairs.

EC-4436. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, a semiannual report of the Inspector General, for the period from April 1, 2007, to September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4437. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to its competitive sourcing accomplishments for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.


EC-4439. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled “Electioneering Communications” (Notice 2007-26) received on December 17, 2007; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:
By Mr. BYRD, from the Committee on Appropriations:
Special Report entitled “Further Revised Allocation of Budget Totals From the Concurrent Resolution, Fiscal Year 2008” (Rept. No. 110-250).

By Mr. SCHUMER, from the Joint Economic Committee:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:
H.R. 3571. A bill to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:
S. 901. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:
By Mr. LIEBERMAN, for the Committee on Armed Services:
*James Shinn, of New Jersey, to be an Assistant Secretary of Defense.*
*Mary Beth Lown, of Virginia, to be an Assistant Secretary of Defense.*
*John H. Gibson, of Texas, to be an Assistant Secretary of the Air Force.*

By Mr. GRADY, for the Committee on Appropriations:
*Craig W. Duehring, of Minnesota, to be a Brigadier General.*

By Mr. INOE, for the Committee on Armed Services:
*Air Force nomination of Col. William D. Givhan, 4773, to be a Brigadier General.*

Air Force nominations beginning with Col. Christopher F. Burne and ending with Col. Craig W. Duehring, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.
Army nominations beginning with Colonel Robert B. Abrams and ending with Colonel Larry D. Wyche, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2007, (minus 1 nominee: Colonel David A. Teeples)
Army nomination of Lt. Gen. R. Steven Whitcomb, 7058, to be a Lieutenant General.
Army nomination of Brig. Gen. John A. MacArthur, 0572, to be a Major General.
Army nomination of Col. Dana K. Chipman, 098, to be a Brigadier General.
Army nomination of Brig. Gen. Dennis L. Collard, 9496, to be a Major General.

Mr. LEVIN, Mr. President, for the Committee on Armed Services:
I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the desk of the Secretary for the information of Senators.

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

Air Force nomination of Joseph V. Treanor III, 1454, to be a Colonel.

Air Force nomination of Pamela L. Browngrayson, 7980, to be a Major.

Air Force nomination of Alicia J. Edwards, 1872, to be a Major.

Air Force nominations beginning with Theresa D. Brownaunqaq and ending with Cheryl A. Johnson, which nominations were received by the Senate and appeared in the Congressional Record.

Air Force nominations beginning with Jeffrey J. Hoffmann and ending with Gerald B.
Army nomination of Quindola M. Crowley, 9096, to be Lieutenant Colonel.

Army nominations beginning with Paul A. Mabry and ending with Robert Pertot, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Joseph M. Adams and ending with D060256, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Anthony J. Abati and ending with D060260, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with David P. Acevedo and ending with X1468, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Navy nomination of Horace E. Gilchrist, 8910, to be Lieutenant Commander.

Navy nominations beginning with Richard W. Sisk and ending with John T. Schofield, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Navy nominations beginning with Stephen W. Anderson and ending with Kristopher D. Westphal, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Navy nominations beginning with David P. Acevedo and ending with X1468, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Gary D. Coleman and ending with Paul E. Whippo, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nomination of Lillian L. Landrigan, 7692, to be Colonel.

Army nominations beginning with Sarah B. Goldman and ending with Michael B. Moore, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nominations beginning with Ricky A. Thomas and ending with Joseph Puskar, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Tarjilt S. Saini, 7873, to be Lieutenant Colonel.

Army nomination of Bockarie Sesay, 1511, to be Major.

Army nomination of Deborah Minnickshearin, 3875, to be Major.

Army nomination of Stephen L. Franco, 5820, to be Colonel.

Army nomination of George Quiros, 9747, to be Lieutenant Colonel.

Army nominations beginning with Daniel N. Gersten with Clint E. Walker, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Kimberly K. Johnson, 4397, to be Major.

Army nominations beginning with Alan Jones and ending with Chantay P. White, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination beginning with Marian Amrein and ending with D065583, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Daniel J. Judge, 1126, to be Lieutenant Colonel.

Army nominations beginning with Richard Harrington and ending with Gregory W. Walter, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nominations beginning with Joe R. Wardlaw and ending with Nickolas Karajohn, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Army nominations beginning with Vanessa M. Meyer and ending with James E. Adams, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

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 to the appropriate committees of the Senate.

By Mr. REID (for Mr. BIDEN for himself, Mr. SPECTER, Mr. GRAHAM, and Mr. CARDIN):

S. 2495. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 2496. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to enhance teaching standards and provide for license portability; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KLOBuchar:

S. 2497. A bill to ensure that families of members of the National Guard and Reserve have full access to mental health care during the mobilization, deployment, and demobilization of such members, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2498. A bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010; to the Committee on Bankruptcy, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2499. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes; considered and passed.

By Mr. LEWY (for himself, Mr. Hatch, Mrs. FeinStein, and Mr. CorKer):

S. 2500. A bill to provide fair compensation to artists for use of their works and sound recordings; to the Committee on the Judiciary.

By Mr. JOHNSON (for himself, Mrs. Boxer, Mr. REED, Ms. Mikulski, Mr. SalarAK, Mr. RoCkelfelliER, Mr. Leahy, Mr. Inouye, and Mrs. MURRAY):

S. 2501. A bill to amend the Social Security Act to protect Social Security cost-of-living adjustments (COLA); to the Committee on Finance.

By Mr. Akaka (for himself and Mr. Inouye):

S. 2502. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor the persons who were forcibly relocated to the
Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 2506. A bill to amend the Conservation, Management, and Protection of Water Act to prevent the enforcement of certain provisions against natural resources of the United States by the United States government.

S. 2507. A bill to provide for a study of the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, and Mr. HAGEL): S. 2509. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain requirements for drinking water regulations unless sufficient funding is available or variance technology has been identified; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself and Mr. ISAKSON): S. 2510. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mrs. CLINTON, Mr. SHELBY, Ms. MIKULSKI, and Mr. MENENDEZ): S. 2511. A bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship; to the Committee on the Judiciary.

By Mr. COCHRAN: S. 2512. A bill to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. KERRY): S. 2513. A bill to modify the boundary of the Minut Man National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mrs. CLINTON): S. 2514. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mrs. CLINTON): S. 2515. A bill to amend the Public Health Service Act to establish a comprehensive national system of construction workers to assist first responders in disasters; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself and Mr. KENNEDY): S. 2516. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. KERRY, and Mr. COLEMAN):

S. 2517. A bill to amend the Internal Revenue Code of 1986 to provide that the proceeds of qualified mortgage bonds may be used to provide refinancing for subprime loans, to provide a temporary increase in the volume cap for qualified mortgage bonds, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK: S. 2518. A bill to amend the Internal Revenue Code of 1986 to simplify the individual income tax by providing an election for eligible individuals to only be subject to a simple, low-rate tax system on gross income with an individual tax credit, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself, Mr. REID, Mr. COCHRAN, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. Baucus, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BURDICK, Mr. BYRD, Mr. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. LAMAR, Mr. COLEMAN, Ms. COX, Mr. COURNOYER, Mr. CORCONE, Mr. CORNYN, Mr. CRAIO, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENROSS, Mr. ENZI, Mr. FEINSTEIN, Mr. FEINGOLD, Mrs. FEINGOLD, Mr. GALLIFORD, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KLOBUCHAR, Mr. KOHL, Mr. KYL, Mr. LANDRIEU, Mr. LATTIN, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCASKILL, Mr. MENENDEZ, Mr. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PERRY, Mr. PORTMAN, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SMITH, Mr. SMITH, Mr. SNOWE, Mr. SPEARER, Mr. STARK, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WEXLER, Mr. WYDEN):

S. Res. 409. A resolution commending the service of the Honorable Trent Lott, a Senator from the State of Mississippi; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Mr. SANDERS):

S. Res. 410. A resolution designating February 17, 2008, as “Race Day in America” and highlighting the 50th running of the Daytona 500; considered and agreed to.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. Res. 411. A resolution honoring the life and recognizing the accomplishments of Texas civil rights pioneer Dr. Hector P. Garcia; considered and agreed to.

By Mr. BUHR (for himself and Mrs. DOLE):

S. Res. 412. A resolution commending the Appalachian State University Mountaineers on winning the 2007 National Collegiate Athletic Association Division I Football Championship Subdivision (formerly Division I-AA) Championship; considered and agreed to.

By Mr. BUHR (for himself and Mrs. DOLE):

S. Res. 413. A resolution commending the Wake Forest University Demon Deacons of Winston-Salem, North Carolina, for winning the 2007 National Collegiate Athletic Association Men’s Soccer National Championship; considered and agreed to.

By Mr. BIDEN (for himself and Ms. COLLINS):

S. Res. 414. A resolution designating January 2008 as “National Stalking Awareness Month”; considered and agreed to.

By Mr. BROWN (for himself, Mr. VOINOVICH, Mr. OBAMA, Mr. COCHRAN, Mrs. BOXER, Mr. SPARROW, Mr. LEVIN, Mr. MENENDEZ, Mr. STEVENS, Mr. ENZI, Mr. ROBERTS, Mr. SCHUMER, and Mrs. BOXER):

S. Res. 415. A resolution honoring the life and recognizing the accomplishments of William Kateborn "Bill" Willis, pioneer and Hall of Fame football player for both Ohio State University and the Cleveland Browns; considered and agreed to.

By Mr. NELSON of Nebraska (for himself, Mr. BINGLAMAN, Mr. BROWNBACK, Mr. COLLINS, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. GRAHAM, Mrs. LINCOLN, Mr. SALAZAR, Mr. TESTER, Mr. ROBERTS, and Mr. ALLARD): S. Res. 416. A resolution recognizing the 60th anniversary of the United States Air Force as an independent military service; considered and agreed to.

By Mr. AKAKA:

S. Con. Res. 39. A concurrent resolution expressing the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother, to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. KYL):

S. Con. Res. 60. A concurrent resolution expressing the sense of Congress regarding negotiation of a free trade agreement between the United States and Taiwan; to the Committee on Finance.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 61. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. LEAHY (for himself and Mr. SPECTER, and Mr. KYL):

S. Con. Res. 62. A resolution to correct the enrollment of H.R. 660; considered and agreed to.
ADDITIONAL COSPONSORS

S. 22
At the request of Mr. WEBB, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 65
At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 211
At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 218
At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 218, a bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit.

S. 311
At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. O’MARA) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 316
At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 316, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 382
At the request of Ms. COLLINS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving ground checks on direct patient access employees of long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 807
At the request of Mrs. LINCOLN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 932
At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 937
At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 999
At the request of Mr. COCHRAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1011
At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1011, a bill to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addictions and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health.

S. 1270
At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1270, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1315
At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. KUKLA) was added as a cosponsor of S. 1315, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1377
At the request of Mr. KOBIL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1377, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1462
At the request of Mr. DORGAN, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1462, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1482
At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1482, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 1483
At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1483, a bill to change the name of 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. 2188
At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2188, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-coordinated services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program.

S. 2289
At the request of Mr. SCHUMER, the name of the Senator from New York (Mr. HATCH) was added as a cosponsor of S. 2289, a bill to amend chapter 111 of title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-coordinated services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program.

S. 2332
At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Ms. ax) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2368
At the request of Mr. PRYOR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America’s borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2428
At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2428, a bill to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics.

S. 2453
At the request of Mr. BINGAMAN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to non-discrimination on the basis of national origin.

S. 2468
At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2468, a bill to authorize the Secretary of Agriculture (acting through the Chief of the Forest Service) to enter into a cooperative agreement with the State of Wyoming to allow the State of Wyoming to conduct certain forest and watershed restoration services, and for other purposes.

S. J. Res. 27
At the request of Mrs. DOLE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

S. Con. Res. 53
At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. REID (for Mr. BIDEN (for himself, Mr. SPECTER, Mr. GRAHAM and Mr. CARDIN)):
S. 2495. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bond forfeitures; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise on behalf myself, Senators ARLEN SPECTER, LINDSEY GRAHAM, and BEN CARDIN to introduce the Bail Bond Fairness Act of 2007. This bill will ensure that all defendants, not just rich defendants, have access to bail and pre-trial release.

The Bail Reform Act was meant to ensure the defendant’s appearance in court. Over the past 2 decades, however, many judges have been forfeiting bonds for behavior outside the predictability or control of a bondsmen. If bondsmen are forced to warrant behavior they can’t predict or control, they will raise their rates, rendering bonds unavailable to many indigent defendants. These defendants will go to jail pending trial, swelling our prison population and draining our budget.

This bill mandates that a bail bond may be forfeited only if a defendant fails to appear in court as ordered. Professional bail agents would be able to return to the Federal court system to provide bail for defendants because bail would not be forfeited for violations of conditions that are completely out of their control such as failure to maintain employment.

Let me be clear, this bill does not change a judge’s authority to set or re-strict bail. We’re not talking about putting more criminals back into the community. A judge still has to determine a defendant’s flight risk and threat to the community and make a
design for learning that advocates for students learn; the principle of universal content area advances in subject areas.

By Mr. BINGAMAN:

Mr. President, I rise today to introduce the Enhancing Teaching Standards and License Portability Act of 2007. This bill would encourage the development and implementation of rigorous 21st century teaching standards throughout the U.S. Since the release of the 1996 report, A Nation at Risk, educators and policymakers have sought to strengthen our Nation’s weakening grip on global competitiveness. Despite these efforts, low achievement outcomes for too many students, particularly low income students, remain a threat to our current and future standing in the global economy, and to our children’s future security. I am concerned about the continuing struggles of many of our schools.

In order to graduate from high school ready to succeed in postsecondary education and the workforce, students need a world-class 21st century education. Their success depends on access to high quality teachers who have both state-of-the-art content knowledge and excellent teaching skills. Teachers deserve access to the most up-to-date teaching standards if they are to attain these professional criteria. Moreover, assessments of quality teaching must be based on the characteristics that are known to enhance student achievement outcomes.

The Enhancing Teaching Standards and License Portability Act provides the commitment and resources needed to help teachers attain these 21st century teaching skills.

In the early 1990s, the Interstate New Teacher Assessment and Support Consortium, INTASC, developed core teaching standards for beginning teachers, standards that have since been adopted by 44 states and the District of Columbia to develop teaching and certification requirements. Professional organizations such as the National Council of Teachers of Mathematics also developed subject-area teaching standards. This bill would build upon these efforts to improve teacher quality by supporting the refinement, development, and testing of K–12 teaching standards aligned with demands of the 21st century. These demands reflect content area advances in subject areas such as mathematics and technology; advances in understanding of how students learn; the principle of universal design for learning that advocates flexible teaching to accommodate different learning styles; educators’ recognition of the need to foster critical thinking, creativity, and problem-solving skills in addition to subject area knowledge; and demographic changes in student diversity such as the recent dramatic increase in English-language learners and the increased inclusion of students with disabilities in the classroom.

Specifically, this bill would provide a funding mechanism to develop or refine 21st century teaching standards, and to link those standards to performance-based teacher assessments. It would also provide subgrants to states to adopt, pilot, and implement these teaching standards and associated teacher assessments, and align their teacher licensing systems accordingly. In addition, the bill would promote and facilitate reciprocity and portability of teaching licenses across states. I am very pleased that this bill is supported by several education groups devoted to enhancing the quality and coherence of teaching standards, including the Council of Chief State School Officers, the American Association of Colleges for Teacher Education, the National Association of Secondary School Principals, the National Council of Teachers of Mathematics, the International Reading Association, the National Science Teachers Association, and the National Commission on Teaching and America’s Future.

I believe it is important to acknowledge that we have made some progress in improving teacher quality. As summarized in the Secretary of Education’s Fifth Annual Report on Teacher Quality, the percentage of teachers who lack a full teaching certificate has declined, from 3.3 to 2.5 percent of all classroom teachers. Progress has also been reported in aligning States’ K–12 student content standards with teacher certification standards. And the number of new teachers passing required State assessment exams remains high at 95 percent. The minimum examination scores required to pass these exams, however, are generally lower than the national median scores for these assessments. Such low criteria are in conflict with the NCLB definition of a highly qualified teacher as someone with demonstrated competence in content-area subject matter. Current teacher standards fail to demonstrate, much less ensure, this competency.

Researchers have demonstrated the importance of teacher competency for student outcomes, arguing that classroom practices and other aspects of teaching affect student achievement as much as, if not more than, student characteristics. A recent Education Week report revealed that teachers who score higher vs. lower on state licensing exams tend to have students who perform better on standardized tests, particularly in mathematics, even when other factors linked to high achievement are taken into account.

Other studies demonstrate that the more content-specific college coursework a math or science teacher pursues prior to teaching, the higher that teacher’s students will score in math or science. Further, a study appearing in Science showed that higher student outcomes are associated with more positive classroom experiences, and that these classroom experiences can be measured by standardized observations of the instructional and social support teachers provide. Together, these studies illustrate that teachers’ knowledge and their observable skills in the classroom are significant influences on student achievement.

Although school grounding in content knowledge is necessary for 21st century learners, it alone is not sufficient. Students today need to develop creativity, critical thinking skills, and problem solving abilities to compete in our global economy. This means that teachers must foster higher-order thinking skills in addition to content information, and create opportunities to learn. Research has shown that students of teachers who can convey higher-order thinking skills and subject knowledge actually outperform students whose teachers teach only subject knowledge.

As you know, Mr. President, students in the 21st century represent diversity. For example, the U.S. Department of Education’s 2006 report shows the rate of English-language learners has increased by 169 percent in the last 20 years, in contrast to an increase of only 12 percent in the overall student population. Nationwide, 10 percent of all students are English-language learners. In my state of New Mexico, the rate is 22 percent, second only to California, where over 25 percent of students are English-language learners. According to the National Academies Report, How People Learn, teachers need to develop and expand their knowledge based on the theories of learning, including theories that concern how cultural beliefs and personal characteristics of learners influence their learning process. This teaching knowledge promotes learning for all children. In fact, students whose teachers receive professional development in teaching diverse students outperform students of teachers who lack this training.

These are just a few examples of the research linking student outcomes to teacher characteristics. Linking these characteristics to rigorous teaching performance standards is an opportunity to provide world class education to our students in the 21st century. It is time to improve our teaching standards.

Towards this goal, the Enhancing Teaching Standards and License Portability Act has four main objectives:

First, to improve teacher quality by supporting the development and incorporation of kindergarten through grade 12 teaching standards that incorporate 21st century teaching and learning skills, and to
promote alignment of these standards with performance-based teacher assessments;

Second, to create incentives for States to adopt, pilot, and implement such rigorous kindergarten through grade 12 teaching standards and performance-based teacher assessments through a competitive grants process;

Third, to promote efforts for States to align these teaching standards and performance-based teacher assessments to State licensing requirements; and

Finally, to create incentives for States to develop policies that would facilitate license reciprocity and portability.

Although this bill would not mandate that model teaching standards be adopted by the states, the trends demonstrate that widespread adoption is likely. For instance, after INTASC developed model teaching standards in 1992, 38 States adopted the standards in developing their own statewide standards. Over 20 States are reviewing the NCTM Curriculum Focal Points to develop mathematics curriculum standards. Over 22 States currently rely on the same standardized testing to certify teacher quality and another 2 adopt a second widely available test. The availability of model 21st century teaching standards could have a profound influence on K-12 education nationwide, and this would provide incentives for States to adopt and test these standards.

An added benefit of available model teaching standards concerns reciprocal teacher certification across States, which could address teacher shortages and curriculum cohesion across states. Nationally, about 20 percent of teachers seek their initial license in a state other than where they completed their teacher training. This bill would improve the capacity of States to collaboratively address teacher shortages through increased teacher certificants and license reciprocity, by promoting alignment of the teaching standards with State licensing systems.

Finally, the availability of widely used model standards would support a platform for horizontal coherence of teaching and curriculum standards. A State’s voluntary use of updated rigorous standards would promote core similarities that offer additional benefits for mobile students who suffer setbacks when faced with inconsistent curriculum.

Student mobility, defined as the percentage of students who transfer in or out of a school during a given school year, occurs in both inner-city and suburban school districts. Rates in inner-city schools range from 45 to as high as 80 percent. In suburban schools, mobility rates may be as high as 10 to 40 percent. Although overall mobility indices in the U.S. are not rising, the percentage of mobile students across state lines is increased from approximately 16 to 19 percent since 2000. When children change schools, they often must adapt to a different curriculum; and lack of curriculum cohesion is believed to account for several negative consequences. Children who experience several school changes are more likely to receive below-grade level reading and math achievement scores than their peers who have never changed schools. They also more frequently have grade retention, and have increased high school dropout rate.

I believe this legislation can go a long way in improving our Nation’s educational achievement rates by improving teacher quality and licensing portability. I also believe that this legislation is critical to strengthening our global competitiveness because quality teaching is a route to helping students meet high standards. I hope that this legislation will be included in the reauthorization of the Elementary and Secondary Education Act of 1965, as amended, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

SEC. 2371. PURPOSES.

The purposes of this subpart are the following:

(1) To support the development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century learning skills.

(2) To create incentives for States to adopt, pilot, and implement such rigorous kindergarten through grade 12 teaching standards.

(3) To create incentives for States to align the States’ teacher licensing systems to such rigorous kindergarten through grade 12 teaching standards.

(4) To create incentives for States to develop, pilot, and test teacher performance assessments that can be used to supplement or supplant current State licensing systems.

SEC. 2372. DEFINITIONS.

In this subpart:

(1) CORE TEACHING STANDARDS.—The term ‘core teaching standards’ means standards that all beginning teachers should know and be able to teach in order to practice responsibly, regardless of the subject matter or grade level being taught.

(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an organization representing educational agencies in partnership with 1 or more independent professional organizations with expertise in the following areas:

(A) Teacher preparation and licensure.

(B) Assessment of teacher knowledge, skills, and competencies.

(3) 21ST CENTURY LEARNING SKILLS.—The term ‘21st century learning skills’ means the skills, knowledge, and abilities that students should master to succeed in post-secondary education and the workforce of the 21st century, including creativity and innovation skills, critical thinking and problem-solving skills, communication and collaboration skills, information and technology literacy, civic and health literacy, adaptability, social and cross-cultural skills, and leadership skills.

SEC. 2373. GRANT PROGRAM AUTHORIZED.

(a) AUTHORIZATION.—The Secretary is authorized to award a competitive grant to an eligible entity to enable such entity to carry out the following:

(i) The development or updating of core teaching standards and content-specific kindergarten through grade 12 teaching standards that are rigorous and incorporate 21st century learning skills and recent research and expert knowledge on teaching practices.

(ii) The development of teacher assessments linked to the kindergarten through grade 12 teaching standards that can be used for licensing, are valid and reliable, and are performance-based.

(iii) The awarding of subgrants as described in subsection (b)(2) to State educational agencies.

(4) The provision of technical assistance to States in the adoption, pilot testing, and implementation of kindergarten through grade 12 teaching standards and teacher assessments as described in paragraph (2).

(b) USES OF FUNDS.—

(1) DIRECT ACTIVITIES.—

(A) FIRST AND SECOND YEARS.—An eligible entity that receives a grant under subsection (a) shall use 100 percent of the funds made available through the grant for the first and second fiscal years.

(B) THIRD YEAR AND BEYOND.—An eligible entity that receives a grant under subsection (a) shall use not more than 40 percent of the funds made available through the grant for the third fiscal year, not more than 30 percent of the funds made available through the grant for the fourth fiscal year, and not more than 20 percent of the funds made available through the grant for the fifth fiscal year.

(i) to develop or update the core teaching standards and content-specific kindergarten through grade 12 teaching standards and teacher assessment; and

(ii) to develop and pilot test teacher performance assessments that can be used to supplement or supplant current State licensing systems.

(2) THE ELIGIBLE ENTITY MAY USE NOT MORE THAN 40 PERCENT OF THE FUNDS MADE AVAILABLE THROUGH THE GRANT FOR THE SECOND FISCAL YEARS—

(A) TO SUPPORT THE DEVELOPMENT OF RIGOROUS KINDERGARTEN THROUGH GRADE 12 TEACHING STANDARDS; AND

(B) TO PROVIDE TECHNICAL ASSISTANCE TO STATES IN—

(i) Aligning the kindergarten through grade 12 teaching standards; and

(ii) Pilot testing the teacher performance assessments; and

(C) TO FUND RESEARCH ACTIVITIES THAT FURTHER THE DEVELOPMENT OF CORE KINDERGARTEN THROUGH GRADE 12 TEACHING STANDARDS AND ASSESSMENTS.
“(2) SUBGRANTS.—An eligible entity that receives a grant under subsection (a) shall use not less than 60 percent of the funds made available through the grant for the third fiscal year and not less than 70 percent of the funds made available through the grant for the fourth fiscal year, and not less than 80 percent of the funds made available through the grant for the fifth fiscal year to award subgrants to State educational agencies to pay the Federal share of the costs of carrying out the following activities in the States:

“(A) To adopt the core teaching standards and content-specific kindergarten through grade 12 teaching standards developed or updated by the eligible entity.

“(B) To align the States’ teacher licensing systems to such standards, which may include the pilot testing and use of teacher assessment tools and other activities developed by the eligible entity.

“(C) To change relevant policies or introduce new policies to facilitate teacher license portability across the States.

“SEC. 2374. APPLICATION.

“(a) GRANT APPLICATION.—

“(1) IN GENERAL.—An eligible entity that desires a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

“(2) CONTENTS.—In an application submitted under paragraph (1), an eligible entity shall include, at a minimum, a description of the capability of the entity to carry out section 2375(b).

“SEC. 2375. FEDERAL SHARE.

“(a) FEDERAL SHARE.—For State educational agencies receiving a subgrant under section 2371(b)(2), the Federal share of the cost of the activities described in subparagraphs (A), (B), and (C) of section 2371(b)(2) shall be 50 percent.

“(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind (fairly evaluated).

“SEC. 2376. REPORTS TO CONGRESS.

“Not later than 2 years after the date funds are first made available to carry out this subpart, and again 2 years thereafter, the Commissioner General of the United States shall submit to the appropriate committees of Congress a report regarding activities assisted under this subpart.

“SEC. 2377. SUPPLEMENT, NOT SUPPLANT.

“Funds made available to carry out this subpart may not be used to supplant, and not supplant, other Federal, State, and local funds available to carry out the purposes described in section 2371.

“SEC. 2378. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart—

“(1) $4,000,000 for each of fiscal years 2008 and 2009;

“(2) $10,000,000 for each of fiscal years 2010, 2011, and 2012.”

Hon. Jeff Bingaman,
U.S. Senate,
Washington, DC.

DEAR SENATOR UDALL:

The undersigned organizations would like to thank you for introducing the Enhancing Teaching Standards and License Portability Act of 2007 and expressing support for the bill. Our education system can only be successful if every child receives instruction from high-quality teachers with the most up-to-date skills and knowledge. The education community has been working diligently to improve teaching in this country, and this act will continue to move these efforts forward. We believe this bill will help achieve this goal.

Supporting development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century learning skills

Creating incentives for states to: adopt, pilot, and implement rigorous kindergarten through grade 12 teaching standards; align teacher licensing systems to the rigorous kindergarten through grade 12 teaching standards; and, develop policies to facilitate teacher license portability across states in order to improve the States to collaboratively address teacher shortages.

We support rigorous and relevant teaching standards that provide high expectations for what our teachers should be able to do. These standards and the aligned licensing systems will further assist teacher preparation programs in how to most effectively prepare teachers for today’s classrooms and ensure that our students are taught only by high-quality teachers. Also, as we work to address teacher shortages and as our society grows increasingly mobile, there is great need for teacher license portability across states. States have been working on teacher license portability measures, and this bill will further build on these initiatives. Overall, this act will help elevate the teaching profession in this country so every child has access to a world-class education.

Thank you for your leadership on this important issue, and we look forward to continuing to work with you on improving teaching in America.

Sincerely,

American Association of Colleges for Teacher Education
Council of Chief State School Officers
International Reading Association
National Association of Secondary School Principals
National Commission on Teaching and America’s Future
National Council of Teachers of Mathematics
National Science Teachers Association

By Mr. BINGAMAN (for himself and Mr. DOMENICI):
S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to authorize the minting of a commemorative coin in recognition of the 400th anniversary of the Spanish arrival in Santa Fe, NM. This bill has the strong support of the entire New Mexico delegation and is sponsored by Senator Udall and myself.

Mr. President, I urge unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2498

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Santa Fe 400th Anniversary Commemorative Coin Act of 2007.”

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Santa Fe, New Mexico, the site of native occupation centuries before European incursions, was officially elevated from a plaza established in 1608 to a villa and capital city in 1610. Santa Fe has been the meeting place and home of many cultures.

(2) The Palace of the Governors, built in the early 17th century served as the governor’s quarters and the seat of government under 3 flags. It is the oldest continuously occupied public building in the United States.

(3) La Fiesta de Santa Fe, a cultural, religious, and social celebration, commemorating the resettlement of Santa Fe by General Don Diego de Vargas in 1692 continues today as an attraction for tourists and locals alike.

(4) At the nexus of 3 historically important trails, Santa Fe brought people and goods together over the Santa Fe Trail to and from Missouri, California, and Mexico City.

(5) Commerce on the Santa Fe Trail brought a much needed boost to the economy of the American West during the recession of the early 19th century. Santa Fe was the rendezvous place for traders, mountain men and fur trappers on route to California, and is today home to a multicultural citizenry and world class art market.

(6) The Santa Fe area is a center of market activity for arts and culture year round, culminating in the world renowned Indian Market, Spanish Colonial Art Market, and International Folk Art Market.

(7) New Mexico is the closest to the oldest and continuously inhabited indigenous communities in North America. Native communities now residing in New Mexico include—

(A) Acoma Pueblo;

(B) Alamo Navajo Chapter;

(C) Canconito Navajo Chapter;
SEC. 3. COIN SPECIFICATIONS.

(a) Gold Coins.—The Secretary of the Treasury (in this Act referred to as the “Secretary”) shall issue not more than 100,000 $5 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) $1 Silver Coins.—The Secretary shall issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(c) Silver Clad Coin.—The Secretary shall issue not more than 500,000 $1 silver clad coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(d) Designation and Inscription.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(e) Historical Value.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(f) Sources of Bullion.—

(1) Gold.—The Secretary shall obtain gold for minting coins under this Act from domestic sources, and pursuant to the authority of the Secretary under section 5116 of title 31, United States Code.

(2) Silver.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (35 U.S.C. 90 et seq.).

SEC. 4. DESIGN OF COINS.

(a) Design Requirements.—

(1) In General.—The design of the coins minted under this Act shall be emblematic of the settlement of Santa Fe, New Mexico, the oldest capital city in the United States.

(2) Designation and Inscription.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year “2010”; and

(C) inscriptions of the words “Liberty”, “In God We Trust” (at the face of the coin), “United States of America”, and “E Pluribus Unum”.

(b) Design Selection.—Subject to subsection (a), the design for the coins minted under this Act shall be selected by the Secretary, and shall be reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) Quality of Coins.—Coins minted under this Act shall be issued in uncirculated and proof conditions.

(b) Mint Facility.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) Period for Issuance.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2010, and ending on December 31, 2010.

SEC. 6. SALE OF COINS.

(a) Sale Price.—(1) The Secretary shall sell the coins minted under this Act at a price equal to the sum of—

(A) the face value of the coins; and

(B) the surcharge provided in subsection (b) with respect to such coins; and

(c) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) Prepaid Orders.—

(1) In general.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) Discount.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) Bulk Sales.—The Secretary shall make bulk sales of the coins minted under this Act at a reasonable discount.

(d) Surcharge.—All sales of coins minted under this Act shall include a surcharge of—

(1) $5 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REQUIREMENTS.

(a) In General.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) Equal Employment Opportunity.

(1) Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) Recipients.—

(1) In General.—All surcharges received by the Secretary from the sale of coins minted under this Act shall be distributed 50 percent to the National Park Foundation, the National Park Service, and the National Park Trust; 25 percent to the Santa Fe Foundation; and 25 percent to the Santa Fe Public Foundation.

(b) Designation and Distribution.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Santa Fe Foundation; 25 percent of the surcharges described under paragraph (1) to the National Park Foundation; and 25 percent of the surcharges described under paragraph (1) to the National Park Service.

(c) Period for Distribution.—The Secretary shall take such actions as may be necessary to ensure that mintage and issuing pursuant to this Act will not result in any net cost to the United States Government.

(d) Payment for Coins.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution.

SEC. 9. FINANCIAL ASSURANCES.

(a) No Net Cost to the Government.—The Secretary shall take such actions as may be necessary to ensure that mintage and issuing pursuant to this Act will not result in any net cost to the United States Government.

(b) Payment for Coins.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution.

SEC. 10. COIN PURCHASING.

Each coin minted under this Act, other than the coins described in paragraph (1) of subsection (a), shall be purchased by the Secretary from a depository institution, for the Secretary from the sale of coins minted under this Act.

SEC. 11. FEDERAL DEPOSIT INSURANCE CORPORATION.

The Federal Deposit Insurance Corporation may issue coins minted under this Act only for the purposes of—

(1) the Federal Deposit Insurance Corporation; and

(2) the National Credit Union Administration.

SEC. 12. DISTRIBUTION OF SURCHARGES.

(a) Recipients.—

(1) In General.—All surcharges received by the Secretary from the sale of coins minted under this Act shall be distributed—

(A) to support programs for education, for the purpose of promoting artists and their sound recordings; and

(b) Designation and Distribution.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the National Park Foundation; 25 percent of the surcharges described under paragraph (1) to the National Park Service; and 25 percent of the surcharges described under paragraph (1) to the National Park Service.

(c) Period for Distribution.—The Secretary shall take such actions as may be necessary to ensure that mintage and issuing pursuant to this Act will not result in any net cost to the United States Government.

(d) Payment for Coins.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution.

SEC. 9. FINANCIAL ASSURANCES.

(a) No Net Cost to the Government.—The Secretary shall take such actions as may be necessary to ensure that mintage and issuing pursuant to this Act will not result in any net cost to the United States Government.

(b) Payment for Coins.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution.

SEC. 10. COIN PURCHASING.

Each coin minted under this Act, other than the coins described in paragraph (1) of subsection (a), shall be purchased by the Secretary from a depository institution, for the Secretary from the sale of coins minted under this Act.

SEC. 11. FEDERAL DEPOSIT INSURANCE CORPORATION.

The Federal Deposit Insurance Corporation may issue coins minted under this Act only for the purposes of—

(1) the Federal Deposit Insurance Corporation; and

(2) the National Credit Union Administration.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. CORKER):

S. 2560. A bill to provide fair compensation to artists for use of their sound recordings; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, Senator HATCH and I are, once again, introducing an important intellectual property legislation, the Performance Rights Act of 2007 for a very simple and clear reason: artists should be compensated fairly for the use of their work.

I am an avid music fan. Music entertains, enlightens, and inspires us. Much of the music enjoyed by most Americans, including myself, was first heard on traditional, over-the-air radio. There is no question that radio play promotes artists and their sound recordings; there is also no doubt that radio stations profit directly from playing the artists’ recordings.

When radio stations broadcast music, listeners are enjoying the intellectual property of two creative artists the songwriter and the performer. The success, and the artistic quality, of any recorded song depends on both. Radio stations pay songwriters for a license to broadcast the music they have composed. That is proper, and that is fair. The songwriters’ work is promoted by the air play, but no one seriously questions that the songwriter should be paid for the use of his or her work.

But the performing artist is not paid by the radio station. The time has come to end this inequity. Its historical justification has been overtaken by technological change; the economic values of the radio industry of years past has been superseded by entirely new business models. Webcasters complicate the process. Satellite radio compensates performing artists, and cable companies compensate performing artists; only terrestrial broadcasters still do not pay for the use of sound recordings. Artists should have the same rights regardless of whether it is terrestrial or a webcaster using and profiting from their work. Radio play may have promotional value to the artist, but there
is a property right in the sound recording, and those that create the content should be compensated for its use.

In ensuring artists are compensated, two other principles important to me are reflected in this legislation. First, noncommercial and small commercial radio stations should be nurtured, and not threatened by a change in the law. Second, songwriters, who now are, as they should be, paid for use of their work should not have their rights diminished in any way.

The legislation we introduce today on a bipartisan basis, along with companion bipartisan legislation being introduced today in the House of Representatives, provides that artists will be compensated by broadcasters for the use of their work. Noncommercial stations—from Vermont Public Radio which broadcasts “Saturday Afternoon at the Opera,” to the campus radio station at St. Michael’s college that plays “Those Monday Blues” and “The Odds and Jazz Hour”—have a different mission than commercial stations, and therefore need a different status, one that will subject the stations only to a nominal flat fee for use of sound recordings. Commercial radio stations—those that have a revenue under $1.25 million, which comprises roughly three-fourths of all music radio stations, will also have a flat fee option.

Traditional, over-the-air radio remains vital to the vibrancy of our music culture, and I want to continue to see it prosper as it transitions to digital. But I also want to ensure that the performing artist the one whose sound recordings drive the success of broadcast radio is fairly compensated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Performance Rights Act”.

SEC. 2. EQUITABLE TREATMENT FOR TERRESTRIAL BROADCASTS.

(a) PERFORMANCE RIGHT APPLICABLE TO RADIO TRANSMISSIONS GENERALLY.—Section 106(6) of title 17, United States Code, is amended to read as follows:

“(6) In the case of sound recordings, to perform the copyrighted work publicly by means of an audio transmission.”.

(b) INCLUSION OF TERRESTRIAL BROADCASTS IN EXEMPTION.—Section 114(d)(1) of title 17, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking “a digital” and inserting “an”;

(2) by striking subparagraph (A);

(c) EXEMPTIONS.—Section 114(d)(j)(6) of title 17, United States Code, is amended by striking “digital”. 

(d) ELIMINATING REGULATORY BURDENS FOR NONCOMMERCIAL AND RELIGIOUS STATIONS AND CERTAIN USES.

(1) SMALL NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS RADIO STATIONS.—

(2) by striking subparagraph (A).

(3) EQUITABLE TREATMENT FOR TERRITORIAL BROADCASTS.—Section 114(j)(6) of title 17, United States Code, as amended by section 114(j)(6) of title 17, United States Code, is amended by inserting after subparagraph (A), each individual terrestrial broadcast station that is a public broadcasting entity as defined in section 118(f) of the Copyright Act, such as public, educational, and religious stations, pays a royalty fee of $1,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.

(4) EQUITY IN THE TERRITORY.—Section 114(j)(6) of title 17, United States Code, as amended by section 114(j)(6) of title 17, United States Code, is amended by striking “will have a blanket license of $5,000 for small commercial broadcasters whose gross revenues do not exceed $1.25 million per year in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.”.

SEC. 3. SPECIAL TREATMENT FOR SMALL, NONCOMMERCIAL AND RELIGIOUS STATIONS AND CERTAIN USES.

(a) SMALL NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS RADIO STATIONS.—

(1) IN GENERAL.—Section 114(f)(2) of title 17, United States Code, is amended by adding at the end the following:

“(D) Notwithstanding the provisions of subparagraphs (A) through (C), each individual terrestrial broadcast station that has gross revenues for the preceding year of less than $1,250,000 may elect to pay for its over-the-air nonsubscription broadcast transmissions, a royalty fee of $5,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.”.

(2) PAYMENT DATE.—A payment under subparagraph (D) or (E) of section 114(f)(2) of title 17, United States Code, as added by paragraph (1), shall not be due until the due date of the first royalty payments for nonsubscription broadcast transmissions that are determined, after the date of the enactment of this Act, under such section 114(f)(2) of title 17, United States Code, as added by paragraph (1), is further amended by inserting the following before subparagraph (B):

“(A) an eligible nonsubscription transmission of—

(i) services at a place of worship or other religious assembly; and

(ii) an incidental use of a musical sound recording.”.

SEC. 4. AVAILABILITY OF PER PROGRAM LICENSE.

Section 114(f)(2)(B) of title 17, United States Code, is amended by inserting after the second sentence the following new sentence:

“Such per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings.”.

SEC. 5. NONDISCRIMINATORY EFFECTS ON SONGWRITERS.

(a) PRESERVATION OF ROYALTIES ON UNDERLYING WORKS.—Section 114(1)(d) of title 17, United States Code, as amended by section 114(1)(d) of title 17, United States Code, is amended—

(b) PUBLIC PERFORMANCE ROYALTIES.—Nothing in this Act shall adversely affect the public performance rights of songwriters or copyright owners of musical works.

I believe in the legislative process and hope that concerns raised by interest parties can be addressed in a fair and equitable manner. I do not have an ax to grind, nor do I want to hurt any industry. To my friends in the broadcasting community, let me say that I am acutely aware of your circumstances and concerns, and I cannot stress enough that my primary goal is to make sure that Congress handles this in the most even-handed way. Let me also stress that I look forward to working closely with Chairman LEAHY and my committee chairman PATRICK LEAHY and myself. There is no doubt the subject of performance rights is important and deserves the Senate’s attention.

I recognize that there is no easy solution to the performance rights issue because it is a complex area of the law. However, I believe the time has come for Congress to begin the process of balancing the interests of all involved and forging a fair and reasonable compromise.

I have had the opportunity to get to know some of the finest and talented individuals this country has to offer. Some are under the wrong impression that artists in the music industry are making a fortune, but they are not aware that too often it is a struggle to survive for the overwhelming majority of them in the cut-throat music industry.

By amending sections 106 and 114 of the Copyright Act, the Performance Rights Act of 2007 would apply the performance right in a sound recording to all audio transmissions thereby removing the exemption on paying performance royalties currently in place for over-the-air broadcasters. The legislation also provides for a blanket license of $5,000 for small commercial broadcasters whose gross revenues do not exceed $1.25 million a year. In addition, noncommercial broadcasters as defined by section 116 of the Copyright Act, such as public, educational, and religious stations, would have a blanket license of $1,000 per year. No payment would be due until the Copyright Royalty Board determines the rates for large commercial broadcasters. The proposed language provides that sound recordings used only incidentally by a broadcaster and sound recordings used in the transmission of a religious service are exempt.

$2,500 further includes a per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings. Finally, the legislation strengthens the provision in section 114 that preserves the rights of songwriters and clarifies that nothing in the Performance Rights Act of 2007 shall adversely affect the public performance rights of songwriters or copyright owners of musical works.

I believe in the legislative process and hope that concerns raised by interest parties can be addressed in a fair and equitable manner. I do not have an ax to grind, nor do I want to hurt any industry. To my friends in the broadcasting community, let me say that I am acutely aware of your circumstances and concerns, and I cannot stress enough that my primary goal is to make sure that Congress handles this in the most even-handed way. Let me also stress that I look forward to creating a performance right in a sound recording in light of all audio transmissions as the first step in addressing the major issues affecting the music industry. And I look forward to working closely with Chairman LEAHY and my
Mr. INOUYE): S. 2505. A bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, in the wake of the terrorist attacks of September 11, 2001, the air travel industry has suffered tremendous economic hardship. In particular, airline workers have been forced to take cuts in pay and benefits that have dramatically reduced their financial security now and in their retirement years.

Airline pilots and other union airline employees have lost in excess of $30 billion in pay and over $7 billion in defined benefit pension benefits. In addition, many airline workers have lost their jobs. For example, on September 11, 2001, there were 10,500 active Delta pilots. Today, there are 6,700.

Since the attacks, many of our Nation’s airline employees to file for bankruptcy—and terminate or freeze their defined benefit pension plans. The largest of these airline bankruptcies included United Airlines, U.S. Airways, Delta Air Lines and Northwest Airlines. All of these bankruptcies, a huge share of the cost savings was borne by the airline employees, who suffered massive cuts in pay and benefits.

In 2001, Congressional relief focused on the airline carriers, offering loan packages and other economic relief. In 2004 and 2006, Congress provided additional assistance to those airline carriers that were able to avoid termination of their defined benefit plans. However, past Congressional actions will never restore the lost retirement benefits for those airline workers whose defined benefit plans were terminated or frozen.

This is an important point to emphasize. The actions already taken by the Congress to provide economic relief to the airlines and to reduce their future pension contributions for the continuing plans do not restore benefits to those airline workers who lost pension benefits in plans that were terminated or frozen.

Therefore, I rise to introduce the Lost Retirement Savings Act of 2007 to provide for a retirement savings option to those airline workers whose defined benefit plans were terminated or frozen in bankruptcy proceedings.

Under the bill, these airline workers would benefit to the extent that they would individually choose to roll over specified bankruptcy payments into a traditional or Roth individual retirement account. The intent is to provide this retirement savings opportunity only to those airline employees for whom the bankruptcies imposed an economic burden through the substantial loss of wages and retirement benefits.

In closing, I urge my Senate colleagues to take a close look at this bill and join me in passing this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2505

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

SECTION 1. ROLLOVER OF AMOUNTS RECEIVED BY AIRLINE CARRIER BANKRUPTCY TO ELIGIBLE RETIREMENT PLANS.

(a) GENERAL RULE.—If (1) an eligible airline employee receives any eligible rollover amount, and (2) the qualified airline employee transfers any portion of such amount to an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then, except as provided in subsection (b), such amount (to the extent so transferred) shall not be includible in gross income for the taxable year in which such amount was transferred.

(b) TRANSFERS TO ROTH IRAS.—

(1) IN GENERAL.—If a transfer described in subsection (a) (1) is made, such amount (to the extent so transferred) shall be includible in gross income in the first taxable year following the taxable year in which the eligible rollover amount was paid, and (2) 50 percent of such portion shall be includible in gross income in the second taxable year following the taxable year in which the eligible rollover amount was paid.

(c) ELIGIBILITY TO INCLUDIBLE IN GROSS INCOME FOR TAXABLE YEAR OF PAYMENT.—Notwithstanding paragraph (1), a qualified airline employee may elect to include any portion so transferred in gross income in the taxable year in which the eligible rollover amount was paid.

(d) INCOME LIMITATIONS NOT TO APPLY.—The limitations described in section 408A(c)(3) of the Internal Revenue Code of 1986 shall not apply to a transfer to which paragraph (1) or (2) applies.

(e) TREATMENT OF ELIGIBLE ROLLOVER AMOUNTS AND TRANSFERS.

(1) TREATMENT OF ELIGIBLE ROLLOVER AMOUNTS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an eligible rollover amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is not includible in gross income by reason of subsection (a) or is includible in income in a subsequent taxable year by reason of subsection (b).

(2) TREATMENT OF ROLLOVERS.—A transfer under subsection (a) or (b) of section 408A(e) of such Code shall be treated as a rollover contribution described in section 408A(d)(3) of the Internal Revenue Code of 1986, except that in the case of a transfer to which subsection (b) applies, the transfer shall be treated as a qualified rollover contribution described in section 408A(e) of such Code.

(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) ELIGIBLE ROLLOVER AMOUNT.—(A) IN GENERAL.—The term ‘‘eligible rollover amount’’ means any payment of any nature which is allocable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and others.
(ii) in respect of the qualified airline employee’s interest in—
(I) any bankruptcy claim against the carrier,
(II) any note of the carrier (or any amount paid in lieu of a note being issued) or any amount payable on the basis of the carrier’s future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ‘qualified airline employee’ means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier. The term includes an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier who participated in a defined benefit plan maintained by the carrier.

(b) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(b) was terminated or become subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) REPORTING REQUIREMENTS.—If a commercial passenger airline carrier pays 1 or more eligible rollover amounts, the carrier shall report to the Secretary of the Treasury within 180 days after the date of payment or date of enactment.

(A) is a plan described in section 401(a) of such Code,

(B) was terminated or become subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(A) to the Secretary, the names of the qualified airline employees to whom such amounts were paid, and

(B) to the Secretary and to such employee, the years and the amounts of the payments.

Such reports shall be in such form, and contain such additional information, as the Secretary of the Treasury may prescribe.

(e) EFFECTIVE DATE.

This section shall apply to transfers made after the date of the enactment of this Act with respect to eligible rollover amounts paid before, on, or after such date.

SUMMARY OF THE LEGISLATIVE HISTORY

ROLLOVER OF DISTRIBUTIONS RECEIVED BY AIRLINE EMPLOYEES IN RESPECT OF BANKRUPTCY CLAIMS, NOTES OR FIXED OBLIGATIONS

If a qualified airline employee transfers any portion of an eligible rollover amount to an individual retirement account (IRA), then the eligible rollover amount to the extent so transferred shall not be includible in gross income in any taxable year in which paid to the qualified airline employee. Further, any such transfer to an IRA which is excluded from gross income shall be treated as a rollover contribution.

DEFINITIONS

Qualified airline employee—An employee or former employee of a commercial passenger airline carrier who participated in a qualified defined benefit plan that has been terminated or frozen.

Eligible rollover amount—Money or other property paid by a commercial passenger airline carrier to a qualified airline employee, in respect of the employee’s interest in a bankruptcy claim, note or fixed obligation of the carrier. Such payment must be made under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001 and before January 1, 2007.

EMPLOYMENT TAXES

Eligible rollover amounts shall be subject to all applicable employment taxes.

ROTH ELECTION

A qualified airline employee may elect to transfer any portion of an eligible rollover amount to a Roth IRA. Such transfer may be made to the Roth IRA in the employee’s AGI. Any such transfer to a Roth IRA shall be treated as a qualified rollover contribution. To the extent transferred to a Roth IRA, the eligible rollover amount shall, at the election of the qualified airline employee, be includable in gross income exclusively for the year in which the employee is 50 percent in the year preceding the year of payment and 50 percent in the second year succeeding the year of payment.

REPORTING REQUIREMENTS

Commercial passenger airline carriers shall report to the Secretary of the Treasury the date when each qualified airline employee for each year, shall provide an individual report to each qualified airline employee. Such reports shall be due within 90 days after the later of date of payment or date of enactment.

EFFECTIVE DATE

Transfers made after date of enactment.

By Ms. LANDRIEU (for herself and Mr. ISAKSON):

S. 2510. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

SEC. 2. REVISED STANDARDS FOR QUALITY ASSURANCE IN SCREENING AND EVALUATION OF GYNECOLOGIC CYTOLGY PREPARATIONS.

(a) IN GENERAL.—Section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)) is amended to read as follows:

(iv) requirements that each laboratory—

(1) shall provide for the continuing education of its laboratory personnel;

(2) establish and maintain an education program in gynecologic cytology that includes a review of the latest literature on gynecologic squamous cell carcinoma and cervical cancer, and the appropriate, plans for corrective action or remedial training at the laboratory.

(b) EFFECTIVE DATE AND IMPLEMENTATION; TERMINATION OF CURRENT PROGRAM OF INDIVIDUAL PROFICIENCY TESTING—
(1) EFFECTIVE DATE AND IMPLEMENTATION.—
Except as provided in paragraph (2), the amendment made by subsection (a) applies to gynecologic cytology services provided on or after the date of enactment of this Act, and the Secretary of Health and Human Services (hereafter in this subsection referred to as the ‘‘Secretary’’) shall issue final regulations implementing such amendment not later than 270 days after such date of enactment.

(2) CURRENT INDIVIDUAL TESTING PROGRAM.—The Secretary shall terminate the individual proficiency testing program established pursuant to section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)), as in effect on the day before the date of enactment of subsection (a), at the end of the calendar year which includes the date of enactment of the amendment made by subsection (a).

By Mr. LEAHY (for himself, Mrs. CLINTON, Mr. SHELBY, Ms. MILKULSKI, and Ms. LANDRIEU):
S. 2511. A bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirements in the case of fiscal hardship; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a bill that will help will build upon our efforts to improve the Bulletproof Vest Partnership Grant Act, which has had so much success in protecting the lives of law enforcement officers across the country. The bill introduced today provides a need-based waiver of matching requirements for State and local law enforcement agencies in financial hardship purchase body armor for their officers. I thank Senators CLINTON, MILKULSKI, and LANDRIEU for joining me to introduce this bill to give our law enforcement officers the protection they need.

I was proud to work with Senator Ben Nighthorse Campbell to author the Bulletproof Vest Partnership Grant Act. But the first time I responded to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border when two state troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost. Since its inception in 1999, I have worked to reauthorize this program three times, most recently the Violence Against Women and Department of Justice Re-authorization bill.

Since 1999, the BVP program has provided $173 million to purchase an estimated 500,000 vests in more than 11,500 jurisdictions nationwide. Vermont has received more than $600,000 in bulletproof vest funding under this program, which has been used to purchase 2700 vests statewide.

I want to thank Senators MILKULSKI and LANDRIEU for continuing to recognize this program as a priority. As Chair and Ranking Member of the Appropriations Subcommittee that finalizes Justice Department spending priorities, they saw fit to include more than $25 million for the Bulletproof Vest Program in the fiscal year 2008 Consolidated Omnibus Appropriations bill.

Bulletproof vests remain one of the foremost defenses for our uniformed officers, but law enforcement agencies nationwide are struggling over how to find the funds necessary to replace either aged vests, which have a life expectancy of roughly 5 years, or purchase new vests for newly hired officers. We want to ensure that our law enforcement officers are outfitted with vests that will actually stop bullets and save lives. Vests cost between $500 and $1,000 each, depending on the style. Officers are being forced to dip into their own pockets to pay for new vests due to local and State agency budget shortfalls, and will continue to do so unless the Federal Government offers more help.

The bill we introduce today will give discretion to the Director of the Bureau of Justice Assistance within the Justice Department to grant waivers or reductions in the match requirements for bulletproof vests awards to State and local law enforcement agencies that can demonstrate fiscal hardship. Our local law enforcement agencies are constantly responding to new challenges, from fighting a recent rise in violent crime to responding to threats of terrorism, and many localities lack the means to effectively combat these challenges. Waiving the match requirement for life-saving body armor should be available for police agencies like those in New Orleans, on the Gulf Coast, or in other areas that experience disasters or other circumstances that create fiscal hardships.

A tragic event in Tennessee in 2005 highlights the need for this legislation. Wayne ‘‘Cotton’’ Morgan, a Tennessee correction officer was gunned down on August 9, 2005, outside the Kingston Court House by the wife of an inmate being escorted by Officer Morgan. He was killed, and the prisoner and his wife escaped. Officer Morgan was not wearing a bulletproof vest, although he repeatedly requested one from the warden at Brushy Mountain Prison. The Tennessee Department of Corrections Administrative Policies and Procedures memorandum required that it be provided to individuals assigned to transportation duties. Despite this requirement and Officer Morgan’s repeated requests, he was not issued a vest due to lack of funding. This legislation will help ensure that no officer is left without a bulletproof vest for lack of resources in his or her department.

Our law enforcement officers deserve the fundamental protection that bulletproof vests can provide. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of the Bulletproof Vests Partnership Program.

This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

I look forward to working with the Senate to pass this bipartisan bill to better protect our law enforcement officers.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2511

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

SECTION 1. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(1) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended by inserting at the end the following:

“(3) Waiver.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 409—COMMENDING THE SERVICE OF THE HONORABLE TRENT LOTT, A SENATOR FROM THE STATE OF MISSISSIPPI

Mr. MCCONNELL (for himself, Mr. REID, Mr. COCHRAN, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNSBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DE MINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Ms. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LATENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCRACKEN, Mr. MENENDEZ, Ms. MURkowski, Mrs. MURRAY, Mr. NELSON OF Florida, Mr. NELSON OF Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPETSBERG, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESAVER, Mr. THUNE, Mr. VITTER, Mr. VINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. Res. 409

Whereas Chester Trent Lott, a United States Senator from Mississippi, was born to
Chester and Iona Watson Lott on October 9, 1941, in Grenada, Mississippi; whereas Trent Lott was raised in Pascagoula, Mississippi, attended public school and excelled in baseball, band, theater, and student government; whereas after graduating from Pascagoula High School, where he met his future wife during band practice, Trent Lott enrolled in the University of Mississippi in 1967; whereas Trent Lott pledged Sigma Nu, rising to become its president; formed a singing quartet known as The Chancellors; and was elected “head cheerleader” of the Ole Miss football team; whereas upon graduating college, Trent Lott enrolled in the University of Mississippi Law School in 1963, excelling in moot court and as president of the Phi Alpha Delta legal fraternity; whereas upon graduating from law school in 1967, Trent Lott practiced law in Pascagoula, then served as administrative assistant to United States Representative William Colmer until 1972; whereas upon Congressman Colmer’s retirement, Trent Lott was elected to replace him in November 1972 as a Republican representative from the Fifth District; whereas Trent Lott was reelected by the voters of the Fifth District to seven succeeding terms, rising to the position of minority leader and serving in that role with distinction from 1981 to 1989; whereas Trent Lott was elected to the U.S. Senate in 1988 and reelected three times, serving as chairman of the Senate Committee on Rules and Administration from 2003 to 2006; whereas Trent Lott was chosen by his Senate Republican colleagues to serve as Majority Whip for the 104th Congress, then chosen to lead his party in the Senate as both Majority Leader and Minority Leader from 1996 to 2001; whereas Trent Lott was chosen by his peers to serve as Minority Whip for the 110th Congress; whereas Trent Lott’s warmth, decency, and devotion to the people of Mississippi and the country have contributed to his legendary skill at working cooperatively with people from all political parties and ideologies; whereas, in addition to his many legislative achievements in Congress, over a span of more than three decades, Trent Lott has earned the admiration, respect, and affection of his colleagues and of the American People; whereas he has drawn strength and support in a life of high achievement and high responsibility from his faith, his beloved wife Tricia, their children, Tyler and Chet; and their grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th running of the Daytona 500, “The Great American Race”, on February 17, 2008; and

(2) designates February 17, 2008, as “Race Day in America” in honor of the Daytona 500.

SENATE RESOLUTION 411—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF TEXAS CIVIL RIGHTS PIONEER DR. HECTOR P. GARCIA

Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted the following resolution; which was—

SENATE RESOLUTION 412—COMMEMORATING THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS OF BOONE, NORTH CAROLINA, FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I FOOTBALL CHAMPIONSHIP SUBDIVISION (FORMERLY DIVISION 1-AA) CHAMPIONSHIP

Mr. BURR (for himself and Mrs. DOLE) submitted the following resolution; which was—
threw a 60-yard touchdown pass to senior Dexter Jackson, in his 4th touchdown pass this season to Dexter Jackson for more than 59 yards;

Whereas Appalachian State opened scoring in the 3rd quarter to extend their lead to 35-7;

Whereas Delaware countered to cut the Appalachian State lead to 35-14;

Whereas Kevin Richardson then ran the lead to 42-14 with a 6-yard touchdown for his 2nd score of the game, in which he posted a total of 111 yards rushing and 27 yards receiving with touchdowns both on the ground and by air;

Whereas Kevin Richardson is Appalachian State’s leading rusher, closing his college career with 4,797 yards on the ground;

Whereas sophomore quarterback Armanti Edwards had 198 yards passing, 49 yards rushing, throwing 3 passing touchdowns, and finishing the season with 1,948 yards passing and 1,587 yards rushing, falling just short of becoming the 1st player in NCAA history to pass for 2,000 yards and rush for 1,000 yards twice in his career;

Whereas Corey Lynch finishes his career with 52 pass breakups, capturing the NCAA Division I record for career passes defended;

Whereas the team’s championship victory finished off a remarkable season for the Mountaineers, who, on September 1, 2007, in their 1st game of the 2007 season, beat the University of Michigan Wolverines, ranked 5th nationally at the time, by a score of 34-32 in front of 109,600 spectators at “The Big House” in Ann Arbor, Michigan, marking the 1st time a Division I-AA team has ever beaten a nationally ranked Division I team;

Whereas the Mountaineers finished off this impressive 2007 season with a 13-2 record;

Whereas the Appalachian State Mountaineers 2007 All-Americans include Kerry Brown, Corey Lynch, Kevin Richardson, Armanti Edwards, Gary Tharrington, and Jerome Touchstone;

Whereas the Mountaineers enjoy widespread support from their spirited and dedicated fans as well as the entire Appalachian State University community: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Appalachian State University Mountaineer football team for its historic season and National Collegiate Athletic Association Division I Football Championship Subdivision title;

(2) recognizes the hard work and preparation of the players, head coach Jerry Moore, and the assistant coaches and support personnel who all played critical roles in this championship;

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to:

(A) Dr. Kenneth E. Peacock, Chancellor of Appalachian State University;

(B) Charles Cobb, Athletic Director of the University; and

(C) Jerry Moore, Head Coach.

SENATE RESOLUTION 413—COMMENDING THE WAKE FOREST UNIVERSITY DEMON DEACONS OF WINSTON-SALEM, NORTH CAROLINA, FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN’S SOCCER NATIONAL CHAMPIONSHIP

Mr. BURR (for himself and Mrs. DOLE) submitted the following resolution, which was:

Whereas the Wake Forest Demon Deacons beat the Ohio State Buckeyes 2-1 to win the finals of the 2007 College Cup;

Whereas, in the 11th minute, Demon Deacons’ goalkicker was blocked a close-range shot and defender Lyle Adams cleared the net to prevent the Buckeyes from attempting to score on the rebound;

Whereas Rebecca Moros was named the Most Outstanding Defensive Player at the College Cup after making 12 saves in the NCAA Championships and allowing only two goals in five postseason games;

Whereas, in the very next possession, Ohio State’s Roger Espinoza scored in the 13th minute;

Whereas Marcus Tracy had the tying goal in the 66th minute, his third of the 2007 College Cup, finishing a run from sophomore Cody Arnoux;

Whereas Zack Schlaksawi scored the game-winning goal in the 74th minute by taking a cross from Marcus Tracy and firing the center shot from 10 yards out;

Whereas for seniors Julian Valentin, Pat Phelan, Brian Edwards, and Alimer Gonzalez, the game marked the end of their collegiate careers;

Whereas Marcus Tracy was named the Most Outstanding Offensive Player at the College Cup after scoring both goals in the 2-0 semi-final win over Michigan, the game-tying goal in the finals against Ohio State, and assisting on the game-winning goal by Zack Schlaksawi;

Whereas Wake Forest was represented on the All-Tournament Team by defender Pat Phelan (first team), midfielder Sam Cronin (second team) and forward Cody Arnoux (third team), and was the only school to have a representative on the first, second, and third All-America teams;

Whereas defender Julian Valentin was named to the All-Senior All-America team sponsored by Lowe’s;

Whereas Wake Forest’s run to the national championship included a 2nd round win over Furman (1-0), a 3rd round win over West Virginia (3-1), a quarterfinal round win over Notre Dame (1-0) and a semifinal round win over Virginia Tech (2-0);

Whereas Wake Forest finished with a 22-2-2 record on the season;

Whereas Wake Forest was the number two seed in the tournament and making its 2nd consecutive College Cup appearance;

Whereas the Demon Deacons have been to 12 NCAA Tournaments including seven straight;

Whereas Wake Forest was ranked first or second in the major soccer polls for the vast majority of the 2007 regular season;

Whereas Wake Forest was the 8th national championship for Wake Forest athletics;

Whereas the university also holds three titles in field hockey (2002, 2003, 2004), three titles in men’s golf (1974, 1975, 1986) and a title in baseball (1955): Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Wake Forest University Demon Deacons men’s soccer team for its historic season and championship title;

(2) recognizes the hard work and preparation of the players, head coach Jay Vidovich, and the assistant coaches and support personnel who all played critical roles in this championship;

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to:

(A) Dr. Nathan O. Hatch, President of Wake Forest University;

(B) Ron Wellman, Director of Athletics at the University; and

(C) Jay Vidovich, Head Coach.

SENATE RESOLUTION 414—DESIGNATING JANUARY 2008 AS “NATIONAL STALKING AWARENESS MONTH”

Mr. BIDEN (for himself and Ms. COLLINS) submitted the following resolution:

Whereas an estimated 1,066,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that partner;

Whereas 74.2 percent of stalking victims report that being stalked interfered with their employment, 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent of stalking victims never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cybersurveillance the new frontier in stalking;

Whereas national organizations, local victim service organizations, prosecutors’ offices, and police departments stand ready to assist stalking victims and work diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system’s response to stalking and stalking victims, including through aggressive investigation and prosecution: Now, therefore, be it

Resolved, That—

(1) the Senate designates January 2008 as “National Stalking Awareness Month”; and

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness of stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses in the private sector, and community organizations, and private sector supporters for their efforts in promoting awareness of the crime of stalking through observation of National Stalking Awareness Month.
SENATE RESOLUTION 415—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF WILLIAM KARNET "BILL" WILLIS, PIONEER AND HALL OF FAME FOOTBALL PLAYER FOR BOTH OHIO STATE UNIVERSITY AND THE CLEVELAND BROWNS

Mr. BROWN (for himself, Mr. VOINOVICH, Mr. OBAMA, Mr. COCHRAN, Mrs. BOXER, Ms. STABENOW, Mr. LEVIN, Mr. MENENDEZ, Mr. STEVENS, Mr. ENZI, Mr. ROBERTS, Mr. SCHUMER, and Mr. LAUTENBERG) submitted the following resolution; which was:

S. Res. 415

Whereas William Karnet Willis ("Bill") was born on October 5, 1921, in Columbus, Ohio;

Whereas, in 1942, Bill Willis began playing college football for the Ohio State University's Buckeyes and was a member of the 1942 National Championship team;

Whereas Bill Willis earned All-American honors at the Ohio State University in 1943 and 1944 and was one of the first African American All-American at the Ohio State University;

Whereas Bill Willis was twice chosen to play in the College All-Star Game, in 1943 and 1945;

Whereas, on August 7, 1946, Bill Willis was the first of a pioneering foursome to sign a contract to play professional football for the Cleveland Browns, forever ending the race barrier in professional football;

Whereas Bill Willis was named 3 times an All-American Football Conference all-league player, named 4 times a National Football League all-league player, and was named to the first 3 Pro Bowls;

Whereas, in 1950, Bill Willis was a member of the National Football League champion Cleveland Browns and was named the team's Most Valuable Player;

Whereas, in 1971, Bill Willis was inducted into the National Football Foundation's College Football Hall of Fame;

Whereas, in 1977, Bill Willis was inducted to the Pro Football Hall of Fame;

Whereas Bill Willis was synonymous with his number 99 jersey in the Ohio State University community, and that number was retired by the university in 1987;

Whereas Bill Willis dedicated his life to helping others and served his community honorably on the Ohio Youth Commission; as a beloved community leader, husband, and father; and

Whereas Ohio has lost a beloved son and a trailblazing pioneer with the passing of Bill Willis on November 27, 2007; Now, therefore, be it

Resolved, That the Senate—

(1) Recognizes the life and accomplishments of William Karnet "Bill" Willis, a dedicated family man, civil servant, and football legend; and

(2) Respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the family of Bill Willis.

SENATE RESOLUTION 416—RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE AS AN INDEPENDENT MILITARY SERVICE

Mr. NELSON of Nebraska (for himself, Mr. BINGAMAN, Mr. BROWNBACK, Ms. COLLINS, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. GRAHAM, Mrs. LINCOLN, Mr. SALAZAR, Mr. TESTER, Mr. ROBERTS, and Mr. ALLARD) submitted the following resolution; which was:

S. Res. 416

Whereas President Harry S. Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create the Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 8, 1947;

Whereas the Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation; the command of Captain Charles DeForest Chandler on August 1, 1907, with the responsibility for "all matters pertaining to military ballooning, air machines, and all kindred subjects";

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world's first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William "Billy" Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry "Hap" Arnold, James "Jimmy" H. Doolittle, and Edward "Eddie" Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundations for the creation of an independent arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces (AAF) as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. "Hap" Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak war-time strength of 2.4 million personnel and 79,908 aircraft in 1943;

Whereas the standard for courage, flexibility, and integrity in combat was established for all Airmen during the first aerial raid on Tokyo by the United States B-47 bomber in 1944 when Lieutenant Colonel James "Jimmy" H. Doolittle led 16 North American B-24 Mitch- ell bomber in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to the Japanese attack on Pearl Harbor;

Whereas President Harry S. Truman supported continued development of the nuclear arms of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to national security of the armed forces were "integrated in the concepts and planning of air power equalled those of land and sea power;"

Whereas on September 16, 1947, W. Stuart Symington became chairman of the newly formed and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air National Guard was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and its possessions in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its historic and ongoing commitment to technological innovation when Captain Charles "Chuck" Yeager piloted the X-1 supersonic experimental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who serve as unprivileged wingmen of the active duty USAF in every deployment, mission, and battlefield around the world;

Whereas the USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance in responding to natural disasters and needs across the world;

Whereas the USAF launched a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF's arsenal of bombers, such as the long-range Convair B-36 Hustler and B-36 Peacemaker, and the B-47 Stratojet and B-52 Stratofortress, under the command of General Curtis LeMay served as the United States' preeminent deterrent against Soviet forces and was augmented by the deployment and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman, developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and inflicted enemy casualties and supplies during the conflict in Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides exceptional real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States, since the program's inception and throughout the program's development at the National Aeronautics and Space Administration by dedicating themselves solely to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air operations in support of South Vietnam in countering the communist Viet Cong guerrillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensives, and protect United States and Allied forces;

Whereas Airmen were imprisoned and tortured during the Vietnam War and, in the wake of the so-called "Vietnam syndrome," in previous conflicts, continued serving the United States with honor and dignity under the most inhumane circumstances;

Whereas in recent decades, the USAF and coalition partners of the United States have supported successful actions in Panama, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, and many other locations around the globe;

Whereas Pacific Air Forces, along with Asia-Pacific partners of the United States, ensure peace and advance freedom from the west coast of the United States to the east coast of Africa and from the Arctic to the Antarctic, covering more than 100 million square miles and the homes of 2 billion people;

Whereas the United States Air Forces in Europe, along with European partners of the
United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today's operations, and secured stability for many nations in the Europe, Africa, and Southwest Asia.

Whereas, for 17 consecutive years beginning with 1990, Airmen have been engaged in full-scale operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary air and space force of outstanding capability ready to fight and win wars of the United States when and where Airmen are called upon to do so;

Whereas the USAF is steadfast in its commitment to excellence, expanding its Total Force of active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a steward of resources, developing and applying technology, managing acquisition programs, and maintaining test, evaluation, and sustainment criteria for all USAF weapon systems throughout such weapon systems' life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, 346 USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attack;

Whereas, on December 7, 2005, the USAF prioritized the development, maintenance, and sustainment of war fighting capabilities to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror, which have flown more than $30,000 sorties to precisely target and engage insurgents who attempt to violently disrupt the United States and its friends, and neighbors of people of the United States from further attack;

Whereas during the past 60 years, the USAF has repeatedly proved its value to the Nation, fulfilling its critical role in national defense, and protecting peace, liberty, and freedom throughout the world: Now, therefore, be it

Resolved by the Senate, That the Senate recognizes the achievements of the United States Air Force in serving and defending the United States on the 60th anniversary of the creation of the United States Air Force as an independent military service.

SENATE CONCURRENT RESOLUTION 59—EXPRESSING THE SENSE OF THE CONGRESS THAT JOINT CUSTODY LAWS FOR FIT PARENTS SHOULD BE PASSED BY EACH STATE, SO THAT MORE CHILDREN ARE RAISED WITH THE BENEFITS OF HAVING A FA\'THER AND A MOTHER IN THEIR LIVES

Mr. AKAKA submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 59

Whereas, in approximately 84 percent of the cases where a parent is absent, that parent is the father;

Whereas, if current trends continue, half of all children born today will live apart from one of their parents, usually their father, at some point before they turn 18 years old;

Whereas when families (whether intact or with a parent in prison or in poverty) lack a significant factor is often the father's lack of job skills;

Whereas committed and responsible fathering during infancy and early childhood contributions to the development of emotional security, curiosity, and math and verbal skills;

Whereas an estimated 19,400,000 children (27 percent) live apart from their biological fathers;

Whereas 40 percent of the children under age 16 not living with their biological fathers had not seen their fathers even once in the past 12 months, according to national survey data;

and whereas single parents are to be commended for the tremendous job that they do with their children;

Whereas the United States needs to encourage responsible parenting by both fathers and mothers and make it possible;

Whereas the United States needs to encourage both parents, as well as extended families, to be actively involved in children's lives;

Whereas a way to encourage active involvement is to encourage joint custody and shared parenting;

Whereas the American Bar Association found in 1997 that 19 States plus the District of Columbia had some form of presumption for joint custody, physical, or both, and by 2006, 13 additional States had added some form of presumption, bringing the current total to 32 States plus the District of Columbia;

Whereas data from the Census Bureau shows a correlation between joint custody and shared parenting and a higher rate of payment of child support;

Whereas social science literature shows that a higher proportion of children from intact families with 2 parents in the home are well adjusted, and research also shows that children of divorced, separated, and never married parents, joint custody is strongly associated with positive outcomes for children on important measures of adjustment and well being; and

Whereas research by the Department of Health and Human Services shows that the States with the highest amount of joint custody subsequently had the lowest divorce rate: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother in their lives.

Mr. AKAKA. Mr. President, I rise today to submit legislation expressing the sense of the Congress that States should enact joint custody laws for fit parents, so that more children are raised with the benefits of having both parents in their lives.

One of the most significant problems facing our Nation today is the number of children being raised without the love and support of both parents. Even if it is not the case that the parent to remain in a committed partnership, it is important that, when possible, each parent, as well as their extended families, have every opportunity to play an active role in their children's life.

A number of recent studies have suggested that children greatly benefit from joint custody or shared parenting arrangements. In my own home State of Hawaii, it is a way of life to have our keiki, or children, raised and nurtured by the extended family, and we have seen how our children flourish when the responsibility of child rearing is shared.

This Nation's children are our most vital resource, and every effort should be made to ensure that they receive the guidance and encouragement they need to thrive. I urge States to pass joint custody laws so all children can be raised within the extended embrace of both parents and their families.

SENATE CONCURRENT RESOLUTION 60—EXPRESSING THE SENSE OF CONGRESS RELATING TO NEGOTIATING A FREE TRADE AGREEMENT BETWEEN THE UNITED STATES AND TAIWAN

Mr. BAUCUS (for himself and Mr. KYL) submitted the following concurrent resolution; which was referred to the Committee on Finance:

Whereas for more than 50 years a close bilateral relationship has existed between the United States and Taiwan as evidenced by the Taiwan Relations Act;

Whereas on January 1, 2002, Taiwan was admitted to the World Trade Organization, which has resulted in a reduction in duties for foreign goods and an increase in market access for foreign investment;

Whereas a 2002 United States International Trade Commission report found that exports by some sectors of the United States economy would increase significantly if the United States entered into a free trade agreement with Taiwan;

Whereas bilateral trade between Taiwan and the United States grew from $77,000,000,000 in 2005 and $61,000,000,000 in 2006;

Whereas Taiwan ranks as the 9th largest trading partner of the United States and the 11th largest export market for United States goods;

Whereas Taiwan is the 6th largest market for United States agricultural products, the 3rd largest buyer of United States corn, the 4th largest buyer of United States soybeans, the 5th largest buyer of United States beef, and the 6th largest buyer of United States wheat;

Whereas the United States is an important supplier of electrical machinery and appliances, aircraft, scientific instruments, and chemical products to Taiwan;

Whereas increasing exports to large and commercially significant economies in Asia is critical to preventing the United States trade deficit;

Whereas Taiwan, as a democracy and free market economy, shares with the United States principles and values that provide a strong foundation for open, fair, and mutually beneficial trade relations; and

Whereas maintaining and strengthening a robust trade relationship with Taiwan is of economic significance to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the United States should increase trade opportunities with Taiwan and
should launch negotiations for a free trade agreement with Taiwan.

SENATE CONCURRENT RESOLUTION 61—PROVIDING FOR A CONDITONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID (for himself and Mr. McCONNElL) submitted the following concurrent resolution; which was:

S. CON. RES. 61
Resolved by the Senate (the House of Representatives concurring). That when the Senate adjourns on any day from Tuesday, December 18, 2007, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Monday, December 24, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

Sec. 2. When the Senate recesses or adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

Sec. 3. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify Members of the Senate and the House, respectively, to reassemble on such a place and time as they may designate if, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 62—TO CORRECT THE ENROLLMENT OF H.R. 660

Mr. LEAHY (for himself; Mr. SPECTER, and Mr. KYL) submitted the following concurrent resolution; which was:

S. CON. RES. 62
Resolved by the Senate (the House of Representatives concurring). That in the enrollment of H.R. 660, the United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, the Clerk of the House of Representatives shall strike section 502 of the Act and insert the following:

"SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after 'hold office during good behavior', the following: "magistrate judges appointed under section 631 of this title.'.

(b) CONSTRUCTION.—For purposes of construing and applying chapter 57 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Magistrate judges appointed under section 631 of title 28, United States Code.

(2) Magistrate judges retired under section 377 of title 28, United States Code.

(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by this section shall apply with respect to any payment made on or after the first day of the first applicable paying period beginning on or after the date of enactment of this Act.'.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3870. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3871. Mr. REID (for himself and Mr. GRIEO) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3872. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3873. Mr. VARNER (for himself, Ms. MUKULSI, Mr. GRAHAM, Mr. GRECO, Mr. LEAHY, Mr. SUNUNU, Mr. BARRASSO, and Mr. VONNOH) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3874. Mr. MCCONNElL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) proposed an amendment to the bill H.R. 2764, supra.

SA 3875. Mr. FUSSEY (for himself, Mr. REID, Mr. LEAHY, Mr. DOOD, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. BAYH, Mr. MENENDEZ, Mr. LAUTENBERGER, Mr. BROWN, and Mrs. CLINTON) submitted an amendment to amendment SA 3874 proposed by Mr. MCCONNElL (for himself, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, supra.

SA 3876. Mr. LEVIN (for himself, Mr. REED, Mr. VONNOH, Mr. HAGEL, Mr. SNOWE, Mr. REID, and Mr. SALAZAR) proposed an amendment to amendment SA 3874 proposed by MCCONNElL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, supra.

SA 3877. Mr. REID proposed an amendment to the bill H.R. 2764, supra.

SA 3878. Mr. SNOwE (for herself, Mr. SUNUNU, Mr. DOOD, Mr. GRECO, Ms. COLLINS, Mr. LIEBERMAN, Mr. REID, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3879. Mr. CARLSON (for himself, Mr. WATSON, Mr. MUSKELK, and Mr. WUIC) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3880. Mr. STEWART (for himself) proposed an amendment to the resolution S. Res. 270, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States.

TEXT OF AMENDMENTS

SA 3870. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3871. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In division C, strike line 134.

SA 3872. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 806, line 16, strike ‘‘$666,087,000’’ and insert ‘‘$751,087,000’’.

On page 806, line 20, strike ‘‘$101,921,000’’ and insert ‘‘$188,921,000’’.

On page 822, between lines 18 and 19, insert the following:

Notwithstanding any other provision of this Act, amounts appropriated in this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced by a prorata percentage required to reduce the total amount appropriated in this Act by $85,000,000.

SA 3873. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under heading ‘‘NUCLEAR ENERGY’’ of title III of division C, strike ‘‘: Provided, That $283,849,000 is appropriated for Project 99-D-143 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina. Provided further, That the Department of Energy adhere strictly to Department of Energy Order 413A for Project 99-D-143’’.

SA 3874. Mr. MCCONNElL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER).
In the matter under the heading “NATIONAL NUCLEAR SECURITY ADMINISTRATION” of title III of division C, before the period at the end, insert the following: “Provided further, That $253,800,000 is authorized to be appropriated for Project 99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina: Provided further, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99–D–143.”

SA 3873. Mr. WARNER (for himself and Ms. Mikulski, Mr. Graham, Mr. Gregg, Mr. Leahy, Mr. Sununu, Mr. Barrasso, and Mr. Voinovich) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, which is ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 9. SMALL AND SEASONAL BUSINESSES.

(a) Subject to subsection (b), this section may be cited as the “Save Our Small and Seasonal Businesses Act of 2007.”

(b) In General.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended, by striking “an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.” and inserting “an alien who has been in the United States as an H-2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(iii) shall not be counted toward such limitation for the fiscal year in which the petition is approved.”.

(c) Effective Date.—The amendment made by subsection (a) shall be effective during the 1-year period beginning on October 1, 2007.

SA 3874. Mr. McCONNELL (for himself, Mr. Lieberman, Mr. Inouye, Mr. Stevens, Mr. Cochran, and Mr. Warner) proposed an amendment to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, as follows:

Strike Division L and insert the following:

DIVISION L—SUPPLEMENTAL APPROPRIATIONS, DEFENSE

TITLE I—MILITARY PERSONNEL

MILITARY PERSONNEL, ARMED FORCES

For an additional amount for “Military Personnel, Army”, $782,500,000.

For an additional amount for “Military Personnel, Navy”, $360,000,000.

For an additional amount for “Military Personnel, Marine Corps”, $56,050,000.

For an additional amount for “Military Personnel, Air Force”, $134,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy Reserve”, $41,657,000.

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $46,153,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force Reserve”, $12,153,000.

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army Reserve”, $77,736,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, $41,657,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $46,153,000.

OPERATION AND MAINTENANCE, AIR RESERVE

For an additional amount for “Operation and Maintenance, Air Force Reserve”, $12,153,000.

OPERATION AND MAINTENANCE, NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, $527,000,000.

OPERATION AND MAINTENANCE, NAVAL NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Air National Guard”, $51,634,000.

IRAQ FREEDOM FUND (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Iraq Freedom Fund”, $3,747,327,000, to remain available for transfer until September 30, 2009, only to support operations in Iraq or Afghanistan: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Demilitarization, and Environmental Program; research, development, test and evaluation; and working capital funds: Provided further, That such funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That the transfer of funds provided herein in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to congressional defense committees summarizing the details of the transfer of funds from this appropriation.

AFGHANISTAN SECURITY FORCES FUND (INCLUDING TRANSFER OF FUNDS)

For the “Afghanistan Security Forces Fund”, $1,350,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary’s designee, to transfer no more than $50,000,000 of the funds provided herein to the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other transfer authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; military operations, notwithstanding any other provision of law; Provided, That such contributions may be used for such purposes: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

AFGHANISTAN SECURITY FORCES FUND (INCLUDING TRANSFER OF FUNDS)

For the “Afghanistan Security Forces Fund”, $1,350,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, without regard to any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary’s designee, to transfer no more than $50,000,000 of the funds provided herein to the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other transfer authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; military operations, notwithstanding any other provision of law; Provided, That such contributions may be used for such purposes: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.
Command—Iraq, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, services, training, supplies, food, construction, and medical care: Provided further, that the authority to provide assistance provided herein, such assistance may be transferred back to the appropriation made available in this section: Provided further, that the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of such transfer.

TITLe III—PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, $443,000,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, $1,429,445,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, $154,000,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVy AND MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $4,269,000,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVy

For an additional amount for “Aircraft Procurement, Navy”, $48,500,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for “Procurement, Marine Corps”, $703,250,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, $51,400,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, $30,725,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, $274,743,000, to remain available for obligation until September 30, 2010.

TITLe IV—REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount of Defense Working Capital Funds, $1,000,000,000, to remain available for obligation until September 30, 2010.

TITLe V—OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, $757,701,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $192,601,000.
to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq as required, and (a) (i) the Secretary of Defense shall set forth a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) Scope of Reports.—Each report shall include performance standards and goals for security and stability that are being established for planning objectives in Iraq together with a realistic timetable for achieving these goals.

(c) Specific Elements.—In specific, each report shall require, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the political map and the political map of Iraq and the political map of the Iraqi military and the political map of the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi forces and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals, including:

(i) the number of police force candidates who have received classroom training and the duration of such instruction;

(ii) the number of police force candidates who have received classroom training and the duration of such instruction;

(iii) the number of police force candidates who have received classroom training and the duration of such instruction;

(iv) the number of police force candidates who have received classroom training and the duration of such instruction;

(v) attrition rates and measures of absenteeism and integration by insurgents.

(D) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including recruiting, training, and equipping the Iraqi forces who have achieved certain capability and readiness levels as well as for recruiting, training, and equipping the Iraqi forces who have achieved certain capability and readiness levels.

(E) The estimated total number of Iraqi police and police force candidates and the chain of command.

(F) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including recruiting, training, and equipping the Iraqi forces who have achieved certain capability and readiness levels as well as for recruiting, training, and equipping the Iraqi forces who have achieved certain capability and readiness levels.

(G) The estimated total number of Iraqi police and police force candidates and the chain of command.

(H) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including recruiting, training, and equipping the Iraqi forces who have achieved certain capability and readiness levels as well as for recruiting, training, and equipping the Iraqi forces who have achieved certain capability and readiness levels.

(I) The estimated total number of Iraqi police and police force candidates and the chain of command.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the fiscal year 2009.

2. Elements of U.S. Military Force Levels and Types:—The Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

3. With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided to Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions and divisionary units, classified as:

(i) capable of conducting counterinsurgency operations independently;
SA 3877. Mr. REID proposed an amendment to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 223. Penalty for failure to file S corporations tax returns.

(a) In General.—Paragraph (2) of section 55(b)(2) relating to S corporations is amended—

(1) by striking “or 2006” and inserting “2006, or 2007” and

(2) by striking “2006” in the heading thereof and inserting “2007”.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 201. Nonqualified deferred compensation.

(a) In General.—Paragraph (2) of section 457A relating to nonqualified deferred compensation is amended—

(1) by striking “$250,000 in the case of taxable years beginning in 2006” and inserting “$250,000 in the case of taxable years beginning in 2007”;

(2) by striking “$425,000 in the case of taxable years beginning in 2006” and inserting “$425,000 in the case of taxable years beginning in 2007”;

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE II—REVENUE PROVISIONS

Subtitle A—Nonqualified Deferred Compensation From Certain Tax Indifferent Parties

(a) In General.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be taken into account for purposes of this chapter when there is no substantial risk of forfeiture of the rights to such compensation.

(b) Nonqualified Entity.—For purposes of this subsection, the term ‘nonqualified entity’ means—

(1) any foreign corporation unless substantially all of its income is derived from the conduct of a trade or business in the United States; and

(2) any partnership unless substantially all of its income is allocated to partners other than nonqualified entities.

(c) Ascertainability of Amounts of Compensation.—

(1) In General.—If the amount of any compensation that is not ascertainable at the time that such compensation is otherwise to be taken into account under subsection (a)—

(A) effectively controls the conduct of a trade or business in the United States, or

(B) is not subject to a substantial risk of forfeiture of the rights to such compensation,

the term ‘nonqualified entity’ means—

(2) organizations which are exempt from tax under this title.

Subtitle B—Taxable Amounts for Prior Year Minimum Tax Liability, etc.

(a) In General.—Paragraph (2) of section 55(e) relating to exemption amount is amended—

(1) by striking “$42,500 in the case of taxable years beginning in 2006” and inserting “$44,350 in the case of taxable years beginning in 2007”;

(2) by striking “$85,000 in the case of taxable years beginning in 2006” and inserting “$88,700 in the case of taxable years beginning in 2007”;

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE III—SOCIAL SECURITY PROVISIONS

Subtitle A—Social Security Program

(a) In General.—Paragraph (2) of section 210 relating to the increase of the maximum benefit amount is amended—

(1) by striking “$9,500 in the case of taxable years beginning in 2008” after “$10,000”;

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.


(a) In General.—Paragraph (2) of section 55(e) relating to exemption amount is amended—

(1) by striking “$250,000 in the case of taxable years beginning in 2006” and inserting “$250,000 in the case of taxable years beginning in 2007”;

(2) by striking “$425,000 in the case of taxable years beginning in 2006” and inserting “$425,000 in the case of taxable years beginning in 2007”;

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.


(a) In General.—Paragraph (2) of section 55(e) relating to exemption amount is amended—

(1) by striking “$250,000 in the case of taxable years beginning in 2006” and inserting “$250,000 in the case of taxable years beginning in 2007”;

(2) by striking “$425,000 in the case of taxable years beginning in 2006” and inserting “$425,000 in the case of taxable years beginning in 2007”;

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 401. Extension of AMT Refundable Credit Amount.

(a) In General.—Paragraph (1) of section 55(f) relating to AMT refundable credit amount is amended—

(1) by striking “50 percent of the long-term unused minimum tax credit for such taxable year” and inserting “50 percent of the long-term unused minimum tax credit for such taxable year”;

(2) by striking “$42,500 in the case of taxable years beginning in 2006” and inserting “$44,350 in the case of taxable years beginning in 2007”;

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 301. Extension of Increase of AMT Refundable Minimum Tax Exemption Amount.

(a) In General.—Paragraph (2) of section 55(e) relating to exemption amount is amended—

(1) by striking “$250,000 in the case of taxable years beginning in 2006” and inserting “$250,000 in the case of taxable years beginning in 2007”;

(2) by striking “$425,000 in the case of taxable years beginning in 2006” and inserting “$425,000 in the case of taxable years beginning in 2007”;

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE IV—FISCAL YEAR 2008 APPROPRIATIONS

Subtitle A—Appropriations for Sciences, States, and Related Programs

(a) In General.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(b) Abatement.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subpart B of part II of chapter 1 (relating to relationships between persons described in section 6621 and the collection of taxes under this chapter) shall be applied by making the provisions of this subsection applicable to taxable years ending in 2008.
“(B) Exception for Compensation Based on Gain Recognized on an Investment Asset.—

“(i) In General.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation is treated as subject to a substantial risk of forfeiture until the date of such disposition.

“(ii) Investment Asset.—For purposes of clause (i), the term ‘investment asset’ means any single asset (other than an investment fund or similar entity)—

“(A) that is disposed of by the person who received it and

“(B) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

“(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

“(iii) Coordination with Special Rule for Short-Term Deferrals of Compensation.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

“(2) Foreign Income Tax.—The term ‘foreign income tax’ means, with respect to any foreign person, the income tax of a foreign country if—

“(A) the transaction is part of a comprehensive foreign income tax treaty between such foreign country and the United States, or

“(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

“Such term shall not include any tax unless such tax is attributable to the delectibility of deferred compensation which are similar to the rules of this title.

“(3) Nonqualified Deferred Compensation Plan.—

“(A) In General.—The term ‘nonqualified deferred compensation plan’ has the meaning given such term under section 457A(c)(1), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

“(B) Exception for Short-Term Deferrals.—Compensation shall not be treated as deferred compensation for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the date of the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

“(4) Exception for Certain Compensation With Respect to Effectively Connected Income.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which has been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

“(5) Application of Rules.—Rules similar to the rules of paragraphs (5) and (6) of section 457A(c)(1) shall apply to the application of this section.

“(e) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations regarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.

“(b) Conforming Amendment.—Section 26(b)(2) is amended by striking ‘and’ at the end of subparagraph (B), by striking the period at the end of subparagraph (B) and inserting ‘, and’, and by adding at the end the following new subparagraph:

“(B) the taxpayer’s economic position, and

“(ii) the income tax of a foreign country if—

“(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer’s economic position, and

“(B) the taxpayer has a substantial purpose for entering into such transaction.

“(2) Special Rule Where Taxpayer Relies on Profit Potential.—In General.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are satisfied with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of any taxes that would be allowed if the transaction were respected.

“(B) Treatment of Fees and Foreign Taxes.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (A).

“(3) State and Local Tax Benefits.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

“(C) Nonqualified Deferred Compensation Arrangements.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the transaction results in a Federal income tax benefit.

“(5) Definitions and Special Rules.—For purposes of this subsection:

“(A) Economic Substance Doctrine.—The term ‘economic substance doctrine’ means the common law doctrine under which tax avoidance is not allowable if the transaction does not have economic substance or lacks a business purpose.

“(B) Exception for Personal Transactions.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

“(C) Other Common Law doctrines Not Affected.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

“(D) Determination of Application of Doctrine not Affected.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

“(6) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exceptions from the application of this subsection.”.

“Sec. 211. Codification of Economic Substance Doctrine.

“SUBTITLE B—Codification of Economic Substance Doctrine

“SEC. 211. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

“(a) In General.—Section 7701 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (q) the following new subsection:

“Sec. 7701. Determination of Economic Substance Doctrine.

“(1) Application of Doctrine.—In the case of any transaction to which the economic substance doctrine applies, such transaction shall be treated as having economic substance only if—

“(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer’s economic position, and

“(B) the taxpayer has a substantial purpose for entering into such transaction.

“(2) Increased Penalty for Nondisclosed Transactions.—Section 6662 is amended by—
Adding at the end the following new subsection:

"(I) IN GENERAL.—To the extent that a portion of the underpayment to which this section applies is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.

(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term ‘nondisclosed noneconomic substance transaction’ means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

(4) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662(a)(2) is amended—

(A) by striking “section 6662(h)” and inserting “section (b) or (i) of section 6662”, and

(B) by striking “gross valuation misstatement penalty” in the heading and inserting “certain increased underpayment penalty”

(b) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS, TAX SHELTERS, AND CERTAIN LARGE CORPORATIONS.—Subsection (c) of section 6667 is amended—

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

(2) by striking “paragraph (2)” in paragraph (4), as so redesignated, and inserting “paragraph (3)”, and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) EXCEPTION FOR NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS, TAX SHELTERS, AND CERTAIN LARGE CORPORATIONS.—Paragraph (1) shall not apply—

(A) to any portion of an underpayment which is attributable to one or more tax shelters (as defined in section 6662(d)(2)(C)) or transactions, described in section 6662(b)(6), or

(B) to any taxpayer if such taxpayer is a specified large corporation (as defined in section 6662(d)(3)(D)), or

(c) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6667 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

“(c) NONDISCLOSING SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any economic substance transaction which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.

(d) SPECIAL UNDERSTATEMENT REDUCTION RULE FOR CERTAIN LARGE CORPORATIONS.—

(1) IN GENERAL.—Subsection (b) of section 6663(a) shall be amended by striking at the end of the subsection the following new subparagraph:

“(D) SPECIAL REDUCTION RULE FOR CERTAIN LARGE CORPORATIONS.—

(1) IN GENERAL.—In the case of any specified large corporation—

“(I) subparagraph (B) shall not apply, and

“(II) the amount of the understatement under subparagraph (A) shall be reduced by that portion of the understatement which is attributable to any item with respect to which there is reasonable belief that the tax treatment of such item by the taxpayer is more likely than not the proper tax treatment of such item.

(2) IN GENERAL.—For purposes of this subparagraph, the term ‘specified large corporation’ means any corporation with gross receipts in excess of $10,000,000 for the taxable year involved.

(3) AGGREGATION RULE.—All persons treated as being a single employer under section 52(a)(16) shall be treated as one person for purposes of subclause (I).

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6662(d)(2) is amended by inserting “section 6662(b)” in the last sentence and inserting “$150”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of enactment of this Act.

SEC. 221. DELAY IN APPLICATION OF WORLD-WIDE WITHHOLDING INTEREST.

(a) IN GENERAL.—Subsection (a) of section 6664 is amended, by striking “December 31, 2008” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2008.

SEC. 222. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) EXTENSION OF TIME LIMITATION.—Subsection (a) of section 6666A (relating to general rule) is amended by striking “5 months” and inserting “12 months”.

(b) INCREASED PENALTY AMOUNT.—Paragraph (1) of section 6666(b) is amended by striking “$50” and inserting “$100”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 223. PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Part I of subsection B of chapter 68 (relating to assessable penalties) is amended by inserting at the end the following new section:

"SEC. 6690A. FAILURE TO FILE S CORPORATION RETURN.

"(a) GENERAL RULE.—In addition to the penalty imposed by section 6656 (relating to willful failure to file return, supply information, or pay tax), any S corporation required to file a return under section 6667 for any taxable year—

(1) fails to file such return at the time prescribed therefor (determined with regard to any extension of time for filing), or

(2) files a return which fails to show information required under section 6637, such S corporation shall be liable for a penalty by subsection (b) for each month (or fraction thereof) during which such failure continues (but not to exceed 12 months), unless it is shown that such failure is due to reasonable cause.

(b) AMOUNT PER MONTH.—For purposes of subsection (a), the amount determined under this subsection for any month is the product of—

(1) $100, multiplied by

(2) the number of persons who were shareholders in the corporation during any part of the taxable year.

(c) ASSESSMENT OF PENALTY.—The penalty imposed by subsection (a) shall be assessed against the S corporation.

(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).

(b) CLERICAL AMENDMENT.—The table of sections for part I of chapter B of chapter 68 is amended by adding at the end the following new item:

"Sec. 6690A. Failure to file S corporation return.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 224. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking “30 percent” in the last sentence and inserting “40 percent”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns due for the filing of which (including extensions) is after December 31, 2007.

SEC. 225. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 25.5 percentage points.

SA 3877. Ms. SNOWE (for herself, Mr. SUNUNU, Mr. DODD, Mr. GHEGG, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, beginning in line 23, strike “fishery,” and insert “fishery: Provided further, That, of the funds provided, not less than $15,000,000 in the aggregate is provided to Connecticut, Maine, New Hampshire, and Rhode Island for the alleviation of economic impacts associated with Amendment 13 and subsequent Framework adjustments, including Framework 42.”

SA 3878. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 8. NATIONAL CAPITAL TRANSPORTATION AMENDMENT OF 2007. (a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the National Capital Transportation Amendments Act of 2007.

(2) FINDINGS.—Congress finds as follows:

(A) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of major events and times of regional or national significance.

(B) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system and

(C) Additional funding is required to protect these previous Federal investments and
ensure the continued functionality and viability of the original 103-mile Metrorail system.

(b) Federal Contribution for Capital Projects for Washington Metropolitan Area Transit System.—The National Capital Transportation Act of 1969 (sec. 9-1111.01 et seq., D.C. Official Code) is amended by adding after subsection (d): ‘‘AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

SEC. 18. (a) Authorization.—Subject to the limitations of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under section 402(a) of the Transportation Act of 1964, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(b) Use of Funds.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the requirements applicable to capital projects for which funds are provided under chapter 33 of title 49, United States Code, except to the extent the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section).

(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involving the use of wireless telecommunications services other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be available in cash, or new capital.

(c) applicability of requirements for mass transportation capital projects receiving funds under Federal Transportation Law.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 33 of title 49, United States Code, except to the extent the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) Amendments to Compact.—No amounts appropriated to the Transit Authority pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 33 of title 49, United States Code, except to the extent the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(e) Amendments to grants under this section shall be subject to the following limitations and conditions:

(1) shall remain available until expended; and

(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 33 of title 49, United States Code, or any other provision of law.

(g) Access to Wireless Services in Metropolitan System.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) requiring transit authority to provide access to service.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider has access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority that it is willing to provide such services within the rail system (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

(A) not later than 1 year after the date of enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail platform stations with the highest volume of passenger traffic;

(B) not later than 4 years after such date, throughout the rail system.

(2) Access of wireless providers to systems for upgrades and maintenance.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such terms as the Transit Authority may impose) to offer service to the public, in accordance with the following timetable:

(A) not later than 1 year after the date of enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail platform stations with the highest volume of passenger traffic;

(B) not later than 4 years after such date, throughout the rail system.

(3) permitting reasonable and customary charges.—Nothing in this subsection shall be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

(4) Reports.—Not later than 1 year after the date of enactment of the National Capital Transportation Amendments Act of 2007, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Transportation of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this section.

(5) Definition.—In this subsection, the term ‘‘licensed wireless provider’’ means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.

(6) general.—The Washington Metropolitan Area Transit Authority (referred to in this subsection as the ‘‘Transit Authority’’) shall establish in the Transit Authority the Office of the Inspector General (referred to in this subsection as the ‘‘Office’’), consistent with the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(7) Responsibilities.—The Inspector General shall have responsibility for conducting the annual audit of the federal grant audit of the Transit Authority, or investigations, as well as familiarity or experience with the operation of transit systems.

(b) Term of Service.—The Inspector General may not be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(f) Duties.—(1) Semiannual reports to transit authority.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(2) Annual reports to local signatory governments and congress.—Not later than 1 year of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such report to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on
SA 3880. MR. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom and Chosun (Korea) and the United States; as follows:

(A) In GENERAL.—The Inspector General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(B) EFFECTS.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

(C) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(D) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority, nor any other member of the Transit Authority, the General Manager of the Transit Authority, the General Manager of an establishment may exercise the duties and responsibilities assigned to the Inspector General under this subsection carried out any of the duties and responsibilities assigned to the Inspector General under this subsection, an office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this subsection.

(E) STUDY AND REPORT BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(2) REQUIREMENTS.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

SA 3881. MR. PRYOR (for Mr. NELSON of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 53, condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release; as follows:

Strike “on July 25, 2003” and all that follows in the eighth whereas clause of the preamble and insert the following:

Whereas the Free Trade
In light of the recent spill in San Francisco Bay, this hearing will examine the oil spill threats, risks, and vulnerabilities posed by large nontank vessels. Topics will include the prevalence and environmental impact of nontank spills, the adequacy and enforcement of vessel response plans, the status of Coast Guard rulemakings, the adequacy of nontank liability limits, and the allocation of Coast Guard and other Federal resources toward oil spill prevention, preparedness, and oil spill response and development in a post-9/11 world.

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

COMMITTEE ON ENERGY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, at 10:30 a.m., in room SD226 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, in room S-216 of the Capitol at a time to be determined in order to hold a business meeting to consider the following items: pending General Services Administration resolutions; S. 862, a bill to designate the Federal Building located at 210 Walnut Street in Des Moines, Iowa, as the “Neal Smith Federal Building”; S. 1139, a bill to designate the Federal building and U.S. Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the “George Howard, Jr. Federal Building and United States Courthouse”; and H.R. 735, a bill to designate the Federal building under construction at 790 First Avenue in New York, New York, as the “Ronald H. Brown United States Mission to the United Nations Building.” Pending nominations: Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission; Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, at 3:30 p.m. in order to consider the nomination of Steven H. Murdock to be Director, U.S. Census Bureau, U.S. Department of Commerce.

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled “Executive Branch Nominations” on Tuesday, December 18, 2007 at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

Witness List

Ondray T. Harris, to be Director, Community Relations Service, Department of Justice; David W. Hagy, to be Director of the National Institute of Justice, Department of Justice; Scott M. Burns, to be Deputy Director of National Drug Control Policy, Executive Office of the President; Cynthia Dyer, to be Director of the Violence Against Women Office, Department of Justice; and Nathan Hochman, to be an Assistant Attorney General, Tax Division, Department of Justice.

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

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Louis Bervid, be granted floor privileges for the remainder of this session.

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

STATEMENTS IN TRIBUTE TO SENATOR LOTT

Mr. PRYOR. Mr. President, I ask unanimous consent that the tributes to Senator LOTT in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion in the Record until January 30, 2008.

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

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 61, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 61) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 61) was agreed to, as follows:

Resolved by the Senate and House of Representatives concurring, That when the Senate adjourns on any day from Tuesday, December 18, 2007, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on the legislative day of Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

Sec. 2. When the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

Sec. 3. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify Members of the Senate and the House, respectively, to reassemble at such a place and time as they may designate if, in their opinion, the public interest shall warrant it.

125TH ANNIVERSARY OF THE 1882 TREATY OF PEACE, AMITY, COMMERCE AND NAVIGATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Foreign Relations committee be discharged from further consideration of S. Res. 279 and that the Senate then proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 279) expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble,
as amended, be agreed to, that the motions to reconsider be laid upon the table, en bloc, that any statements be printed in the RECORD.

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

The amendment (No. 3880) was agreed to as follows:

(Purpose: To strike a reference to the 2007 Free Trade Agreement and to add environmental protection to the list of bilateral goals that should be addressed by the United States and the Republic of Korea)

On page 4, strike lines 4 through 10 and insert the following:

"(2) the economic relationship, highlighting the vibrancy and diversity of the common interests of the United States and the Republic of Korea, should be broadened and deepened;"

On page 5, lines 4 and 5, strike "and support for peacekeeping and insert "support for peacekeeping, and protection of the environment.""

The resolution (S. Res. 279), as amended, was agreed to.

The amendment (No. 3883) was agreed to as follows:

On page 5, strike "Whereas the Free Trade Agreement" and all that follows through "both countries;".

The preamble, as amended, was agreed to.

The resolution (S. Res. 279), as amended, with its preamble, as amended, reads as follows:

"Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the kidnappings of Keith Stansell, Thomas Howes, and Marc Gonsalves by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

(2) condemns the FARC for its use of kidnapping for ransom, extortion, and drug trafficking and for supporting and spreading terrorism; and

(3) encourages the United States Government to support the peace process in Colombia.

Whereas Keith Stansell, Thomas Howes, and Marc Gonsalves, 3 United States citizens on the aircraft, were taken hostage by the FARC on February 13, 2003;

Whereas the FARC utilizes kidnappings for ransom, extortion, and the drug trade to finance its activities;

Whereas the FARC has consistently committed atrocities against citizens of both Colombia and the United States, kidnapped at least 36 United States citizens since 1980, and killed 16 United States citizens;

Whereas an aircraft carrying United States citizens crashed over territory controlled by the FARC on November 30, 2007;

Whereas a police officer from Colombia who escaped from the FARC in April 2007 claims he saw the 3 United States hostages alive in April 2007;

Whereas at least 50 FARC leaders have been indicted in the United States for drug trafficking and terrorism surrounding the Daytona 500; and

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas on February 17th, 2008, the Daytona 500 was designated as the "Great American Race".

The resolution (S. Res. 410), as amended, was agreed to, as follows:

The preamble, as amended, was agreed to, as follows:

"Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 50th running of the Daytona 500, "The Great American Race", on February 17, 2008; and

(2) designates February 17, 2008, as "Race Day in America", in honor of the Daytona 500.

Whereas the Daytona 500 annually kicks off the National Association for Stock Car Auto Racing (NASCAR) Sprint Cup Series, NASCAR's top racing series;

Whereas millions of racing fans have spent the 3rd Sunday of each February since the 1950s watching, listening to, or attending the Daytona 500;

Whereas the purse for the Daytona 500 is typically the largest in motor sports;

Whereas winning the prestigious Harley J. Earl Trophy is stock car racing's greatest prize and privilege;

Whereas nearly 1,000,000 men and women in the Armed Forces in nearly 180 countries worldwide listen to the race on the radio via the American Forces Network;

Whereas Daytona International Speedway is the home of "The Great American Race", the Daytona 500;

Whereas fans from all 50 States and many foreign nations converge on the "World Center of Racing" each year to see the motor sports spectacle;

Whereas Daytona International Speedway becomes one of the largest cities in the State of Florida by population on race day, with more than 200,000 fans in attendance;

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas on February 17th, 2008, the Daytona 500 celebrates its historic 50th running; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th running of the Daytona 500, "The Great American Race", on February 17, 2008; and

(2) designates February 17, 2008, as "Race Day in America", in honor of the Daytona 500.

HONORING THE LIFE AND ACCOMPLISHMENTS OF DR. HECTOR P. GARCIA

The resolution (S. Res. 411) honoring the life and recognizing the accomplishments of Texas civil rights pioneer Dr. Hector P. Garcia was considered and agreed to.

The_preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas, Hector P. Garcia was born on January 17, 1914, in Llera, a small town in south central Tamaulipas, Mexico, and grew up in south central Tamaulipas, Mexico, and graduated from the University of Texas at Austin, received his medical degree from the University of Texas Southwestern Medical School, and dedicated his life to serving the poor and oppressed and the cause of civil rights; and

Whereas, Garcia was known for his advocacy for the poor and oppressed, and his tireless efforts to promote civil rights and social justice; and

Whereas, he was a founding member of the Mexican American Legal Defense and Educational Fund, a leader in the Chicano movement, and a vocal advocate for the rights of Mexican Americans; and

Whereas, he was a recognized leader in the civil rights movement, and his work and leadership were instrumental in securing civil rights for Mexican Americans; and

Whereas, he was a beloved figure in Texas and the Southwest, and his legacy continues to inspire a new generation of civil rights activists; and

Whereas, he was a man of great compassion, courage, and conviction, and his life and work continue to inspire us all to stand up for what is right and just; and

Whereas, he was a true visionary and a trailblazer, and his contributions to the cause of civil rights and social justice will never be forgotten.

The resolution was agreed to.

RACE DAY IN AMERICA

The resolution (S. Res. 410) designating February 17, 2008, as "Race Day in America" and highlighting the 50th running of the Daytona 500 was considered and agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas the Daytona 500 is the most prestigious stock car race in the United States; and

Whereas the Daytona 500 annually kicks off the National Association for Stock Car Auto Racing (NASCAR) Sprint Cup Series, NASCAR’s top racing series; and

Whereas millions of racing fans have spent the 3rd Sunday of each February since 1959 watching, listening to, or attending the Daytona 500; and

Whereas the purse for the Daytona 500 is typically the largest in motor sports; and

Whereas winning the prestigious Harley J. Earl Trophy is stock car racing’s greatest prize and privilege; and

Whereas nearly 1,000,000 men and women in the Armed Forces in nearly 180 countries worldwide listen to the race on the radio via the American Forces Network; and

Whereas Daytona International Speedway is the home of "The Great American Race", the Daytona 500; and

Whereas fans from all 50 States and many foreign nations converge on the "World Center of Racing" each year to see the motor sports spectacle; and

Whereas Daytona International Speedway becomes one of the largest cities in the State of Florida by population on race day, with more than 200,000 fans in attendance; and

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas Garcia was a man of great compassion, courage, and conviction, and his contributions to the cause of civil rights and social justice will never be forgotten.

The resolution was agreed to.

The resolution was agreed to, as follows:

(1) recognizes the 50th running of the Daytona 500, "The Great American Race", on February 17, 2008; and

(2) designates February 17, 2008, as "Race Day in America", in honor of the Daytona 500.

HONORING THE LIFE AND ACCOMPLISHMENTS OF DR. HECTOR P. GARCIA

The resolution (S. Res. 411) honoring the life and recognizing the accomplishments of Texas civil rights pioneer Dr. Hector P. Garcia was considered and agreed to. The_preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas, Hector P. Garcia was born on January 17, 1914, in Llera, a small town in south central Tamaulipas, Mexico, and grew up in south central Tamaulipas, Mexico, and graduated from the University of Texas at Austin, received his medical degree from the University of Texas Southwestern Medical School, and dedicated his life to serving the poor and oppressed and the cause of civil rights; and

Whereas, Garcia was known for his advocacy for the poor and oppressed, and his tireless efforts to promote civil rights and social justice; and

Whereas, he was a founding member of the Mexican American Legal Defense and Educational Fund, a leader in the Chicano movement, and a vocal advocate for the rights of Mexican Americans; and

Whereas, he was a recognized leader in the civil rights movement, and his work and leadership were instrumental in securing civil rights for Mexican Americans; and

Whereas, he was a beloved figure in Texas and the Southwest, and his legacy continues to inspire a new generation of civil rights activists; and

Whereas, he was a man of great compassion, courage, and conviction, and his life and work continue to inspire us all to stand up for what is right and just; and

Whereas, he was a true visionary and a trailblazer, and his contributions to the cause of civil rights and social justice will never be forgotten.

The resolution was agreed to.

The resolution, with its preamble, reads as follows:

Whereas the Dayton...
Whereas, Dr. Hector P. Garcia graduated from the University of Texas Medical School in 1940, and later joined the United States Army;

Whereas, Dr. Hector P. Garcia served as an infantryman, a combat engineer, and a medical doctor during World War II, and earned the Bronze Star medal with six battle stars for his distinguished service;

Whereas, Dr. Hector P. Garcia founded the American GI Forum in 1948 to fight for equal treatment of Mexican-American veterans, including proper medical treatment and educational benefits;

Whereas, in 1949, Dr. Hector P. Garcia secured approval for the 1949 Arlington National Cemetery for Pvt. Felix Longoria after a Texas funeral home refused to hold a wake for Pvt. Longoria, a U.S. soldier killed during World War II, for the sole reason that he was Hispanic;

Whereas, President Lyndon Johnson made Dr. Hector P. Garcia the first Mexican-American to serve as an ambassador to the United Nations;

Whereas Dr. Hector P. Garcia was the first Hispanic to serve on the U.S. Commission on Civil Rights;

Whereas, in 1984, President Ronald Reagan bestowed upon Dr. Hector P. Garcia the Presidential Medal of Freedom, in the highest honor the President can bestow on an individual;

Whereas, Dr. Hector P. Garcia devoted his life to fighting for civil rights and education for Mexican-American students;

Whereas this nation has benefitted from Dr. Hector P. Garcia’s legacy of generosity and commitment to equality; Now, therefore, be it

Resolved, That the Senate honors the life of Dr. Hector P. Garcia, a selfless physician, decorated World War II veteran, dedicated family man, and civil rights hero, and joins in the celebration of his birthday, January 17.

COMMENDING THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS OF BOONE, NORTH CAROLINA

The resolution (S. Res. 412) commending the Appalachian State University Mountaineers of Boone, North Carolina, for winning the 2007 National Collegiate Athletic Association Division I Football Championship Subdivision (formerly Division I-AA) Championship is hereby ordered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 412

Whereas, in 2005, Appalachian State University became the first team from North Carolina to win a National Collegiate Athletic Association (NCAA) football championship with its victory over the University of Northern Iowa;

Whereas, in 2006, Appalachian State University defeated the University of Massachusetts football team to win its 2nd straight championship;

Whereas, in December 2007, the Appalachian State University Mountaineers won their 3rd straight NCAA Division I national title saving the Division I Football Championship Subdivision (formerly known as the Division I-AA Championship), the first Football Championship Subdivision team to accomplish this feat, beating the University of Delaware (Delaware) Blue Hens by a score of 49-21;

Whereas, in the 2007 championship game, senior defensive back Kevin Richardson opened the scoring with a 19-yard touchdown reception on a screen pass from Armando Edwards; Whereas Delaware responded by driving the ball to the Appalachian State 1-foot line, where the Mountaineers stonewalled the Blue Hens with an impressive defensive stand;

Whereas, on the ensuing possession, sophomore Devon Moore extended the lead to 14-0 in a touchdown run that capped a 5-play, 99-yard drive to set an Appalachian State school record for longest scoring drive;

Whereas Appalachian State extended the lead to 21-0 with 10:22 remaining in the 2nd quarter thanks to freshman Daniel Kilgore recovering a fumble in the endzone for the touchdown as the Mountaineers scored on their 1st 3 drives of the game;

Whereas Delaware made its way into the scoring column with only 1:10 remaining in the 1st half, in a play that was originally ruled incomplete, but upon official review was ruled a touchdown to cut the Appalachian State lead to 21-7;

Whereas Appalachian State answered the score 26 seconds later as Armandti Edwards threw a 69-yard touchdown pass to senior Dexter Jackson, in his 4th touchdown pass this season to Dexter Jackson for more than 59 yards;

Whereas Appalachian State opened scoring in the 3rd quarter to extend their lead to 35-7;

Whereas Delaware countered to cut the Appalachian State lead to 35-14;

Whereas Kevin Richardson is Appalachian State’s all-time leading rusher, closing his college career with 4,797 yards on the ground;

Whereas sophomore quarterback Armanti Edwards had 198 yards passing, 89 yards rushing and 3 passing touchdowns, and finishes the season with 1,948 yards passing and 1,587 yards rushing, falling just short of becoming the 1st player in NCAA history to pass for 2,000 yards and rush for 1,000 yards twice in his career;

Whereas Corey Lynch finishes his career with 52 pass breakups, capturing the NCAA Division I record for career passes defended; Whereas the team’s championship victory finished off a remarkable season for the Mountaineers, who, on September 1, 2007, in their 1st game of the 2007 season, beat the University of Michigan Wolverines, ranked 5th nationally, by a score of 31-22 in front of 109,000 spectators at “The Big House” in Ann Arbor, Michigan, marking the 1st time a Division I-AA team has ever beat an nationally ranked Division I-A team;

Whereas the Mountaineers finished off this impressive 2007 season with a 13-2 record;

Whereas the Appalachian State Mountaineers of 2007 include Terry Brown, Corey Lynch, Kevin Richardson, Armandti Edwards, Gary Tharrington, and Jerome Touchstone; and

Whereas the Mountaineers enjoy widespread support from their spirited and dedicated fans as well as the entire Appalachian State University community: Now, therefore, be it

Resolved, That the Senate—

1) applauds the Appalachian State University Mountaineers football team for its historic season and National Collegiate Athletic Association Division I Football Championship Subdivision title;

2) recognizes the hard work and preparation of the players, head coach Jerry Moore, and the coaching and support personnel who all played critical roles in this championship; and

3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Kenneth E. Peacock, Chancellor of Appalachian State University;

(b) Charles Cobb, Athletic Director of the University; and

(C) Jerry Moore, Head Coach.

COMMEMDING THE WAKE FOREST UNIVERSITY DEMON DEACONS

The resolution (S. Res. 413) commending the Wake Forest University Demon Deacons of Winston-Salem, North Carolina, for winning the 2007 National Collegiate Athletic Association Men’s Soccer National Championship was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 413

Whereas the Wake Forest Demon Deacons beat the Ohio State Buckeyes 2-1 to win the finals of the 2007 College Cup; Whereas, in the 11th round of penalty kicks, Demon Deacon goalkeeper Brian Edwards blocked a close-range shot and defender Lyle Adams cleared the Buckeyes from attempting to score on the rebound; Whereas Brian Edwards was named the Most Outstanding Defensive Player at the College Cup after making 12 saves in the NCAA Championships and allowing only two goals in five postseason games; Whereas, in the very next possession, Ohio State’s Roger Espinoza scored in the 13th minute; Whereas Marcus Tracy had the tying goal in the 66th minute, his third of the 2007 College Cup, finishing a run from sophomore Cody Arnoux; Whereas Zack Schilawski scored the game-winning goal in the 74th minute by taking a cross from Marcus Tracy and firing the center shot from 10 yards out; Whereas for seniors Julian Valentin, Pat Phelan, Brian Edwards, and Almer Gonzalez, the game marked the end of their college careers; Whereas Marcus Tracy was named the Most Outstanding Offensive Player at the College Cup after scoring both goals in the 2-0 semifinal win over Virginia Tech, scoring the game-tying goal in the finals against Ohio State, and assisting on the game-winning goal by Zack Schilawski; Whereas Sam Cronin, Zach Schilawski, and Cody Arnoux were all named to the College Cup All-Tournament Team; Whereas Wake Forest was represented on the National Soccer Coaches Association of America (NSCAA)/Adidas All-America team by defender Pat Phelan (first team), Georg Rachel Sam Cabin (second team) and forward Cody Arnoux (third team), and was the only school to have a representative on the first, second, and third All-America teams; Whereas defender Julian Valentin was named to the All-Senior All-America team sponsored by Lowe’s; Whereas Wake Forest’s run to the national championship included a second round win over Furman (1-0), a third round win over West Virginia (3-1), a quarterfinal round win over Notre Dame (1-0), and a semifinal round win over Virginia Tech (2-0); Whereas Wake Forest finished with a 22-2-2 record on the season.

December 18, 2007
CONGRESSIONAL RECORD — SENATE
December 18, 2007

Resolved, That the Senate—

(1) honors the life and accomplishments of William Karnet “Bill” Willis, a dedicated family man, civil servant, and football legend; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the family of Bill Willis.

60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE

The resolution (S. Res. 416) recognizes the 60th anniversary of the United States Air Force as an independent military service and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 416

Whereas President Harry S Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 13, 1947, to create an Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation under the command of Captain Richard B. Dean of the United States Air Force Academy, and the Cleveland Browns was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 415

Whereas William Karnet Willis ("Bill") was born on October 5, 1921, in Columbus, Ohio;

Whereas, in 1942, Bill Willis began playing college football for the Ohio State University’s Buckeyes and was a member of the 1942 National Championship team;

Whereas Bill Willis earned All-American honors at the Ohio State University in 1943 and 1944, becoming the first African American All-American at the Ohio State University;

Whereas Bill Willis was twice chosen to play in the College All-Star Game, in 1944 and in 1945;

Whereas, on August 7, 1946, Bill Willis was the first black player to sign a contract to play professional football for the Cleveland Browns, forever ending the race barrier in professional football;

Whereas Bill Willis was named 3 times an All-America Football Conference all-league player, named 4 times a National Football League all-league player, and was named to the First-Team Pro Bowl;

Whereas, in 1950, Bill Willis was a member of the National Football League champion Cleveland Browns and was named the team’s Most Valuable Player;

Whereas, in 1971, Bill Willis was inducted into the National Football Foundation’s College Football Hall of Fame;

Whereas, in 1977, Bill Willis was inducted to the Pro Football Hall of Fame;

Whereas Bill Willis was synonymous with his number 99 jersey in the Ohio State University community, and that number was retired on November 3, 2007;

Whereas Bill Willis dedicated his life to helping others and served his community honorably as a member of the Public Safety Commission;

Whereas Bill Willis was a beloved community leader, husband, and father; and

Whereas Ohio has lost a beloved son and a trailblazing pioneer with the passing of Bill Willis on November 27, 2007, now, therefore, be it

HONORING THE LIFE OF WILLIAM KARNET “BILL” WILLIS

The resolution (S. Res. 415) honoring the life and recognizing the accomplishments of William Karnet “Bill” Willis, pioneer and Hall of Fame football player for both the Ohio State University and the Cleveland Browns was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 415

Whereas William Karnet Willis (“Bill”) was born on October 5, 1921, in Columbus, Ohio;

Whereas, in 1942, Bill Willis began playing college football for the Ohio State University’s Buckeyes and was a member of the 1942 National Championship team;

Whereas Bill Willis earned All-American honors at the Ohio State University in 1943 and 1944, becoming the first African American All-American at the Ohio State University;

Whereas Bill Willis was twice chosen to play in the College All-Star Game, in 1944 and in 1945;

Whereas, on August 7, 1946, Bill Willis was the first black player to sign a contract to play professional football for the Cleveland Browns, forever ending the race barrier in professional football;

Whereas Bill Willis was named 3 times an All-America Football Conference all-league player, named 4 times a National Football League all-league player, and was named to the First-Team Pro Bowl;

Whereas, in 1950, Bill Willis was a member of the National Football League champion Cleveland Browns and was named the team’s Most Valuable Player;

Whereas, in 1971, Bill Willis was inducted into the National Football Foundation’s College Football Hall of Fame;

Whereas, in 1977, Bill Willis was inducted to the Pro Football Hall of Fame;

Whereas Bill Willis was synonymous with his number 99 jersey in the Ohio State University community, and that number was retired on November 3, 2007;

Whereas Bill Willis dedicated his life to helping others and served his community honorably as a member of the Public Safety Commission;

Whereas Bill Willis was a beloved community leader, husband, and father; and

Whereas Ohio has lost a beloved son and a trailblazing pioneer with the passing of Bill Willis on November 27, 2007, now, therefore, be it

Resolved, That—

(1) the Senate designates January 2008 as “National Stalking Awareness Month”;

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness of stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through observation of National Stalking Awareness Month.

NATIONAL STALKING AWARENESS MONTH

The resolution (S. Res. 414) designating January 2008 as “National Stalking Awareness Month” was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 414

Whereas an estimated 1,006,970 women and 370,980 men are stalked annually in the United States, 60 percent of the instances concern stalking victims who are present or have been present for a significant length of time, and at least 15 percent of the cases, the person is stalked by someone who is not a stranger;

Whereas 61 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that partner;

Whereas 74.2 percent of stalking victims report that being stalked interfered with their work, school, or other responsibilities, the person is stalked by someone who is not a stranger;

Whereas stalking victims lose time from work as a result of their victimization, and 7 percent of stalking victims never return to work;

Whereas stalked victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cybersurveillance the new frontier in stalking;

Whereas national organizations, local victim service organizations, prosecutors’ offices, and police departments stand ready to assist stalking victims and work diligently to craft competent, thorough, and innovative responses to their cases;

Whereas there is a need to enhance the criminal justice system’s response to stalking and stalking victims, including through increased victimization and prosecution; and

Now, therefore, be it

Resolved, That—

(1) the Senate designates January 2008 as “National Stalking Awareness Month”;

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness of stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through observation of National Stalking Awareness Month.

Whereas there is a need to enhance the response to stalking victims, including through observation of the crime of stalking through observation of National Stalking Awareness Month.

Whereas the university also holds three titles in field hockey (2002, 2003, 2004), three titles in men’s golf (1974, 1975, 1986) and a title in baseball (1995); Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Wake Forest University Demon Deacons men’s soccer team for its historic season and championship title;

(2) recognizes the hard work and preparation of the players, head coach Jay Vidovich, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Nathan O. Hatch, President of Wake Forest University;

(B) Ron Wellman, Director of Athletics at the University; and

(C) Jay Vidovich, Head Coach.

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world’s first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William “Billy” Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry “Happy” Arnold, and General William “Billy” Mitchell, “Hap” Arnold, who was branded “Eddie” Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundation for the creation of an independent air arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak wartime strength of 2.4 million personnel and 79,908 aircraft;

Whereas the standard for courage, flexibility, and integrity in combat was established for all Airmen during the first aerial raid in the Pacific Theater on April 18, 1942, when Lieutenant Colonel James “Jimmy” Doolittle led 16 North American Mitch- ell bombers in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to their Japanese attack on Pearl Harbor;

Whereas President Harry S Truman supported organizing air power as an equal arm
of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to military strategic planning of all air power equaled those of land and sea power;

Whereas on September 18, 1947, W. Stuart Symington became the first Secretary of the newly established and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air Force was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and Allied forces; and

Whereas during the Vietnam War and, in the subsequent United States and Allied forces;

Whereas US Air Force operations were interdicted enemy reinforcements and supplies, and sustained the war in the most inhumane circumstances;

Whereas the USAF has contributed to peace and advance freedom in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its dedication and ongoing commitment to technological innovation when Captain Charles “Chuck” Yeager piloted the X-1 developmental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who serve as unrivaled wingmen of the active duty USAF in every deployment, mission, and battlefield around the globe;

Whereas on March 1, 1948, USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance to those in need, whether in the United States or elsewhere in the world;

Whereas the USAF announced a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF’s arsenal of bombers, such as the long-range Convair B-36 Peacemaker and the Boeing B-47 Stratojet and B-52 Stratofortress, under the command of General Curtis LeMay served as the United States’ preeminent deterrent against Soviet Union forces and were later augmented by the deployment and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and interdicted enemy reinforcements and supplies of North Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides near- and real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States since the program’s inception and throughout the program’s development at the National Aeronautics and Space Administration by dedicating themselves wholly to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air power to assist the South Vietnamese government in countering the communist Viet Cong guerillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensive, and protect United States and Allied forces;

Whereas the USAF is a steward of resources, developing and applying technology, managing acquisition programs, and maintaining test, evaluation, and sustainment criteria for all USAF weapon systems throughout their weapon systems’ life cycles;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating the Total Force, including active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a strategic weapon system, and a part of the United States Air Force Reserve created April 18, 1947, W. Stuart Symington became the first Secretary of the Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the USAF, together with its joint and interagency partners, has shaped the history of the United States; and

Whereas USAF Airmen have contributed to the USAF, along with European partners of the United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today’s operations, and secured stability and ensured freedom’s future in the Europe, Africa, and Southwest Asia;

Whereas for 17 consecutive years beginning with 1990, Airmen have been engaged in full-time combat operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary force capable of fighting in the space of outstanding capability ready to fight and win wars of the United States and her allies when called upon to do so;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating the Total Force, including active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a steward of resources, developing and applying technology, managing acquisition programs, and maintaining test, evaluation, and sustainment criteria for all USAF weapon systems throughout their weapon systems’ life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attacks;

Whereas, on December 7, 2005, the USAF modified its mission statement to include fighting and winning the Global War on Terrorism and have flown more than 400,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas talented and dedicated Airmen will meet the challenges of the changing world with strength and resolve;

Whereas the USAF, together with its joint partners, will continue to be the United States’ leading edge in the ongoing fight to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror and have flown more than 400,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas, upon to do so;

The Senate reaffirms its support for the USAF as an independent military service;
read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 2260) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2260

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

CHAPTER 1. ESSENTIAL AIR SERVICE.

(a) In general.—Subsection (d) of section 409 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41701 note) is amended by striking “September 30, 2007” and inserting “September 30, 2008”.

(b) Effective date.—The amendment made by subsection (a) shall take effect on September 29, 2007, and shall apply with respect to any final order issued under subsection (c) of section 409 of such Act that was in effect on such date.

ERNEST CHILDER DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be discharged from further consideration of H.R. 366, so the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the “Ernest Childers Department of Veterans Affairs Outpatient Clinic.”

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 366) was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 528, S. 2436.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2436) to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

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

Mr. BAUCUS. Mr. President, I am pleased that today the Senate is acting on S. 2436, a bill to clarify the term of the IRS Commissioner.

The Internal Revenue Restructuring and Reform Act of 1998 provides that the President appoints the IRS Commissioner to a 5-year term. On the face of it, the Commissioner’s term of office might seem quite clear. But lawyers in the administration and the Senate have disagreed on when the 5-year term begins and ends.

Specifically, there is dispute over whether the term of the IRS Commissioner follows the calendar or the person. Let me explain.

If the term follows the calendar, the tenure of the Commissioner begins on the same date every 5 years. For example, if one term ends on November 12, then the next term begins the next day on November 13—whether or not a new Commissioner has been confirmed.

This arrangement provides certainty for the Commissioner’s term. It allows for planning and continuity of leadership. It minimizes the ability of an administration to play games with the timing of the term by waiting to fill a vacancy.

If the term follows the person, then the tenure of each Commissioner begins on the date of that individual’s appointment. Under this scenario, a President might wait to appoint a new Commissioner until right before the end of the President’s term, leaving the next President to inherit an appointee whom the new President did not choose.

While the President waited, the IRS could be without a permanent Commissioner indefinitely. That would put tax administration at risk.

There is another reason why it is important to clarify the term of the Commissioner. Ambiguity in the term could lead taxpayers to question whether the Commissioner is legitimately in office. And thus ambiguity could call into question the Commissioner’s authority to enforce the tax laws.

For example, if the term arguably ended in November, but the Commissioner signed a tax pronouncement the next month, in December, then a taxpayer might challenge the Commissioner’s authority to act. Tax administration could be compromised. Taxes that are legally owed might not be collected.

Staff for the Treasury and the Senate gave this issue much thoughtful discussion. We reached legal opinions on both sides. We need to resolve the tenure of the term before the Senate confirms another Commissioner.

To resolve the differences of interpretation, I worked with the administration to develop the language in this bill. The ranking Republican member of the Finance Committee, my friend, Senator Chuck Grassley, is the principal cosponsor. I am advised that the President and the Treasury Secretary both agree that this legislation is necessary to resolve concerns over the term of the Commissioner.

Upon enactment of this legislation, the Finance Committee and the full Senate will be able to take further necessary steps to confirm a new Commissioner. The IRS needs strong leadership for the upcoming filing season and beyond.

I thank my colleagues for their support of this legislation to clarify the term of the IRS Commissioner.

Mr. President, the legislative history of this provision is inextricably tied to the legal opinions of distinguished counsel for the Senate, the Justice Department, and the Congressional Research Service. The opinion of the Senate Legal Counsel reflects the motivations of this Senator in advancing this legislation. And the opinions of the Justice Department and the Congressional Research Service are essential to understanding the need for this legislation. Mr. President, I commend to my colleagues the legal opinions prepared by the Senate Legal Counsel, the Justice Department’s Office of Legal Counsel, and the Congressional Research Service’s American Law Division.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 2436) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2436

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

SECTION 1. CLARIFICATION OF TERM OF THE COMMISSIONER OF INTERNAL REVENUE.

(a) In general.—Paragraph (1) of section 7802 of the Internal Revenue Code of 1986 (relating to appointment) is amended to read as follows:

“(1) Appointment.—

(A) In general.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate. Such appointment shall be made from individuals who, among other qualifications, have a demonstrated ability in management.

(B) Term.—The term of the Commissioner of Internal Revenue shall be a 5-year term, beginning with a term to commence on November 13, 1997. Each subsequent term shall begin on the day after the date on which the previous term expires.

“(C) Vacancy.—Any individual appointed as Commissioner of Internal Revenue during a term as defined in subparagraph (B) shall be appointed for the remainder of that term.

“(D) Removal.—The Commissioner may be removed at the will of the President.

“(E) Reappointment.—The Commissioner may be appointed to serve more than one term.”.

(b) Effective date.—The amendment made by this section shall apply as if included in the amendment by subsection (a) of the Internal Revenue Service Restructuring and Reform Act of 1998.
CHILD SOLDIERS ACCOUNTABILITY ACT OF 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 532, S. 2135.

The PRESIDING OFFICER. The clerk will report the bill by title.

The clerk read as follows:
A bill (S. 2135) to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens for the deportation of persons who recruit or use child soldiers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported by the Committee on the Judiciary with an amendment, as follows:

[Insert the part printed in italic.]

S. 2135

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Soldiers Accountability Act of 2007”.

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) Crime for Recruiting or Using Child Soldiers.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

“§ 2442. Recruitment or use of child soldiers

“(a) OFFENSE.—Any person who knowingly recruits, enlists, or conscripts a person under 15 years of age to participate actively in hostilities—

“(1) shall be fined under this title, imprisoned for not more than 20 years, or both; and

“(2) if the death of any person results, shall be fined under this title and imprisoned for not less than 20 years after the commission of the offense.

“(b) CRIMINAL ALLEGANCE.—Title 18, United States Code, is amended—

“(1) in the table of sections for chapter 116, by adding at the end the following:

“§ 3300. Recruitment or use of child soldiers

“No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 4 years after the commission of the offense.

“(c) CEREMONIAL ALLEGANCE.—Section 18 U.S.C. 1182(a)(3) is amended by adding at the end the following:

“(d) Ground of inadmissibility for recruiting or using child soldiers.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

“(e) Ground of inadmissibility for recruiting or using child soldiers.—Section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.

“(f) Asylum.—Section 208(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(B)) is amended by adding at the end the following:

“(g) Employment eligibility for aliens under 16.—Section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.

Mr. DURBIN. Mr. President, I rise to speak in support of the Child Soldiers Accountability Act of 2007. This narrowly tailored bipartisan legislation would make it a crime and a violation of international law to recruit or use child soldiers. Congress must ensure that perpetrators who use children to wage war are held accountable and do not find safe haven in our country.

I would like to thank the other original cosponsors of the Child Soldiers Accountability Act, Senator Tom Coburn of Oklahoma, Senator Russell Feingold of Wisconsin, and Senator Sam Brownback of Kansas. This bill is a product of the Judiciary Committee’s new Subcommittee on Human Rights and the Law, which is the first ever congressional committee or subcommittee dealing specifically with human rights. I am the chairman of this Subcommittee and Senator Coburn is its ranking member.

The use of child soldiers has been reported in 21 ongoing or recent conflicts throughout the world since 2001, including conflicts in Colombia, Uganda, the Democratic Republic of Congo and South Africa. The proliferation of small arms, particularly lightweight automatic weapons that can be used by children as easily as by adults, has contributed to the increased use of child soldiers. Child soldiers are often used in conflicts where high desertion rates and insufficient personnel have generated a shortage of soldiers.

For example, Burma is believed to be one of the countries with the largest number of child soldiers in the world. Burmese military recruiters reportedly buy and sell children in a desperate effort to meet recruitment quotas in a setting where low morale, high desertion rates and insufficient volunteers have created a military personnel crisis.

In a report to the U.N. Security Council on children and armed conflict in Burma issued last month, the Secretary General stated that there has been tremendous pressure to accelerate recruitment rates in the Burmese armed forces and that recruitment centers have experienced difficulty meeting their quotas. The U.N. Secretary General’s report also found that some children picked up by police in Burma without national identification cards are told they can “choose” to be arrested or enlist in the army. According to another report, children constitute a large percentage of privates in some of the new Burmese army battalions and some have been forced to participate in human rights abuses, including burning villages.

One Burmese boy was reportedly forcibly recruited twice by the time he was 16 years old. This boy was allegedly sold to a battalion by a corporal for approximately US$15, a sack of rice and a tin of cooking oil. When this boy’s aunt and grandmother sought his release, the captain of the battalion company apparently said he would let the boy go in exchange for five new recruits. The boy reportedly told his aunt that he didn’t want five other people to have to face what he had experienced in the army.

There is a clear legal prohibition on recruiting and using child soldiers. Under customary international law, recruitment or use of child soldiers under the age of 15 is a war crime. Over 110 countries, including the United States, have ratified the Optional Protocol to the Convention on the Rights of the Child, which prohibits the recruitment and use of child soldiers under 18.

Over the last few years, significant progress has been made in the prosecution of child soldier recruitment and use in international courts. In 2005, the International Criminal Court issued its first arrest warrants for five Lord’s Resistance Army commanders from Uganda for, among other crimes, enslaving...
children as soldiers by two of the commanders. In February 2006, the International Criminal Court issued an arrest warrant for Thomas Lubanga for the war crime of “enlisting and conscripting children under the age of 15 year old to fight for the Union of Congolese Patriots” in the eastern region of the Democratic Republic of Congo.

In June 2007, the Special Court for Sierra Leone became the first international court to issue convictions for child soldier recruitment, finding three defendants guilty of crimes that included conscripting or enlisting children under the age of 15. In August 2007, the Special Court for Sierra Leone found another defendant guilty of using child soldiers.

Unfortunately, recruiting and using child soldiers does not violate U.S. criminal or immigration law. As a result, the U.S. government is unable to punish individuals found in our country who have recruited or used child soldiers. In contrast, other grave human rights violations, including genocide and torture, are punishable under U.S. criminal and immigration law.

This loophole in the law was identified during “Casualties of War: Child Soldiers and the Law,” a hearing held by the Senate Subcommittee on Human Rights and the Law. Ishmael Beah, a former child soldier and author of the bestselling book A Long Way Gone: Memoirs of a Boy Soldier, testified at this hearing. Mr. Beah said this gap in the law “sends me totally” and that closing this loophole “would set a clear example that there is no safe haven anywhere for those who recruit and use children in war.”

The Child Soldiers Accountability Act will help to ensure that the U.S. government will not find safe haven in our country and will allow the U.S. Government to hold these individuals accountable for their actions.

First, this bill will make it a crime to recruit or use persons under the age of 15 as soldiers. Second, it will enable the government to deport or deny admission to an individual who recruited or used child soldiers under the age of 15.

This legislation will send a clear message to those adults who deliberately and actively recruit or use children to wage war that there are real consequences to their actions. By holding such individuals criminally responsible, our country will help to deter the recruitment and use of child soldiers.

Recognizing that adults often use drugs, threats, or other means to pressure child soldiers into committing serious human rights violations, including the recruitment of other children, this legislation seeks to hold adults accountable for their actions and is not intended to be used in cases of dispensable or deportable former child soldiers who participated in the recruitment of other children.

Former child soldiers require extensive care and support from family members and others in order to be rehabilitated and reintegrated into society. As Mr. Beah testified, “[h]ealing from the war was a long-term process that was difficult but very possible . . . Effective rehabilitation of children is in itself a preventive measure, and this should be the focus, not punitive measures against children that have no beneficial outcome for the child and society.” This legislation should not be interpreted as placing new restrictions on or altering the legal status of former child soldiers who are seeking admission or are already present in the United States.

I urge my colleagues to ask themselves the question Ishmael Beah posed. Would we want our children or grandchildren to bear the pain and suffering that Mr. Beah and other child soldiers face? As Mr. Beah reminded us, the lives of child soldiers are just as important as those of our children and grandchildren. We have a moral obligation to help the young and to stop the abhorrent practice of recruiting and using child soldiers.

I urge my colleagues to support this legislation.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will pass S. 2135, the Child Soldiers Accountability Act of 2007. I commend Senator DURBIN and Senator COBURN for their leadership on this important legislation to prevent and prohibit the practice of using children as soldiers in violent conflicts, and I was proud to join as a cosponsor of this bill. I am glad that Senators DURBIN and COBURN worked with me and others on the Senate Judiciary Committee to produce a consensus bill and to move it through Committee and the Senate. The United States should do all it can to prevent and punish this conduct which is so contrary to our values.

This bill creates a tough new criminal provision aimed at those who recruit or conscript children under the age of 15 into armed conflict. It extends U.S. jurisdiction to perpetrators of this crime in the United States, regardless of their nationality and where the crime takes place, so that those who commit human rights violations cannot come to this country as a sanctuary from prosecution. The bill also amends immigration law to allow those who have used children as soldiers to be barred or removed from the United States.

This bill is another example of the good work of the Judiciary Committee's new Subcommittee on Human Rights and the Law. I am glad that the efforts Subcommittee Chairman DURBIN and I have made to make this subcommittee a force for change and to bring focus on these important issues is resulting in legislative action, as well as providing a forum to put a spotlight on important issues. This is an area in which I have worked for many years as the chair and ranking member of the Foreign Operations Subcommittee of the Appropriations Committee.

During the last 5 years, America’s reputation has suffered tremendously. Some of our ability to lead on human rights policies has been neutered and carelessly squandered. Abu Ghraib, Guantanamo and torture have tarnished that role and that tradition. The secret prisons that the President confirmed last year, this Administration’s role in sending people to other countries where crimes were committed, torture, and recent revelations of the destruction of videotapes showing cruel interrogations by the CIA have led to condemnation by our allies, to legal challenges, and to possible criminal investigations.

I was proud to work with Senator DURBIN to create the Human Rights and the Law Subcommittee. This subcommittee will continue to closely examine some of the important and difficult legal issues that are now a focus of the Judiciary Committee and will work to reverse and correct the damaging influence of the Administration over the last 6 years. The subcommittee has already spearheaded the Genocide Accountability Act, which will soon provide a powerful new tool in America’s efforts to prevent and punish genocide, and has made further progress with hearings and legislation dealing with human trafficking and other vital issues.

The conduct prohibited by the Child Soldiers Accountability Act is appalling but happens all too often throughout the world. We should do everything we can to stop this offense to human rights and human dignity, which exacts such great costs from too many of the world’s children. I commend the Senate for passing this important legislation today.

Mr. President, I yield the floor.

Mr. PRYOR. I ask unanimous consent that a Feingold amendment, which is at the desk, be agreed to; the committee amendment be agreed to; the bill, as amended, be read three times and passed; the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3882) was agreed to, as follows:
AMENDMENT NO. 392

(Purpose: To exclude groups assembled solely for non-violent political association from the definition of an armed force or group.)

On page 4, line 7, insert after “state-sponsored” the following: “, excluding any group assembled solely for non-violent political association”.

The committee amendment was agreed to.

The bill (S. 2135), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2135

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Soldiers Accountability Act of 2007”.

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) Crime for Recruiting or Using Child Soldiers.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

§ 2442. Recruitment or use of child soldiers

(a) OFFENSE.—Any person who knowingly recruits, enlists, or conscripts a person under 15 years of age into an armed force or group or knowingly uses a person under 15 years of age to participate actively in hostilities—

(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

(2) if the death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

(b) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished as if he had completed the offense.

(c) JURISDICTION.—There is jurisdiction over an offense described in subsection (a), and any attempt or conspiracy to commit such offense, if—

(1) the alleged offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(22) of such Act (8 U.S.C. 1101(a)(22)))

(2) the alleged offender is a stateless person whose habitual residence is in the United States;

(3) the alleged offender is present in the United States, irrespective of the nationality of the alleged offender; or

(4) the offense occurs in whole or in part within the United States.

(d) DEFINITIONS.—In this section:

(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—The term ‘participate actively in hostilities’ means taking part in—

(A) combat or military activities related to combat, including scouting, spying, sabotage, and serving as a decoy, a courier, or at a military checkpoint; or

(B) direct support functions related to combat, including taking supplies to the front line and other services at the front line.

(2) ARMED FORCE OR GROUP.—The term ‘armed force or group’ means any army, militia, or other military organization, whether or not it is state-sponsored, excluding any group assembled solely for nonviolent political association.

(3) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

§ 3300. Recruitment or use of child soldiers

(1) No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.

(2) CRIMINAL SANCTIONS.

(A) In general.—Chapter 213 of the Immigration and Nationality Act (8 U.S.C. 1122(a)(3)) is amended by adding at the end the following:

(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has committed, ordered, incited, assisted, or otherwise participated in the commission of the recruitment of use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.

(c) GROUND OF REMOVABILITY FOR RECRUITMENT OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1122(a)(3)) is amended by adding at the end the following:

(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien described in section 212(a)(3)(G) is deportable.

(d) WITHHOLDING OF REMOVAL.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1123(b)(3)(B)) is amended by adding at the end the following:

(1) an alien described in section 212(a)(3)(G) is deportable.

(e) ADJUDICATIONS.—Section 244(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)) is amended by adding at the end the following:

(1) an alien described in section 212(a)(3)(G) is deportable.

(2) the term ‘non-violent political association’ means an association intended to bring about a change in the government of the United States, its territories, or possessions through means other than force and violence; and

(3) the term ‘non-violent political association’ means an association intended to bring about a change in the government of the United States, its territories, or possessions through means other than force and violence.

(3) CLERICAL AMENDMENT.—The term ‘non-violent political association’ means an association intended to bring about a change in the government of the United States, its territories, or possessions through means other than force and violence.