

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

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

Senator SCHUMER said, at the outset:

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

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

Here again, Senator SCHUMER's words:

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

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

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

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

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

Now, he was sailing along, doing well as a nominee, going through a tough

confirmation process, handling the hearings well, dealing with the issues, and then an issue came up about torture, and waterboarding in particular. Then there seemed to be some confusion being declared about this, so he has cleared up the record on that issue.

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

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

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

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

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

We need an Attorney General. We need an Attorney General in this country. This one has been pending far too long. I ask my colleagues who are seeking to oppose him—I think primarily on the grounds that they just want to oppose the Attorney General nominee of the United States or oppose the President—to back up and to take a second look at this gentleman and his great qualifications, his integrity he has conducted his entire life with, what he has specifically said about

waterboarding, and find it in themselves to do the right thing and support him. This is an outstanding nominee who doesn't deserve this sort of treatment. We need to get this vote up and approved.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader is recognized.

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

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

#### SCHIP

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

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

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

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

#### MORNING BUSINESS

##### FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 301 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children's Health

Insurance Program, SCHIP. Section 301 authorizes the revisions provided that certain conditions are met, including that the legislation not result in more than \$50 billion in outlays for SCHIP over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, satisfies the conditions of the deficit-neutral reserve fund for SCHIP legislation. Therefore, pursuant to section 301, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

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

[In billions of dollars]

#### Section 101

##### (1)(A) Federal Revenues:

FY 2007 .....	1,900.340
FY 2008 .....	2,022.051
FY 2009 .....	2,121.498
FY 2010 .....	2,176.932
FY 2011 .....	2,357.661
FY 2012 .....	2,495.039

##### (1)(B) Change in Federal Revenues:

FY 2007 .....	-4.366
FY 2008 .....	-28.745
FY 2009 .....	14.572
FY 2010 .....	13.211
FY 2011 .....	-36.889
FY 2012 .....	-102.057

##### (2) New Budget Authority:

FY 2007 .....	2,371.470
FY 2008 .....	2,505.209
FY 2009 .....	2,523.853
FY 2010 .....	2,579.438
FY 2011 .....	2,697.839
FY 2012 .....	2,735.357

##### (3) Budget Outlays:

FY 2007 .....	2,294.862
FY 2008 .....	2,469.858
FY 2009 .....	2,570.742
FY 2010 .....	2,607.644
FY 2011 .....	2,703.359
FY 2012 .....	2,716.559

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

[In millions of dollars]

#### Current Allocation to Senate Finance Committee

FY 2007 Budget Authority .....	1,011,527
FY 2007 Outlays .....	1,017,808
FY 2008 Budget Authority .....	1,078,905
FY 2008 Outlays .....	1,079,914
FY 2008-2012 Budget Authority .....	6,017,379
FY 2008-2012 Outlays .....	6,021,710

#### Adjustments

FY 2007 Budget Authority .....	0
FY 2007 Outlays .....	0
FY 2008 Budget Authority .....	9,332
FY 2008 Outlays .....	2,386
FY 2008-2012 Budget Authority .....	49,711
FY 2008-2012 Outlays .....	35,384

#### Revised Allocation to Senate Finance Committee

FY 2007 Budget Authority .....	1,011,527
FY 2007 Outlays .....	1,017,808
FY 2008 Budget Authority .....	1,088,237
FY 2008 Outlays .....	1,082,300
FY 2008-2012 Budget Authority .....	6,067,090
FY 2008-2012 Outlays .....	6,057,094

#### HONORING OUR ARMED FORCES

STAFF SERGEANT LARRY I. ROUGLE

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

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

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

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

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

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

#### REQUEST FOR SEQUENTIAL REFERRAL

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

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

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

HON. HARRY REID,  
Majority Leader, U.S. Senate, Washington, DC.  
DEAR SENATOR REID: Pursuant to paragraph 3(b) of Senate Resolution 400 of the 94th Congress, I request that S. 2248, the

FISA Amendments Act of 2007, which was filed by the Select Committee on Intelligence on October 26, 2007, be sequentially referred to the Judiciary Committee for a period of 10 days, as calculated under S. Res. 400. The basis for this request is that the bill contains matters within the jurisdiction of the Committee.

Thank you for your assistance.

Sincerely,

PATRICK LEAHY,  
Chairman.  
ARLEN SPECTER,  
Ranking Member.

#### IRAQ

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

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

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

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

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

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

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

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

(By Frederick W. Kagan)

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