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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, December 4, 2007, at 2 p.m.

Senate

FRIDAY, NOVEMBER 16, 2007

The Senate met at 8:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Eternal Spirit, the giver of every good and perfect gift, as we enter the Thanksgiving season, heighten our gratitude for the blessings You so lavishly bestow upon us. Deepen our appreciation for the resources so uncommonly plentiful in our land. Lord, so many in our world live in fear. You have enabled us to live in freedom. So many in our world are hungry, but we have plenty to eat. So many in our world can't read or write, but You have placed in our Nation great institutions of higher learning. So many in our world don't know You as Savior, but we are grateful for Your saving love.

Use our Senators today to touch hurting lives. Make them sensitive to the pain in our world. May they become such good stewards of their influence and power that they will be advocates for the voiceless, the weak, the poor, the elderly, and the neglected. Let compassion be the hallmark of their deliberations. We pray in the name of Him who gave His life for all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 16, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

MEASURE PLACED ON THE CALENDAR—S. 2363

Mr. REID. Mr. President, I ask the Chair to direct the clerk to report S. 2363, which is at the desk and due for a second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 2363) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this measure.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, this morning, there will be debate prior to the first of three cloture votes. The first cloture vote is on the Motion to Proceed to S. 2340, the second cloture vote is on the Motion to Proceed to H.R. 4156, the House-passed Orderly and Responsible Iraq Redeployment bill, and the third vote is a vote on invoking cloture on the Harkin substitute amendment to the farm bill.

All debate time is equally divided between the two leaders, with each leader speaking for 5 minutes immediately prior to the first vote, which will occur at 9:30.

ORDER OF PROCEDURE

Mr. President, I now ask unanimous consent that the vote time after the first vote be limited to 10 minutes.

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

Mr. REID. Mr. President, yesterday was a day of real negativity by our colleagues on the other side of the aisle. The country could have benefitted

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

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from passage of TRIA, the Terrorism Risk Insurance Act, which is so important. We must do that before the end of the year or it will bring business to a real slowdown here in America.

We also were unable to get the modernization of FHA done, even though it passed the House overwhelmingly and came out of committee here by a vote of 20 to 1. It is a shame there was an objection to that.

And also AMT, Mr. President. We tried a number of different ways to get that done. It was objected to every time we tried to do something. That is unfortunate. We will continue to work on these things and maybe before the day is out, we will get that done.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate prior to the cloture vote on the motion to proceed to S. 2340.

The Senator from Washington.

Mrs. MURRAY. Mr. President, today we have an opportunity before us. With the bill we will consider, we can do what the American people have asked us to do. We can begin to bring the war in Iraq to a close.

More than 3,800 of our servicemembers have died. In fact, as we know, 2007 has been the deadliest year so far in Iraq. And while we spend billions of dollars in Iraq, the list of safety, health, and infrastructure needs at home is stacking up.

Today it is time to begin redeploying our troops, rebuilding our military, and getting back to fighting the war on terror.

I was one of the 23 Senators who voted against the war in Iraq, and since then I have voted time and time again to get us out of this war. That is why I support the bridge funding that is being offered by Senator REID this morning that we will consider.

This bill provides $50 billion to make sure our troops have what they need to do their job and it requires the President to begin redeploying troops out of Iraq within 30 days after he signs this into law. Our goal with this legislation is to be out of Iraq by the end of next year. And importantly, unlike the bill being offered by the other side, it is not a blank check. It requires American personnel, including the CIA, to follow Army Field Manual rules on torture, it requires the military to give our troops at least a year to rest in between tours of duty, and to ensure that they are battle ready before going into war. So this morning I urge our colleagues to seize this opportunity and put American lives, American security, and America's future first and begin to change direction in Iraq.

Earlier this year, President Bush promised us his troop surge was going to improve security and allow Iraqis to stabilize their own country, but that is not working. The Washington Post reported Thursday that senior military commanders in Iraq are now saying that the inflexibility of the Shiite government is the key threat facing the U.S. effort there.

We have given the Iraqi Government every chance to step up and take control. We have done our part. The Iraqi Government has not done its part. And in the meantime—while more than 150,000 of our troops are policing a civil war in Iraq—we have become more vulnerable overseas. Terrorist attacks have risen almost fivefold since 9/11.

The President has hidden in his bunker and stubbornly refused to pursue the strategy needed to bring stability in Iraq. It is time for him to face facts. It is time for the Iraqis to take control of their own country and for us to redeploy our troops where they are most needed.

Our bill will allow us to rebuild our military, which is stretched too thin. Generals have testified to Congress that the war in Iraq has weakened our military readiness, destroyed our equipment, hurt our ability to respond to disasters here at home, and left our troops stressed and without fully rounded training. We need to make sure our troops are trained for whatever conflict they face, and changing the direction in Iraq allows us to do that.

We need to fight and win the war on terror and rebuild our military. We also need to be there to support our servicemembers, our veterans, and their families. Our veterans have had to struggle to get basic care because this administration has put them on the back burner. We learned this week that, tragically, thousands of our veterans didn't get the help they needed and they took their own lives. CBS reported that in 2005 alone, 6,256 veterans committed suicide—a rate twice that of other Americans. That is shocking.

The bill we are working on today, and that we hope we can get enough votes for, will ensure we are meeting our veterans' needs every step of the way, from the day they are recruited, while they are trained, while they are deployed, and as they transition back home.

Finally, while President Bush has waged war overseas, he has insisted on paying for it in ways that have left us tragically underfunded here at home. Democrats have taken the right steps to reinvest in the many parts of our budget that have been neglected. We have got to move forward. I hope we can move this legislation that has been offered on our side, because the war in Iraq is not making us more secure, it is making us less secure. It is hurting how our Nation is perceived around the world, it is hurting our military, it is hurting our veterans, and it is hurting our security at home.

Today we have an opportunity to make progress, and I urge my colleagues to support the bridge funding and send a message to the President that it is time to change course in Iraq.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, how much time remains on the Democratic side?

The ACTING PRESIDENT pro tempore. The Senator may speak for up to 7 minutes. The balance of the time on the Democratic side has already been allocated.

Mr. REED. Mr. President, I request 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

Mr. REED. Mr. President, today we face an opportunity to change the course and the direction of our policy in Iraq. The other body, the House of Representatives, has sent a provision—a bridge appropriations supplemental—to us, which includes language that would change this policy. It would change our missions, it would establish a goal to complete the transition to this new mission by the end of next year, and it would invest resources, energy, and effort in diplomacy as well as military activity. I think it is critical to do that.

We have, for the last several months, seen an increase in American forces on the ground, and the sheer presence and effectiveness of American forces has created some tactical momentum in terms of the security situation. But the fundamental challenge remains to get the policy right in Iraq, and that is the responsibility of the Government of Iraq. In January of this year, 2007, the President announced his surge and he said:

> I have made it clear to the prime minister and Iraq's other leaders that America's commitment is not open-ended. If the Iraqi government does not follow through on its promises, it will lose the support of the American people and it will lose the support of the Iraqi people.

Well, those individuals in this body who oppose the House provision, the changed missions, are essentially declaring that there is an open-ended commitment; that we will not condition our resources and our effort in Iraq. I think that is wrong. And, in fact, it is wrong because what has been acknowledged over the last several days is the fact that the Iraqi political leaders have not seized on the situation in Iraq. They have not followed through.

The President proposed his surge because he thought the Government of Iraq would have the breathing space it needed to make progress in other critical areas. No such significant progress has been made. Yesterday, on the front page of The Washington Post, Tom Ricks wrote:

> Senior military commanders here now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing

the U.S. effort in Iraq, rather than al-Qaida terrorists, Sunni insurgents, or Iranian-backed militias.

General Odierno, our tactical commander, the corps commander, indicated if that doesn't happen—i.e., the Government taking charge—we are going to have to review our strategy. Well, that is not taking place. We have to review our strategy. Indeed, we have to change our strategy. We have to have a strategy with limited missions, counterterrorism, force protection, training Iraqi security forces. Those are the missions embedded in the supplemental bridge legislation passed by the House. Those are the missions we should pursue. Those are the missions that are essential to our security.

The Iraqi people, the Iraqi Government, must solve their own internal problems. We have given them space. They have not used it. Now we must seize on those mission which will protect the United States without an open-ended, unlimited commitment of our forces and our resources.

I urge that all of our colleagues join together in a bipartisan fashion and strongly support the supplemental bridge legislation proposed by the House, including conditions which are essential to our progress forward in Iraq.

I yield the floor.

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

Mr. LEVIN. Mr. President, I ask unanimous consent I be yielded 5 minutes.

The ACTING PRESIDENT pro tempore. There is only 3½ minutes that have not been allocated.

Mr. LEVIN. Mr. President, I ask I be yielded that time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. LEVIN. Mr. President, once again the Senate has an opportunity to address the situation in Iraq. This morning, we are considering a motion to proceed to H.R. 4156 that contains a so-called bridge fund of $50 billion for ongoing military operations in Iraq.

The House-passed bill provides for the President, within 30 days after enactment, to commence a phased redeployment of U.S. forces from Iraq and for the transition of those forces to specific missions: (1) protecting U.S. diplomatic facilities, U.S. forces, American citizens; (2) conducting limited training, equipping and providing logistical and intelligence support to Iraqi Security Forces; and (3) engaging in targeted counterterrorism operations against al-Qaida, al Qaida affiliated groups, and other terrorist organizations in Iraq. It sets a goal for the completion of the transition would be December 15, 2008.

Some argue that we should not identify the new more limited missions or commit to transition to them. The President told the American people on September 13 that we will transition to a new phase starting in December and that ''As this transition in mission takes place, our troops will focus on a more limited set of tasks, including counterterrorism operations and training, equipping, and supporting Iraqi forces.'' Does that sound familiar? Well, it's like the House passed language before us.

It is the goal of completing the transition that he objects to—although it is a goal and not binding. Setting a goal may be too much for he who is unwilling to set a goal—but just don't misrepresent it as a fixed timetable when it is stated as a goal.

From all accounts, the surge has already produced militarily progress—sectarian violence in most regions of Iraq, particularly Baghdad, is down.

The problem is that, while the surge has at this point seen militarily progress, it has not accomplished its primary purpose as announced by President Bush last January, when he stated that its purpose was to give the Iraqi government ''the breathing space it needs to make progress in other critical areas.'' The President also said that ''America will hold the Iraqi government to the benchmarks it has announced.'' Well we haven't. The President statement that he ''will hold the Iraqi government to the benchmarks it has announced'' is so much hollow rhetoric. Those benchmarks include approving a hydrocarbon law; approving a de-Baathification law; completing the work of a Constitutional Review Committee; and holding provincial elections. Those commitments, made 1½ years ago, which were to have been completed by January 2007, have not yet been kept by the Iraqi political leaders despite the breathing space the surge has provided. 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 nothing less than abysmal.

One year ago this month, the Prime Minister of Iraq, Nouri al-Maliki himself: ''The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the [Iraqi] politicians.'' Secretary of Defense Gates agreed with that assessment in December of last year. President Bush agreed in January. Petraeus agreed in September. If everyone agrees that this is a political crisis, why does the administration keep focusing on military solutions?

General Odierno, according to yesterday's Washington Post, described the breathing space as a window of opportunity, which may close at any time. Whether the Iraqi political leaders decide to take advantage of this window of opportunity is of course their decision. We can't make that decision for them. They are a sovereign country.

But how long U.S. forces remain deployed to Iraq, and with what missions, and how long U.S. forces continue to fight the insurgency instead of the Iraqi army taking over that fight, and how long we continue to subject our brave and valiant servicemen and women to the risk of death and serious injury—those decisions are in our hands.

Secretary Gates has said that pressure on the Iraqi political leaders is useful. President Bush has acknowledged as much. How can Congress act to put pressure on the Iraqi political leaders? By setting a goal for the transition of the missions of U.S. forces in Iraq to the more supporting and less direct role. The Baker-Hamilton Iraq Study Group in their December 2006 report essentially called for a transition of the mission of U.S. forces in Iraq very much like that called for in this bill—only they called for it to take place by the first quarter of 2008.

We need to do more than say to the Iraqis that our patience has run out and that they need to seize the opportunity that has been given them. Their dawdling will only end when they have no choice.

The bill we will hopefully vote for sets a goal for completion of a transition to missions the President has said were going to transition to. I wish it were binding but setting a timetable as a goal is better than silence which leaves in place the open-endedness of our current presence.

It is that open-ended commitment which continues to create in the minds of the Iraqi political leaders the false impression that their future is in our hands instead of theirs.

We should vote for cloture on the House passed bill and be allowed to vote on its substance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, this morning we are going to be voting on two supplemental appropriations bills. Both of these bills would appropriate funds for our operations in Iraq—one would provide $50 billion while the other would provide $70 billion. However, the key difference between the bills is very simple: the goal of one of the bills is to help our efforts in Iraq succeed, and the goal of the other bill is to make our efforts fail.

H.R. 4156, which passed the House of Representatives on Wednesday by a margin of only 15 votes, would mandate that the funds appropriated through the bill can only be used for a ''safe and orderly'' withdrawal of U.S. forces from Iraq and requires that a withdrawal of U.S. forces begin 30 days after enactment with a goal for a complete withdraw of December 15, 2008. If there is a reason the restrictions in this bill sound familiar, it is because they are. This bill employs the same jargon and ill-advised deadlines and withdrawal dates that the majority tried on the Defense authorization bill and fiscal year 2007 supplemental appropriations bill earlier this year. Those strategies failed and, in the case of the appropriations bill, the proposed restrictions were removed after a Presidential veto and Congress then passed

a supplemental appropriations bill without surrender dates. These strategies will fail this time as well, and they will fail for several reasons.

First, in the midst of progress in Iraq—which no one denies—and a strategy which is working, it simply does not make sense to tie the hands of the commanders on the ground and force them to implement a strategy which—in the best judgment of our military leaders, our intelligence agencies, and the perspective of countless outside observers—will lead to the failure of our mission and the rapid deterioration of conditions in Iraq and for the Iraqi people.

Second, the type of restrictions and conditions in this bill exceed both the authority and the expertise of the legislative branch. For example, section 104 of the bill requires that no unit can be deployed to Iraq unless it is certified to be fully mission capable 15 days prior to deployment. Everyone will agree that our troops need to be trained, rested, and ready to execute the missions they are given. No one will disagree that the global war on terrorism has stretched our military and that our military is having to adapt to meet the challenges we put before them. However, to legislate readiness levels in a time of war is extremely unwise and—in my judgment—unconstitutional. Although appealing at face value, such restrictions will hamper our commanders, ability to respond to crises and weaken their ability to take advantage of momentum. These types of restrictions would have compromised our effectiveness and success in previous military engagements with catastrophic results.

Third, the strategy which inspires these restrictions is—at root level—not a military strategy. It is a political strategy. The tactics being used by those who would enact conditions and deadlines like those in this bill are not based on any strategic thought or analysis—instead they respond to a political base that is anti-war and refuses to acknowledge the progress we are making. Political strategies for fighting wars—like the strategy we are dealing with now—all have one thing in common—they result in failure. They are shortsighted, politically motivated, and—most importantly—do not serve any national security objective.

We are making progress in Iraq. The strategy our President and our military commanders have implemented is working. We are receiving regular updates from our leaders in Iraq which are not ''glowing,'' but they are positive. Most importantly, our leaders are adjusting their strategy in accordance with developments on the ground as well as the realities back home. They are doing this wisely, not hastily, or in response to opinion polls, but according to good judgment and a realistic assessment of what will work, what won't work, and what is appropriate at this point of time. H.R. 4156 will put a stop to our leaders' ability to do this. It will keep them from doing the jobs we have sent them to do, and that is to lead, to decide, to make judgments, and to report back to us on their effectiveness.

One week from today, I will be in Iraq. I will be spending Thanksgiving day with the troops and I am so looking forward to it. While we are there on this bipartisan trip, we are going to be getting the facts about what is happening in Iraq. I know militarily, as I stated, we are moving forward. That is what this bill is all about, supporting our troops. But at the same time, we know there are challenges there, particularly on the political side. The stability of the Iraqi Government is not where we want it to be, and we are going to be delivering a bipartisan message from this body that it is time for the Iraqi leadership to get their political Government in order and it is time for them to begin to exercise real leadership of the Iraqi people because we are not going to be there forever.

They now have the ability, because of the great work the men and women of the U.S. military have done and continue to do, to provide stability to that Government, and that message will be delivered very clearly.

For all the above reasons, I urge my colleagues to vote against H.R. 4156 and in support of Senators MCCONNELL and STEVENS' alternative, S. 2340.

Now I wish to move to the other vote we are going to be taking today.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

THE FARM BILL

Mr. CHAMBLISS. Mr. President, I rise today to address the upcoming vote to restrict debate on the Food and Energy Security Act of 2007. Rule XXII has historically been used in the Senate of the United States as a way to limit the duration of debate on bills of consequence. This rule is typically utilized when the Senate—long known for its ability to conduct lengthy and protracted debates—is unable to conduct its business in a timely fashion due to a threat of filibuster or an unwillingness on the part of some Senators to end debate and vote on critical legislation.

Today, the Senate has been forced into a cloture vote, not because we have conducted a protracted debate with no end in sight; not because a filibuster has been employed by the minority; not because there is a lack of desire by anyone in the Senate to pass a farm bill; but because the past precedent of conducting a fair and open farm bill debate was trampled upon before this process was even started.

Both Democrats and Republicans have utilized the procedural tool of ''filling the tree'' in the past in an effort to restrict our deliberative process. Each circumstance for employing this tool is unique and I respect the right of the majority leader to choose this process; but I certainly wish he would have chosen a more bipartisan approach. The bill we passed out of the Agriculture Committee enjoyed so much support from our committee members that it was passed unanimously by voice vote. Our committee knew and understood that a bill of this magnitude would not only have to face the scrutiny of the entire Senate; but that it would also likely be amended in some form or fashion. We recognized and embraced that fact because we knew the strong bipartisan support within our committee would allow us to debate this legislation on the floor under the guiding principle of providing an effective safety net for America's farmers and ranchers; rather than the principles of political partisanship and procedural maneuvers.

Unfortunately, as occurred with the House version of the farm bill, partisan politics were inserted into this debate at the final hour and have successfully transformed a bill that enjoyed vast bipartisan support into a partisan spectacle on the Senate floor.

Let me be clear to every Senator on the floor and every farmer and rancher in America listening today; I have a vested interest in the passage of this legislation. I have tirelessly worked on the farm bill before us today for over 2 years. I have traveled the entire country and held field hearings to garner the views of America's farmers and ranchers. I have conducted oversight hearings, initiated GAO investigations, traveled to rural destinations across this great country and have met with everyone with an interest in this bill from the peanut farmer in Georgia to Agricultural Ministers from foreign lands.

I have done all of these things with a singular goal in mind; that is, to craft a 2007 farm bill that will carry American agriculture into the next 5 years in a very prosperous way. With the help of my friends on the Agriculture Committee, both Democratic and Republican, and particularly the chairman, and particularly Senator CONRAD, I believe we have accomplished just that.

No one can challenge my sincere desire to pass this bill. I reject any suggestion that I do not want a farm bill. But I want a farm bill done the right way, a farm bill that is debated under the long-held principles of this body that any Member may offer any amendment he or she desires. Had we taken this approach on Tuesday morning, November 6, I am quite confident that today we would be voting on final passage rather than attempting to restrict a debate that has yet to even occur.

It is, frankly, irresponsible and disrespectful to the Members of this body that we would constrict debate on this critical piece of legislation to the rules of postcloture without allowing any substantive debate. To be clear, there has been no debate on the farm bill in the 10 days it has been on the floor—not one vote, not one amendment considered, not one meaningful debate on the substance and merits of the Food and Energy Security Act of 2007.

Every Member must understand that if we vote for cloture today, we will limit every Member's ability to offer amendments they believe are vital to this bill. Some will argue that 30 hours of debate will be adequate to address the concerns of Members, but history tells a clear and different story.

During the 2002 farm bill debate, the Senate held three cloture votes, and they all failed. The farm bill was only allowed to move forward when the then-Senate majority leader finally allowed an open process. Once he did so, the bill was completed in a little over a week. An open process served the Senate then, and it will serve us well today.

I respect this body. I respect the Members who rightfully have an opportunity to debate any piece of legislation brought before them. It is not in our interest nor in the interest of the American agricultural producer to force this bill through the Senate without the due consideration of the Members who so passionately represent them. Let us not rush to the finish line simply to stumble on our final step. A deliberative process will serve America well and perhaps will allow the bipartisan spirit of our Senate Agriculture Committee to infect and overwhelm the partisan rancor on the Senate floor.

I humbly urge my colleagues to vote against the motion to invoke cloture.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, let me first respond to my friend from Georgia and for the benefit of all Senators make it quite clear that if we have cloture on the farm bill this morning, we will still be allowed to have up to 3 days, 3 full days of debate, 30 hours, and untold numbers of amendments. Every amendment that is relevant and germane to agriculture in the farm bill will be allowed to be offered and voted on. I wish to make that very clear.

Now, if a Senator wants votes on immigration, well then put it on some other bill. If he wants to vote on taxes, put it on some other bill. If they want to vote on whatever else they might want to bring up that is important, put it on another bill. Let's do what is needed for our farmers and ranchers and rural America and get the farm bill passed. That is what this cloture vote will do this morning.

Now, you know, we have a good, strong bipartisan bill. We came out of committee on a voice vote without one dissenting vote voiced—without one. We spent a day and a half—a record short time to my knowledge—in getting a farm bill through the committee.

Mrs. HUTCHINSON. Would the Senator yield for a unanimous consent request?

Mr. HARKIN. Without losing my right to the floor, of course.

Mrs. HUTCHINSON. I ask unanimous consent that I be allowed to follow the Senator from Iowa for up to 2 minutes.

Mr. DURBIN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask if this is additional time being requested for debate on the bill or under the time allotted?

Mrs. HUTCHINSON. Under the time allotted.

Mr. DURBIN. I withdraw my objection.

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

Mr. HARKIN. Mr. President, I ask that the preceding few minutes not come from my time.

The ACTING PRESIDENT pro tempore. They have not.

Mr. HARKIN. Mr. President, the farm bill before us was laid down 10 days ago. Yet during that time we have been blocked from voting on any amendments—not one amendment in 10 days. So the majority leader has correctly filed a cloture motion in an effort to allow this body to offer, debate and vote on amendments and pass this vital legislation without further unreasonable delay. The cloture vote, I say to all, is pivotal, crucial as to whether we will have a new farm bill this year. Everyone knows it. Let me remind my colleagues of what is at stake, why it is so critically important that we put an end to the delay and move ahead.

The pending legislation stays within strict pay-go budget limits. Yet we provide good farm income protection; we promote new economic opportunities for farm and ranch families, especially in the area of energy production; and we help dairy farmers and especially the specialty crop producers all across America. There is more in this bill for specialty crops than any farm bill ever passed in the history of this country. The bill boosts economic growth, jobs, and quality of life in rural America with rural development money in the bill. It makes major new investments in conservation of our natural resources, to save soil, increase water quality, restore wetlands and wildlife habitat. A big part of this farm bill will allow low-income Americans to put a little more food on the family table and to improve the diets not only of our families but of our kids in school. We also have very strong provisions in this bill to help restore our national energy security by promoting biofuels, other renewable energy sources and rural energy initiatives.

These are just some of the highlights that are in this bill. There is much more in the farm bill to benefit rural America and all of our Nation. We have come too far with this bill, we have accomplished too much to let this vitally important bill languish and stall. In fact, at this point, the fate of this bill is in jeopardy—in jeopardy. That is why this cloture vote is so critical.

We are at a procedural impasse. We simply cannot obtain the necessary cooperation from the Republican leadership. They will not agree to a reasonable plan that we debate and deal with relevant, germane amendments so that we avoid having the farm bill even further sidetracked by becoming a Christmas tree of nongermane, nonrelevant amendments, far off the subject of dealing with the farm bill.

I tried—I tried to obtain consent to allow the Senate to debate and vote on amendments that Republicans themselves have filed and presumably wanted to offer, debate and vote on. I asked unanimous consent to bring them up, get a time limit, and vote on them. My request was rejected out of hand. We cannot even get consent to adopt over 50 amendments that have been agreed upon on both sides for a managers' amendment—50 that have been agreed upon. We cannot even get consent to adopt those. Now that shows you how unreasonable—how unreasonable this lack of cooperation has become.

I certainly hope the situation is not a deliberate and orchestrated attempt to stop the farm bill dead in its tracks, but I am beginning to wonder. There are enough rumors floating around. When rumors start coming from different sources, you know there may be something behind them. What I am hearing is that the White House has put out the word behind the scenes to stop this farm bill—stop it. Now, why is that? I began to wonder.

Well, keep in mind, the White House has issued a statement of policy threatening a veto of the farm bill as passed by the House. Then the White House issued a threat to veto the farm bill reported by the Senate Agriculture Committee. So that means if we pass the bill, if we go to conference, we will probably send the White House something they said they would veto.

I suspect some of the White House political people said: You cannot veto a farm bill. Do you want to lose all of rural America for the Republican Party next year? You cannot veto that farm bill. So perhaps instead it would be better if the bill never made it to the White House. Kill the bill here in the Senate. Kill it here.

I see the heavy hand of the White House behind what is going on here. I have worked very closely with Senator CHAMBLISS. We have worked very hard to get to this point. We have worked very hard to get a bipartisan coalition together. But I detect something else interfering here: I detect the White House's heavy hand coming in, telling people what to do and what not to do.

The majority leader has done the appropriate thing by filing cloture. Now, let me again repeat, cloture does not cut off debate, and it does not cut off any relevant, germane amendment to the farm bill. As I said, if we vote for cloture this morning, we can have 3 days of debate, 10 hours a day. We can have 20 amendments or more debated and voted on, plus the 50 we have already agreed upon and others. Plus, every amendment that is relevant and germane is guaranteed an up-or-down vote at the end of cloture. No one will

be denied a vote on an amendment to the farm bill as long as it is relevant and germane. If someone wants to add a Christmas tree ornament dealing with immigration or foreign relations or the war in Iraq or something, yes, that amendment is out after cloture. They will not be able to offer that amendment. But that comes down to the question, do you want a farm bill or not? Do you want a farm bill or not? It is too important to allow a small minority or the White House—maybe people here are bowing to pressure from the White House—to hold it up indefinitely.

We are falling behind. If we get cloture, we can move ahead aggressively. We can come back after the Thanksgiving recess, spend about 2 or 3 days, 3 days on the farm bill, and it would pass the Senate. We can go to conference, work out our differences, and send the bill to the White House. That will not happen if we do not get cloture. If we do not get cloture, my friends, there may well not be any farm bill.

Now, who has a stake in this? I have a good number of letters here with many signatures. I ask unanimous consent to have them printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HARKIN. Here is a letter with 11 groups telling us to move forward without further delay, everything from the American Farmland Trust and Audubon, to the National Wildlife Federation and the Izaak Walton League of America.

Here is another letter with 185 signatures urging the Senate to vote for cloture. Many of those signing the letter are antihunger and nutrition groups ranging from the America's Second Harvest to the Atlanta Community Food Bank, the Food Bank of North Alabama, the Food Bank of the Albemarle in North Carolina—food banks and others who fight hunger all over the country realize they need this farm bill. The National Association of State Departments of Agriculture, National Farmers Union, National Milk Producers Federation and many others—again, 185 groups on this letter asking us to vote for cloture this morning.

Here is another letter—61 groups who wrote in late September calling for expedited action on the new farm bill. Well, that is what cloture is—expedited action. This letter is signed by groups from the American Farm Bureau Federation, to the American Soybean Association, to the National Association of Wheat Growers, the National Cotton Council, Pheasants Forever, and the School Nutrition Association, to name just a few. They want expedited action.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HARKIN. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has consumed his 10 minutes.

Mr. HARKIN. I urge all Senators to vote for cloture and let us get this critical farm bill passed, go to conference, send it to the White House, and get it signed before Christmas.

EXHIBIT 1

NOVEMBER 15, 2007.

DEAR SENATOR: The undersigned conservation organizations urge the Senate to move forward with consideration of the farm bill without further delay but with full and fair consideration of relevant amendments. We need a new and improved conservation title, and extension of the 2002 Farm Bill is not, in our view, an acceptable alternative. We believe the bill reported by the Agriculture Committee makes very important strides in addressing key conservation issues and programs, but we also are united in the view that important improvements to both policy and funding need to be made on the floor. Therefore, we urge you to move as quickly as possible to considering, amending, and passing a new farm bill.

Sincerely,

American Farmland Trust, Audubon, Center for Native Ecosystems, Chesapeake Bay Foundation, Coevolution Institute, Defenders of Wildlife, Izaak Walton League of America, National Campaign for Sustainable Agriculture, National Wildlife Federation, Natural Resources Defense Council, Sustainable Agriculture Coalition.

NOVEMBER 15, 2007.

U.S. Senate,
Washington, DC.

DEAR SENATOR: The undersigned organizations write to urge the Senate to vote in favor of the farm bill cloture motion. It is critical that the Senate pass omnibus farm legislation as soon as possible in order to assure enactment of a new farm bill this year.

While our organizations have differences on specific policy recommendations, we believe it is vitally important that the Senate pass a 2007 Farm Bill as soon as possible. The 2002 law expired in September, leaving farmers and ranchers uncertain of the policy environment in which they will operate next year and several conservation and nutrition programs expired. These programs that conserve land resources and serve poor and hungry people must be reauthorized and adequately funded now.

Extending the 2002 Farm Bill is not an acceptable alternative to enacting new legislation that addresses important needs in each of these areas. Extension is only a short term solution that does not provide the assurances that the nutrition, agriculture, conservation and renewable energy communities need for efficient long-term planning.

We worked with the Senate Agriculture Committee to develop a farm bill that addresses our priorities, but are concerned that delayed floor action is lessening the chances of completing a new farm bill this year. We therefore urge a yes vote on the cloture motion on this important legislation.

Sincerely,

AARP; Alameda County Community Food Bank; America's Second Harvest—The Nation's Food Bank Network; American Council for an Energy-Efficient Economy; American Farmland Trust; American Heart Association; American Public Health Association; American Wind Energy Association; America's Second Harvest of KY's Heartland Food Bank; America's Second Harvest of Wisconsin; Association of American Veterinary Medical Colleges; Association of Arizona Food Banks; Atlanta Community Food Bank; Bay Area Food Bank, Theodore, Alabama; Blue Ridge Area Food Bank, Verona, Virginia; California Association of Food Banks; California Food Policy Advocates; California Hunger Action Coalition; Capital Area Food Bank of Texas; Care and Share Food Bank for Southern Colorado; Cathedral Kitchen, Camden, New Jersey; Center for Civil Justice, Michigan; Center for Public Policy Priorities, Texas; Central Pennsylvania Food Bank; Children's Alliance, Washington; Children's Hunger Alliance, Ohio; Children's Sentinel Nutrition Assessment Program (C–SNAP); Cleveland Foodbank, Inc.; Coalition on Human Needs; Community Food Security Coalition; Colorado Anti-Hunger Network; Colorado Food Bank Association; Community Food Bank of New Jersey; Community Food Banks of South Dakota; Congressional Hunger Center; Connecticut Association for Human Services; Connecticut Food Bank; Dare to Care Food Bank, Louisville, Kentucky; DC Hunger Solutions; Denver Urban Ministries.

Emergency Food and Shelter Program, NYC; End Hunger Connecticut; End Hunger Network, Houston, Texas; Environmental and Energy Study Institute; Environmental Law and Policy Center; Familia Center, Santa Cruz, California; Feeding Indiana's Hungry (FIsH); Feinstein Center for a Hunger Free America, University of Rhode Island; Florida Impact; Food & Water Watch; Food Bank for New York City; Food Bank of Alaska; Food Bank of Central and Eastern North Carolina; Food Bank of Central New York; Food Bank of Delaware; Food Bank of Iowa; Food Bank of Lincoln, Nebraska; Food Bank of North Alabama; Food Bank of South Jersey; Food Bank of the Albemarle, North Carolina; Food Bank of the Rio Grande Valley, Inc.; FOOD for Lane County, Eugene Oregon; Food Research & Action Center (FRAC); FOOD Share, Inc., Oxnard, CA.

Foodbank of the Virginia Peninsula; FoodLink for Tulare County, Inc.; Foodshare, Bloomfield, CT; FRAMAX Child Care Food Program, Modesto; Georgia State Food Bank Association; Gleaners Food Bank of Indiana, Inc.; God's Pantry Food Bank, Lexington, Kentucky; Great Plains Food Bank, Fargo, ND; Greater Chicago Food Depository; Greater Philadelphia Coalition Against Hunger; Greater Pittsburgh Community Food Bank; Harry Chapin Food Bank, Ft. Myers, Florida; Harvesters—The Community Food Network, Kansas City, Missouri; Houston Food Bank; Hunger Solutions Minnesota; Illinois Food Bank Association; Illinois Hunger Coalition; Island Harvest, Mineola, New York; Kalamazoo Loaves & Fishes, Michigan; Kansas Food Bank; Kentucky Task Force on Hunger.

Lincoln County Food Share, Newport, Oregon; Los Angeles Regional Foodbank; Louisiana Food Bank Association; Manna Food Center, Rockville, Maryland; MAZON: A Jewish Response to Hunger; Mercer Street Friends Food Bank, Ewing, New Jersey; Michigan Legal Services; Middle Georgia Community Food Bank, Macon, Georgia; Midwest Dairy Coalition; Migrant Legal Action Program; Minnesota Food

Share; Mississippi Food Network; Montana Food Bank Network; N.C. Cooperative Extension, Mitchell County Center, College of Agriculture and Life Sciences; North Carolina State University; National Advocacy Center of the Sisters of the Good Shepherd; National Association of Conservation Districts; National Association of County and City Health Officials; National Association of State Departments of Agriculture; National Association of State Energy Officials; National Center for Law and Economic Justice.

National Commodity Supplemental Food Program (CSFP) Association; National Farmers Union; National Milk Producers Federation; National Puerto Rican Coalition, Inc.; Nebraska Appleseed Center for Law in the Public Interest; New Hampshire Food Bank; New Jersey Anti-Hunger Coalition; New Mexico Association of Food Banks; NM Human Needs Coordinating Council; North Texas Food Bank; Northeast Iowa Food Bank; Nutrition Consortium of NYS, Inc., New York; NYC Coalition Against Hunger; Ohio Association of Second Harvest Food Banks; OMB Watch; Oregon Food Bank; Oregon Hunger Relief Task Force; Ozarks Food Harvest, Springfield, Missouri; PANDORA-Patient Alliance for Neuroendocrineimmune Disorders Organization for Research and Advocacy, Inc.; Partners in Ending Hunger, Maine.

Pennsylvania Hunger Action Center; Public Policy Center of Mississippi; Regional Food Bank of Oklahoma; RESULTS/RESULTS Educational Fund; Roadrunner Food Bank, Albuquerque, New Mexico; San Francisco Food Bank; Sargent Shriver National Center on Poverty Law; Second Harvest Food Bank for San Diego; Second Harvest Food Bank of Greater New Orleans and Acadiana; Second Harvest Food Bank of Middle Tennessee; Second Harvest Food Bank of Orange County; Second Harvest Food Bank of Santa Clara and San Mateo Counties, California; Second Harvest Food Bank of the Chattahoochee Valley, Columbus, Georgia; Second Harvest Gleaners Food Bank of West Michigan, Inc.; Second Harvest Heartland, Maplewood, Minnesota; Second Harvest Inland Northwest, Spokane, Washington; Second Harvest North Central Food Bank, Grand Rapids, Minnesota; Second Harvest Northern Lakes Food Bank, Duluth, Minnesota; SHARE Food Program, Inc., Philadelphia; Side Campaign Against Hunger, New York City; So Others Might Eat, Inc. (SOME), Washington, D.C.

Social Ministries Task Force, Presbytery of Des Moines, Iowa; Society of Saint Andrew; South Plains Food Bank, Lubbock, Texas; Southern New Hampshire Services, Inc.; Southern Peanut Farmers Federation; St. Leo Food Connection, Tacoma, Washington; St. Louis Area Foodbank; St. Mary's Food Bank Alliance, Phoenix, Arizona; Statewide Food Network of New Jersey; TEFAP Alliance; The Food Bank of Central Louisiana; The Food Bank of Northwest Louisiana; The Food Bank of Western Massachusetts, Inc.; The Food Bank, Memphis, Tennessee; The Foodbank, Inc., Dayton, Ohio;

The Greater Boston Food Bank; The Jewish Council for Public Affairs; The Kauai Food Bank, Inc, Hawaii; Union for Reform Judaism; United Food and Commercial Workers International Union; United Food Bank, Mesa, Arizona; USAction/USAction Education Fund; Utahns Against Hunger; Ventura County Food Bank; Vermont Campaign to End Childhood Hunger; Vermont Foodbank; Weld Food Bank, Greeley, Colorado; Western Organization of Resource Councils; WHEAT, Phoenix, Arizona; World Hunger Year (WHY).

SEPTEMBER 28, 2007.

Hon. HARRY REID,
Majority Leader,
U.S. Senate.
Hon. TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate.
Hon. MITCH MCCONNELL,
Minority Leader,
U.S. Senate.
Hon. SAXBY CHAMBLISS,
Ranking Member, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate.

DEAR SENATORS REID, MCCONNELL, HARKIN, AND CHAMBLISS: The undersigned organizations write to support expedited action on the 2007 Farm Bill. It is critical that the Senate develop omnibus farm legislation as soon as possible in order to assure enactment of a new farm bill this year.

While our organizations have differences on specific policy recommendations, we believe it is vitally important that the Senate Agriculture Committee mark up and pass a 2007 Farm Bill as soon as possible. Only a few days remain before provisions of the 2002 law expire. Farmers and ranchers need certainty on the policy environment in which they will operate next year. Several conservation and nutrition programs expire at the end of the fiscal year. These programs that conserve land resources and serve poor and hungry people must be reauthorized and adequately funded now.

Extending the 2002 Farm Bill is not an acceptable alternative to enacting new legislation that addresses important needs in each of these areas. Extension is only a short-term solution that does not provide the assurances that the nutrition, agriculture and conservation communities need for efficient long-term planning.

We are working with the Senate Agriculture Committee to develop a farm bill that addresses our priorities, but are concerned that delayed action on this legislation is lessening the chances of completing a new farm bill this year. We therefore urge a quick and favorable resolution to the funding and other outstanding issues that are holding up action on this important legislation. We look forward to working with you to move this process forward in the Senate in the coming weeks.

Sincerely,

AARP; Alliance to End Hunger; American Farm Bureau Federation; American Federation of State, County and Municipal Employees (AFSCME); American Malting Barley Association, Inc.; American Soybean Association; America's Second Harvest; Association of Fish and Wildlife Agencies; Children's Sentinel Nutrition Assessment Program (C-SNAP); Coalition of Human Needs; Community Food Security Coalition; Congressional Hunger Center; End Hunger Network; First Focus; Food Research and Action Center; Jewish Council for Public Affairs (JCPA); MAZON: A Jewish Response to Hunger; Migrant Legal Action Program; National Association of Conservation Districts; National Association for the Education of Young Children (NAEYC).

National Association of Resource Conservation and Development Councils; National Association of Wheat Growers; National Barley Growers Association; National Cotton Council; National Corn Growers Association; National Council of Farmer Cooperatives; National Commodity Supplemental Food Program Association; National Education Association (NEA); National Farmers Union; National Grange; National Law Center on Homelessness & Poverty; National Milk Producers Federation; National Policy and Advocacy Council on Homelessness (NPACH); National Pork Producers Council; National Recreation and Park Association; National Sorghum Producers; National Sunflower Association; National WIC Association; National Wild Turkey Foundation; NETWORK: A National Catholic Social Justice Lobby.

OMB Watch; Pheasants Forever; Presbyterian Church (USA) Washington Office; Quail Unlimited; RESULTS; School Nutrition Association; Share Our Strength; Society of St. Andrew; Southern Peanut Farmers Federation; Specialty Crop Farm Bill Alliance; The Brewers Association; The United Methodist Church—General Board of Church and Society; U.S. Canola Association; U.S. Dry Bean Council; U.S. Rice Producers Association; USAction; USA Dry Pea and Lentil Council; USA Rice Federation; Voices for America's Children; Wider Opportunities for Women; YWCA USA.

SPECIALTY CROP
FARM BILL ALLIANCE,
November 15, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: The Specialty Crop Farm Bill Alliance, a national coalition of more than 120 specialty crop organizations representing 350 specialty crops, is disappointed in the lack of progress that is being made by the Senate regarding the consideration and passage of the 2007 Farm Bill. The reauthorization of the Farm Bill represents an historic opportunity to move agriculture into the 21st Century by investing key resources into the livelihoods and business of specialty crop producers across the country.

Most importantly, this ongoing delay with the 2007 Farm Bill will make it difficult to enact legislation that addresses the needs of the specialty crop industry, which include increasing the role of specialty crops to improve nutrition, expanding production and product innovation research capabilities and improving critical procedures to control for invasive pests and diseases from entering this country. Therefore, it is critical that the Senate resolve their differences and pass a bill expeditiously so that a conference committee can be appointed and a final bill can be approved in 2007.

Specialty crop producers across the nation urge the Senate leadership and members of the Senate to come together quickly to pass a new Farm Bill for American farmers and consumers.

Thank you for your consideration of these important matters.

Sincerely,

Alabama Watermelon Association; American Mushroom Institute; American Nursery and Landscape Association; Arizona Winegrowers Association; Blue Diamond Growers; Buy California Marketing Agreement; California Association of Nurseries & Garden Centers; California Association of Wine Grape

Growers; California Citrus Mutual; California Dried Plum Board; California Fig Institute; California Fresh Fig Growers Association; California Grape and Tree Fruit League; California Strawberry Commission; California Table Grape Commission; California Walnut Commission; California-Arizona Watermelon Association; Cherry Marketing Institute; Colorado Potato Administrative Committee; Colorado Wine Industry Development Board.

Connecticut Farm Wine Development Council; Connecticut Vineyard & Winery Association; Empire State Potato Growers; Florida Citrus Mutual; Florida Citrus Packers; Florida Fruit and Vegetable Association; Florida Strawberry Growers Association; Florida Tomato Exchange; Florida Watermelon Association; Fruit Growers Marketing Association; Georgia Fruit and Vegetable Growers Association; Georgia Watermelon Association; Grower-Shipper Association of Central California; Idaho Grape Growers and Wine Producers Commission; Idaho Grower Shippers Association; Idaho Potato Commission; Indian River Citrus League; Indiana-Illinois Watermelon Association; Leafy Greens Council; Maine Potato Board.

Maryland-Delaware Watermelon Association; Maryland Wineries Association; Miami-Dade County; Michigan Apple Committee; Minnesota Area II Potato Growers Research and Promotion Council; Minnesota Grape Growers Association; Missouri Wine & Grape Board; Missouri-Arkansas Watermelon Association; National Berry Crop Initiative; National Grape Cooperative Association; National Grape and Wine Initiative; National Onion Association; National Potato Council; National Watermelon Association; New England Vegetable and Berry Growers; New Mexico Wine Growers Association; New York Apple Association; New York Wine & Grape Foundation; North American Blueberry Council; North American Bramble Growers Association.

North American Strawberry Growers Association; North Carolina Blueberry Council; North Carolina Grape & Wine Council; North Carolina Potato Association; North Carolina Strawberry Association; North Carolina Watermelon Association; Northern Kentucky Vintners & Grape Growers Association; Northwest Horticultural Council; Northern Plains Potato Growers; Ocean Spray Cranberries, Inc.; Ohio Wine Producers Association; Oklahoma Grape Growers & Wine Makers Association; Oregon Potato Commission; Oregon Raspberry & Blackberry Commission; Oregon Strawberry Commission; Oregon Winegrowers Association; Peace River Valley Citrus Growers Association; Peerbolt Crop Management; Potato Growers of Idaho; Produce Marketing Association.

Rocky Mountain Association of Vintners & Viticulturists; Society of American Florists; South Carolina Watermelon Association; South Florida Tropical Fruit Growers Association; Sun Maid Growers; Sunkist Growers, Incorporated; Tennessee Farm Winegrowers Association; Texas Citrus Mutual; Texas Produce Association; Texas-Oklahoma Watermelon Association; Texas Vegetable Association; Texas Wine & Grape Growers Association; Tropical Fruit Growers of South Florida; U.S. Apple Association; United Fresh Potato Growers of Idaho; United Fresh Produce Association; United Potato Growers of America; Virginia Apple Growers Association; Virginia Wineries Association; Washington Association of Wine Grape Growers.

Washington Red Raspberry Commission; Washington Apple Commission; Washington State Potato Commission; Welch's; Western Growers; Western Pistachio Association; Wild Blueberry Commission; WineAmerica; Wine Institute; Winegrape Growers of America; Winegrowers Association of Georgia; WineMichigan; Wine Producers Commission; Wyoming Grape & Wine Association.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the remaining Republican time be divided equally between Senators GRAHAM, THUNE, and SESSIONS, and that I be allowed to speak at this point.

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

Mr. SESSIONS. Mr. President, we know what the deal is. The Senator from Iowa knows what the problem is. The Democratic leadership is refusing to allow amendments on the farm bill, and the farm bill is not going to pass until they do. And they are going to allow amendments at some time, and we are going to pass a farm bill. That is what the truth is, and everybody knows it here.

But I want to talk about something that is really troubling to me. We had a hearing yesterday in the Armed Services Committee. The Secretary of the Army, Pete Geren, and GEN George Casey, the Chief of Staff of the Army, told us that they are reaching a crisis in maintaining support for our troops in Iraq, that they need desperately for this Congress to fulfill its responsibility to support the troops we have sent into the field in harm's way to execute the policy of this Nation.

They are there because we sent them there. They are doing fabulous work, and they need support.

Just remember, this summer we had a long debate about what to do. President Bush said we need to change our policy. The American people said we need to change our policy. We sent General Petraeus there. I see the Senator from Texas. I don't know if she wants additional time.

Mrs. HUTCHISON. Mr. President, I had 2 minutes. I would be happy to follow the Senator from Alabama.

Mr. SESSIONS. I ask unanimous consent that 2 minutes be allocated to the Senator from Texas.

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

Mr. SESSIONS. We really need to do this. We voted after a full debate this summer to give General Petraeus a chance, asked him to come back and report in September. We voted 80 to 14 to fund the surge, and General Petraeus came back with positive reports in September. But it was early. We were not sure what was going to be the true trend. Since September, the situation in Iraq has improved to a degree I did not expect possible. The casualties are down two-thirds from earlier in the summer. It appears al-Qaida is completely on the run. Great progress has been made. It is unthinkable at this point, after all we have been through, the difficult times we had this summer, when progress is being made clearly, indisputably, that we would now jerk the rug out from under our soldiers. We have to do this. We need Senator REID to quit saying we are losing and quit saying this is not working, while our soldiers are making progress. How demoralizing is that?

I urge my colleagues to vote to support our troops at this critical point as we are making progress.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 2 minutes.

Mrs. HUTCHISON. Mr. President, I rise to speak against the bridge bill that was sent over by the House of Representatives. I hope the Senate can do what the Senate has been doing all year, and that is stop these reckless amendments that would tie the hands of our generals, that would dictate policy on the ground in Iraq from 6,000 miles away, from people who do not know what is going on on the ground, it seems. We have voted 40 times in the last year, since February, on amendments that would constrain the troops in the field doing what they are doing. Last week the Iraqi Government and U.S. commanders proclaimed that al-Qaida had been routed in every neighborhood in Baghdad, an 80-percent drop in the murder rate. The BBC reports that all across Baghdad streets are springing back to life, shops and restaurants which closed down are back in business. People are walking on the streets. Things have changed in Baghdad. Things have changed in Iraq. The only place it doesn't seem to change is in the Congress. We should not vote on anything that underfunds the troops, which is what this bridge bill does, and overregulates what our troops in the field are doing when we are not there every day, day in, day out, watching the progress.

General Petraeus is succeeding in quelling the violence. Now we must work with the Iraqis to have stability in that country so we can leave. General Petraeus has already said he is bringing home a brigade from the surge. We are going in the right direction. Let's don't do something foolish in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized for 1 minute 45 seconds.

Mr. THUNE. Mr. President, I also want to urge my colleagues to pass the $70 billion supplemental for the Department of Defense. The McConnell alternative is a funding bill that is free of

political posturing, not influenced by armchair generals. The Department of Defense needs this money, and they need it now. Yesterday, Secretary Geren and General Casey testified before the Armed Services Committee on the state of the Army. When I asked Secretary Geren about what effect the lack of funding was having on the Army, he was frank and clear. The Army will run out of money by February and, what is worse, they will have to start scaling back services and canceling important civilian contracts. Moreover, when the President signed the Defense appropriations bill, it stopped the department's funding under the current continuing resolution. Now the Army is being forced to borrow from its operations and maintenance accounts in its base budget. The Army O&M budget is about $27 billion. Since the Army spends about $6.5 billion a month, that money will be gone by February. We are forcing our Army to borrow against itself.

General Casey testified that in the December timeframe nine brigades are coming back from Iraq, and they may return to find services that supported them have been cancelled. Last, when we passed a timely supplemental bill, the Army depots were able to reset 27 brigades, process 123,000 large vehicles, and 10,000 humvees.

Democrats are always going to paint Iraq as a failure, no matter what gains have been made. We need to support our troops and make sure they have the funding to do their job.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for 1 minute 45 seconds.

Mr. GRAHAM. Mr. President, I will try to frame the issue the way it deserves. It is going to be hard hitting. Senator REID told me something one time, that we shouldn't run the Congress down. I generally agree with that except here. What we are about to do is take one of the most successful military operations in American history by any measure, the surge, and undercut it by one of the most dysfunctional Congresses in American history, by denying the funding to the troops in the field who have performed.

The House bill would replace military commanders with a dysfunctional Congress that is being led around by its nose by Code Pink and moveon.org, who don't understand success on the battlefield. All they see is the next election, the potential for an ad. Listen to the inflammatory rhetoric.

We are not going to allow the dysfunctional Congress to replace a successful commander. We are not going to send the message to our enemies: You are back into the fight. We are not going to tell our troops: You are a loser; you don't get any more money. We are not going to tell our allies and the brave Iraqis who have jumped on our side that we are leaving. This is ridiculous. It is undercutting America's vital national security interests, and it is telling our soldiers: You are losers—when they are winners. We are going to defeat it now and forever.

Mr. CHAMBLISS. Mr. President, I would like to respond to the comments made by my colleague, the chairman of the Agriculture Committee. It is important to recognize why we are in the procedural predicament we find ourselves in today. This predicament is not based on the Senate Agriculture Committee's inability to come together to protect and enhance our most basic national security interest—food security. We have successfully done that with a bill supported unanimously by the committee—across partisan and regional divide.

To be clear, this is a problem of including, in a farm bill, other extraneous issues that have little to do with agriculture policy. I don't fault the decision to go down this path of including tax-related provisions in the farm bill. It was decided early on. However, we must recognize the full implications of this decision. Indeed, one only need look at what occurred in the other body to see how a bipartisan process can completely disintegrate when other issues are injected into the farm bill debate.

Tax debates are always difficult and the inclusion of tax-related provisions in a piece of legislation has never been known to simplify the legislative process. In this instance, however, as much as I regret its impact on the farm bill, it is simply necessary to allow for debate on the tax-related provisions included in the Food and Energy Security Act of 2007.

I am confident we will work through these difficulties. I am grateful that my colleagues on the Finance Committee were able to avoid the problems created by the inclusion of the Ways and Means provisions in the underlying House bill. However, the tax-related provisions included in the underlying Senate bill have nonetheless complicated our process and we must recognize, accept, and work through the process in a deliberative and responsible manner.

Mr. COCHRAN. Mr. President, first I want to congratulate the Senator from Iowa, Mr. HARKIN, and the Senator from Georgia, Mr. CHAMBLISS, for their leadership in the Agriculture Committee and for bringing to the Senate a bipartisan farm bill that works for many family farmers.

I hope this hard work will not be endangered by an amendment that will adversely affect family farms in some States by eliminating the ability for family farms to receive financing, or will prevent farmers from efficiently markting their crop. Since the passage of the 2002 Farm Bill there has been a good bit of controversy surrounding the issue of payment limits. Much of this has been based on misinformation and is a result of misunderstanding agriculture practices. While I am pleased that the legislation passed by the committee contains significant reforms to address the concerns raised over the past 6 years, I want to be very clear that these reforms are not easy for producers in my State of Mississippi to accept and will result in many farms having to significantly alter their farming operation. I would like to give an example of how unfair this amendment is to crops grown in the South. Under the Grassley-Dorgan amendment, a cotton and rice farmer in Mississippi could only grow 400 acres of cotton or 225 acres of rice before they reach the limit. In comparison, a soybean and corn farmer in North Dakota could farm 2,000 acres of soybeans or 1,300 acres of corn before they hit the limit.

I believe it is important for my Senate colleagues to understand just how significant the reforms in the committee-passed bill are. This legislation applies direct attribution to the individual farmer, thus making all farm payments transparent. The committee-passed legislation would limit the direct payment a single producer can receive to $40,000. The legislation reduces the amount of a counter-cyclical payment to $60,000. In addition, the Senate language reduces the Adjusted Gross Income means test for producers from $2.5 million all the way down to $750,000. While this may still sound like a lot of money, when you consider production costs such as $400,000 cotton picker, fuel prices, fertilizer costs, and technology fees for seed, these levels are quite low.

Many crops of the Midwest are enjoying record prices right now due mostly to the use of corn in the current ethanol boom. The most prevalent crops in the South, cotton and rice, are not seeing the record prices created by the billions of dollars in renewable fuel incentives and tax credit subsidies, and it is important to point out that none of these subsidies is subject to an arbitrary limit.

Agriculture is the economic engine for rural communities located throughout Mississippi. These communities are dependent on family farms to provide the economic activity that generates millions of dollars in tax revenue and thousands of jobs. While we encourage small businesses to grow and prosper in this country, this amendment is telling our family farmers they will be punished if they do the same. The amendment offered by my friends from Iowa and North Dakota would have a very negative impact on a region of this country that already suffers from severe economic depression.

This amendment would have a very negative impact on the livelihood of thousands of farmers. It would undo what many farmers today and generations before them have established through hard work, surviving natural disasters, and even the Great Depression. This amendment is an attempt to drive farmers in my State to conform to the way others operate in very different regions of the country. Not every farmer fits in the same mold, and I ask my colleagues to vote against the Grassley-Dorgan Amendment.

Mr. SANDERS. Mr. President, as we consider the farm bill, I am proud to say that Vermont is leading the Nation in developing programs to bring fresh, local foods to school cafeterias.

Let me begin by recounting the experience of Burlington, VT, which has been replicated in other cities and towns across our State. Five years ago, residents of the city expressed concern about the significant nutritional issues facing the city's children. Twenty percent of the city's children were living in poverty, food insecurity was widespread, and the rate of childhood obesity was steadily increasing. In response, citizens called for an increased commitment to healthy food choices for children and their families.

At the same time, they were aware of the need to promote the local farm economy. So in the fall of 2003, with a U.S. Department of Agriculture grant, the Burlington School Food Project was created.

The program brings fresh foods from local farms to school cafeterias and provides hands-on agricultural education in the classroom. Students at the ten schools in this program are now eating foods that are healthier, more nutritious and from all the reports I have heard, better tasting.

The program also involves students in the process of harvesting, preparing and even taste-testing their own food. This has helped many young Vermonters learn about where food comes from, helping them connect with their local farms and community.

After 4 years of the project's existence, the Burlington school district now prepares 930,000 meals annually using fresh and local produce. Several schools offer salad bars either as a full lunch or as a side item to hot lunches. This has led to better diets and improved health.

The project has also been impressive from an economic standpoint. Last year, for instance, more than 1,000 pounds of local tomatoes, 600 pounds of local zucchini, 600 pounds of carrots and 400 pounds of local basil were used in school meals. The amount of local produce purchased tripled between 2003 and 2006.

Many partners have built upon these successes. Today, I would like to mention two driving forces.

Bonnie Acker, a school parent, took it upon herself to do whatever necessary to improve the quality of the food being served at her child's school. She worked with teachers, students, volunteers, and cafeteria workers at Edmunds Middle School. This school has become a model for others, its cafeteria has been transformed, and its school gardens are rich with color.

The director of the Burlington School Food Service, Doug Davis, provided much of the leadership needed to make BSFP work. When he was approached by parents like Bonnie, he listened. He then immediately took action and spearheaded an effort to buy whole grain breads for the cafeterias. Doug also introduced initiatives such as taste tests and classrooms linked to the cafeteria. Before long, Burlington students were trying new foods and getting healthier lunches. For his efforts, Doug was presented the Northeast award as Food Service Director of the Year.

But Burlington is not alone. Other Vermont school districts have undertaken similar programs, among them:

Brattleboro Elementary Schools, which won a Vermont Farm to School grant to set up a program to promote local food purchasing, taste testing seasonal foods, and to get students to farms for hands-on agricultural experiences. Sheila Humphreys coordinates the program, and Laura White has been a major force in its success.

Waitsfield Elementary worked with VT FEED on local purchasing and developing a food, farm and nutrition curriculum. Key figures in this effort have been school nurse Sue Dillon, as well as George Schenk of American Flatbread, who has been a strong and supportive community member raising money for Waitsfield and other schools.

Orleans Essex North Supervisory Union, where three elementary schools have comprehensive farm to school programs that include local purchasing, school gardening, taste testing of seasonal products, harvest celebrations with farmers and the communities, field studies with students on farms, and the development of farm and food-based classroom activities.

Sharon Elementary School also worked with VT FEED for 3 years developing a food, farm, and nutrition curriculum. Its principal, Sheila Moran, along with teacher Keenan Haley and food service director Lynn Ann Perry, have been instrumental in weaving farm to school into their school culture.

Ferrisburgh Elementary School has involved high school students to do field studies on farms, make a school garden, purchase more local foods and taste-test them, try new recipes using local foods, and have a farmers' market harvest festival for their community.

In addition, Hardwick Elementary School has worked with VT FEED on combining food, farm, and nutrition into the existing curricula, planting crops on farms for school use, and making healthy snacks. Val Simmons, its food service director, has led the effort to reconnect students and school food to the local farms.

Salisbury Elementary School takes students to local farms for field studies and does local food taste testing in classrooms. Here, teacher Diane Benware and food service director Gaye Truax have been prime movers.

On a larger scale, the Food Works' Farm-to-Table program, based in Montpelier, serves as a nonprofit distributor of produce from 18 area farms, delivering the produce throughout the year to 13 schools in central Vermont. In 2007 alone, more than $50,000 of local produce has been purchased and distributed through Farm-to-Table. Rick Hungerford, food service director at the U-32 High School in East Montpelier, is now sourcing nearly 14 percent of cafeteria purchases locally while turning a profit and preparing outstanding, healthy food for the entire school community. Ann Gilbert and Liz Scharf, two parents from Rumney Elementary School in Middlesex, spearheaded a grassroots effort to connect their school with local farms, in particular to purchase year-round from local grower Joe Buley, who is new to farming and has invested in greenhouse production so he can sell to schools.

Finally, let me recognize Vermont Food Education Every Day, VT FEED, which uses a community-based approach to school food system change and is the product of a collaboration of three Vermont nonprofits: Food Works, Northeast Organic Farming Association of VT, and Shelburne Farms. It does fine work in building connections between classrooms, cafeterias, local farms, and communities. It is most ably directed by Abbie Nelson and Kim Norris. It has also had strong cooperation from Jo Busha, the State Director of the Vermont Department of Education Child Nutrition Program, in introducing the farm to school concept to many school food service directors.

And this is just the beginning. With strong provisions in the farm bill for beginning farmers, increased funding for fruits and vegetables for schools, and an innovative pilot to work on community gardens in high-poverty schools, I expect Vermont's trailblazing efforts to expand not only in our State, but across the Nation.

Mr. DODD. Mr. President, I will oppose the motion to proceed to both the Senate and House bills to provide bridge funding to Iraq because they do not contain firm and enforceable dates to get our troops out of Iraq.

Once again, Congress is being asked to pour tens of billions of dollars more into an unending war, for uncertain goals, carried forward by little more than a mixture of blind faith and inertia.

Once again, the American people are being asked to shut their eyes tight against the facts and trudge blindly on—this time at the cost of some $50 or $70 billion, depending on which bill we are talking about, and who knows how many more lives. And once again, those who question this war—a majority of Americans—are being asked: You support the troops, don't you?

How could we not? How could we not be awed by the bravery and sacrifice of our men and women in Iraq? How could we not be inspired by their choice to volunteer in the first place? How could we not be impressed by the discipline, competence, intelligence, and resourcefulness with which General Petraeus and the soldiers under his command have fought in Iraq? They deserve our respect and much more.

But contrary to what the President's supporters would have you believe, the

debate does not end there. It begins there. And I have come to the floor today to suggest that the President's supporters would do well to heed key military virtues: recognizing the difference between tactics and strategy—between short term and long term.

All the tactical brilliance in the world will win you nothing if it doesn't find its place within a larger plan for victory. And in Iraq, that plan is exactly where we found it in the spring of 2003—nonexistent.

No one in this Chamber would doubt that recent months in Iraq have seen significant tactical success. The number of IED explosions has dropped significantly.

The total number of enemy attacks, and the number of coalition soldiers killed in action, have been in decline—even though 2007 recently became the deadliest year on record for U.S. troops in Iraq. Iraqi civilian casualties have been cut from a high of 3,000 in the month of December 2006—even though they still hover around an appalling 1,000 per month.

But overall, the security picture in Iraq is, for the time being, improved.

The question is: Why? What made that happen? If anything comes out of this debate, it should be an honest answer to that question—not so we can assign praise and blame but so we can piece together a coherent strategy.

I don't doubt that our troops' dedication did its part to reduce the violence. But if American agency was the sole factor, why was violence in Iraq on the decline before the surge began—even before it was announced? It is clear to me that there have been three deeper causes.

First, Moqtada al-Sadr, a prime mover of sectarian violence, has sat out the surge, patiently waiting for its inevitable end. As The New Yorker recently put it: ''Analysts credit much of the recent drop in Iraqi civilian deaths not to the surge but to Sadr's decision, in August, to order the Mahdi Army, which is believed to have been responsible for much of the Shiite-on-Sunni sectarian killing in and around Baghdad, to 'freeze' its activities for six months.'' Sadr and his fellow sectarian leaders may be brutal—but they are also calculating and self-interested.

They know that the surge, whatever is decided here today, cannot be physically sustained indefinitely.

Second, the drop in violence can also be attributed to the so-called Sunni awakening: the decision by tribal leaders in Anbar Province to turn against al-Qaida and foreign jihadists. That choice was laudable and—as shown by Abu Risha, the charismatic tribal leader who allied with America and was murdered for it—truly courageous.

But it was also unforeseen by the surge and began independently of the surge. But as valuable and necessary as the fight against al-Qaida in Iraq has been, it does little to stem the deeper civil war between Sunnis and Shiites—the overwhelming source of Iraq's chaos.

The fight against al-Qaida must go on—but there's no reason why it compels us to police a civil war.

Third and finally, many analysts have argued that violence has bottomed out because Iraq's ethnic cleansing is reaching a conclusion—because Iraq has, de facto, partitioned itself. With almost a million Baghdadis fleeing their homes in the conflict, the city has become ever more ethnically homogenous, reducing Sunni-Shiite flashpoints.

Each of these causes has contributed its part to what some are intemperately hailing as our long-awaited victory. It would be wonderful to believe that America made it happen, after all this time, through sheer force of will. Every one of my colleagues, I am sure, wants to believe that.

But this is the clear line running through this Chamber: between those who want it to be true so desperately that they blind themselves and those who understand that that kind of belief—the kind that calls a proposition true because we want it to be true—is the kind that saw an alliance between Saddam and al-Qaida, the kind that saw an Iraq full of WMDs, the kind that saw a mission accomplished 4 years ago.

But still, even if you grant that belief, even if you say that the surge, and nothing else, brought down the violence—is that our victory?

No. The surge was always a military means to a political end. Comptroller General David Walker put it well: ''The primary point of the surge was to improve security . . . in order to provide political breathing room'' for the Iraqi Government. President Bush has said much the same. The surge was always meant to open a window for political reconciliation. Nearly 800 Americans sacrificed their lives to keep that window open; thousands and thousands of Americans took wounds to keep that window open. What has the Iraqi Government done with it?

Failed to meet its own political benchmarks. Failed to enact oil legislation. Sustained a mass resignation of Sunni politicians, leaving more than half of its Cabinet seats vacant. Enjoyed a month-long vacation.

This September, 60 percent of Iraqis—and 93 percent of Sunnis—thought it was justified to kill American troops.

And during America's long sacrifice to keep civil war at bay, the Maliki Government has grown more sectarian than ever, more and more openly an arm of the Shiites, more and more actively prejudiced against Sunnis. Hundreds of Americans died to give breathing space to Iraqi politicians and they act as if Iraq doesn't exist.

Many of the Iraqi forces we have relied on to stabilize that country are little more than retooled sectarian gangs. What is stopping them from accepting our training, accepting our weapons, and then, as soon as the surge dies down, jumping once again down each other's throats?

In the name of unity and reconciliation, our policies have divided Iraq deeper and deeper, until, as George Washington University Middle East expert Marc Lynch has argued, Iraq becomes ''a warlord state . . . with power devolved to local militias, gangs, tribes, and power-brokers, with a purely nominal central state.''

That is Iraq with the surge in place. But President Bush has conceded that it can't continue past July; and soon, we will be confronted by Iraq without the surge. So I have a simple question for my colleagues this morning:

What then?

And as President Bush tries to find an answer, as he tries to cobble together a plan more than 4 years too late, our billions will continue to be poured into a desert sinkhole; our Nation will earn the enmity of more and more Muslims for our endless occupation; our military will be ground into the dirt, unit by unit, machine by machine, soldier by soldier; and young Americans will continue to die. And we will be not an inch safer.

That is why I have come to the floor this morning: not to pass judgment; not to score points; not to assign blame. But because as we hurtle on with all tactics and no strategy, the costs are becoming too heavy for us to bear.

There is only one realistic strategy, only one honest answer to: What then? Redeploy our combat forces from Iraq, starting immediately. Refocus the fight on al-Qaida, training those Iraqi forces we can trust, and protecting U.S. personnel and infrastructure. Rebuild our worn-down, battered military.

Our troops will have my respect for what they have done in Iraq for as long as I live. And I join President Bush in his fervent hope that their sacrifice would be enough to heal a shattered country. But my eyes are open. I know that the best hope for Iraq, and the best hope for America, lies in redeployment—not in another $50 or $70 billion poured down this hole. I have faith that time will open the eyes of every one of my colleagues; I hope they will begin by seeing the deep error of these bills.

• Mr. McCAIN. Mr. President, I oppose H.R. 4156, a bill that would link vital funding for our troops to a mandated timeline for withdrawal from Iraq. Not only is this bill irresponsive to the facts on the ground, it is irresponsible. Instead, we should approve S. 2340 and provide our military with the resources they require, free of conditions that would undermine their ability to conduct operations and build on their recent successes.

Today the Senate considers yet another bill mandating the withdrawal of U.S. combat forces from Iraq, regardless of conditions on the ground or the views of our commanders in the field. If this latest attempt sounds familiar, it

should—the majority has thus far engaged in no less than 40 legislative attempts to limit the ability of the President and his commanders to prosecute this war. And, just like the 40 votes that preceded this one, the result of this vote will undoubtedly be the same. The proponents of this legislation are well aware of this fact, and the fact that the President has pledged to veto legislation calling for a precipitous withdrawal from Iraq. Rather than move beyond these differences and ensure that our troops in the field receive the vital funding they need, however, we will go through this exercise yet again.

This legislation would mandate a withdrawal of U.S. combat forces within 30 days of enactment, leaving a smaller force authorized only to carry out narrowly defined missions, with the goal of ending our involvement, irrespective of the situation in Iraq, by December 15 of next year. Given that similar provisions have failed 40 times already, it is inconceivable that they would succeed now, when there is unambiguous progress in Iraq. The choice today is simple: do we build upon the clear successes of our current strategy and give General Petraeus and the troops under his command the support they require to complete their mission, or do we ignore the realities and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue? The answer should be simple.

As we proceed with consideration of this bill, it is important to spend a few moments reviewing the current state of affairs in Iraq. We see today that, after nearly 4 years of mismanaged war, the situation on the ground in Iraq shows tangible signs of progress. The forces needed to implement General Petraeus's counterinsurgency plan have been in place for over 6 months and our military, in cooperation with the Iraqi security forces, continues to make significant gains in a number of areas.

The second in command in Iraq, LTG Ray Odierno, stated earlier this month that due to the recently implemented counterinsurgency operations, ''we have been able to eliminate key safe havens, liberate portions of the population and hamper the enemy's ability to conduct coordinated attacks.'' General Odierno went on to add that ''we have experienced a consistent and steady trend of increased security over the last four months, 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.'' According to a recent report issued by the Department of Defense, weekly IED attacks have decreased by 60 percent across Iraq since the beginning of Operation Phantom Thunder in mid-June.

The Associated Press reports that Iraqi civilian deaths have dropped sharply as a result of the ''surge,'' from 1,791 in August to 750 in October. Mortar attacks by insurgents in October were the lowest on record since February of 2006, as were the number of ''indirect fire'' attacks on U.S. and coalition forces. The surge's success in establishing greater security has spurred a great increase in cooperation from Iraqi citizens, and MG Rick Lynch, commander of U.S. forces south of Baghdad, said he believes the decrease in rocket and mortar attacks will continue to hold because of a ''groundswell'' of support from regular Iraqis. ''If we didn't have so many people coming forward to help, I'd think [the decrease in attacks] is a flash in the pan. But that's just not the case,'' General Lynch said.

We are all aware of the monumental strides our military has made in restoring order and reducing violence in Anbar Province. A province once declared ''lost'' to al-Qaida has begun a return to normalcy for many of its inhabitants. Locals, sickened by the brutality of insurgents and terrorists, have rejected violent extremism and have cooperated with U.S. and Iraqi forces to take the fight to the enemy. This partnership model combined with U.S. troops ''living forward'' is being replicated and producing real results all across the country.

In Ghazaliya, for example, once known as a strategic gateway to Baghdad for insurgents and a place where coalition convoys were regularly ambushed, the creation of joint security stations has led to a significant reduction in sectarian violence and IED attacks. Amariyah, a neighborhood in western Baghdad that just 6 months ago was a central operational location for al-Qaida in Iraq and plagued by high levels of bombings and shootings, is beginning to see a drastic reduction in violence and many residents are beginning to experience some semblance of normal life. None of this is to argue that Baghdad or other regions have suddenly become 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 unacceptable levels in some parts of the country, reconstruction of important infrastructure lags, and the Maliki government remains unwilling to function as it must. No one can guarantee success or be certain about its prospects, but, by the same token, no one should dismiss the positive developments that have resulted from this new strategy in Iraq.

Nor can we dismiss the enormous costs of American failure in Iraq. Many of my colleagues would like to believe that, should the bill we are currently considering become law, 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—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. We must remain steadfast in our mission, for we do not fight only for the interests of Iraqis, we fight for ours as well.

That means approving the support that our fighting men and women need. The funding contained in this supplemental is not, as some have characterized it, the ''President's money.'' This money is for the troops. 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 end. Holding our military's funding hostage to a repetitive and futile attempt to score political points is unconscionable.

Deputy Secretary of Defense Gordon England recently wrote to the chairman of the House Appropriations Committee about the effects of this legislation. ''Without this critical funding,'' he wrote, ''the Department will have no choice but to deplete key appropriations accounts by early next year. In particular, the Army's Operation and Maintenance account will be completely exhausted in mid-to-late January. This situation will result in a profoundly negative impact on the defense civilian workforce, depot maintenance, base operations, and training activities.'' Secretary of Defense Robert Gates said just yesterday that, should the money contained in this bill be withheld, he will have to ''lay off 200,000 civilian employees and contractors, terminate military contracts and partially shut down U.S. military bases.'' Army Secretary Pete Green went on to add that without these funds, the negative effects ''will fall most heavily on...home based troops and their families.''

I have seen a lot during my time in the Senate, but few events sink to the level of what we are witnessing today. I understand the frustration that many feel after nearly 4 years of mismanaged war. I share their frustration and sadness. But we must remember to whom we owe our allegiance. Not to short-term political gain, but to the security of America, to those brave men and women who risk all to ensure it, and to the ideals upon which our Nation was founded. That responsibility is our dearest privilege and to be judged by history to have discharged it honorably will, in the end, matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage or office. Let us not sacrifice the remarkable gains our service men and women have made by engaging in a game of political brinksmanship. There is far too much at stake.

I urge my colleagues to oppose this bill.●

Mr. FEINGOLD. Mr. President, H.R. 4156, the House-passed bill providing

bridge funding for the Iraq war, is unacceptably weak. While I will support cloture on the motion to proceed to consideration of that bill, my vote should not be misinterpreted as a vote in favor of this bill. By supporting cloture on the motion to proceed, I am voting in favor of the Senate having the opportunity to debate and amend it. I have already filed an amendment to the bill that consists of the Feingold-Reid amendment offered to the Defense Department authorization bill earlier this year. Unfortunately, it appears that the Republicans will not even allow the Senate to have meaningful debate on a war that has no end in sight and that does not have the backing of the American people.

But Democrats aren't off the hook either. H.R. 4156 purports to attach some strings to the funding it provides, but those strings are so thin and pliable as to be virtually meaningless. Since Democrats assumed control of Congress with a mandate from the American people, we have made progress toward changing course in Iraq, and I have supported efforts to increase pressure on this administration to listen to the American people. At this point, giving the President money to continue the war while only setting a ''goal'' for concluding the redeployment of our troops is insufficient. I am afraid we are moving backwards, not forward, with this new bill.

I spoke at some length yesterday about the administration's flawed strategy in Iraq, so I will not repeat myself today. I will say, however, that the administration's policy is indefensible. The American people know that, which is why they voted the way they did in November. They want us out of Iraq, and they want us out now. They don't want to give the so-called ''surge'' time and they are right. The surge is a delaying tactic, an effort to buy time. We can't afford to spend any more time, or money, on a war that is hurting our own national security. We must act and we must do it now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized for 5 minutes.

Mr. McCONNELL. Mr. President, I have a simple message this morning. We need to get the funds to the troops, and we need to do it now. The Secretary of Defense told us yesterday that the money for the Army and Marine Corps will soon run out, that he will have to start writing pink slips, tearing up contracts, and reducing missions at military bases. If we don't approve these funds for training and supplies that are needed to protect these brave men and women in the field, that is exactly what will happen.

Are we about to deny all these supplies just as the successes of General Petraeus's plan have become more clear? Attacks are down, casualties are down, political cooperation is taking root at the local level. We should not leave our forces in the field without the funding they need to accomplish the mission for which they have been deployed.

The Pelosi bill, if it were to get to the President's desk, would be vetoed, as was the supplemental bill sent to the President earlier this year that contained a withdrawal date. We need to get our troops everything they need, and we need to get it to them now.

THE FARM BILL

A word about the farm bill. We all know we are going to pass a farm bill. Any suggestion to the contrary is laughable. I am disappointed that the majority has filed cloture on the bill. I am even more disappointed that from the get-go, the parliamentary device of filling up the tree was used on a 1,600-page bill so that one Member of the Senate could dictate to everybody else what amendments would be allowed, if any. This is not the way to go forward.

I am not sure how the majority defines wide-open debate, but this is certainly a no-amendments process which is stunningly observed in a body that has passed a number of farm bills over the years. As I mentioned on the first day of floor consideration, we have been down this road before.

During the last farm bill, when the Democrats were in the majority, then-Leader Daschle attempted to limit amendments. He failed three times. I am going to confidently predict today that this unfair procedural tactic is going to fail again. In 2002, after the majority finally agreed to an open-amendment process, final passage of the farm bill occurred fairly quickly—about a week. So we went through a somewhat similar dance. The tree was not filled, but there was premature cloture filed. Cloture was defeated several times. When the games stopped, we went back to the farm bill. We had an open process for a week and passed it.

We would probably be passing the farm bill today had we not used this process last week. We could have gone through the amendment process and worked our way through it and gotten to final passage. On today, instead of defeating cloture after an unfair process for 10 days, we could have been and would have been sending a farm bill on to conference with the House had we employed an open process which the Senate almost always insists upon. The farm bill will not pass today because the games have not stopped. But I will confidently predict at some point they will stop. We will have an open process and, in about a week, we will get a farm bill and get a conference and do the important work we need to do for America's farmers.

I yield the floor.

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

Mr. REID. Mr. President, whatever time runs past 9:30, I will use leader time.

The ACTING PRESIDENT pro tempore. The leader has that right.

Mr. REID. Mr. President, on the farm bill, what has happened these past 10 days is extraordinarily wrong and negative. Today the Republicans have a decision to make: Are they going to allow the farm bill to proceed? Everyone out there from all over this country who is concerned about the farm bill, I want their eyes directed toward the Republican votes cast on this today. If they try to hide under some procedural nonsense, it is outlandish.

If cloture is invoked on the farm bill, there would be 30 hours of offering relevant amendments. Isn't that enough? Is it necessary that we have a farm bill where we debate immigration again; where we debate foreign policy, including the Iraq war; medical malpractice? The answer is no.

IRAQ

I would like to travel back in time, 10 months past, January 10, 2007, the exact date. In that second week of 2007, America was reaching the fourth full year of the war in Iraq, still without clear purpose, plan, or Presidential leadership. President Bush had faced a stinging rejection of his Iraq strategy by the votes in November. That is an understatement. He had fired his Defense Secretary, Donald Rumsfeld, much too late, but he did fire him. Republicans in the House and Senate were publicly and privately breaking ranks with his strategy. The demand and imperative to change course and end the war were clear. For the first time in his Presidency, there was real reason to believe he would heed the call for change. But on that day in January, the President did just the opposite. He called for a surge of forces in Iraq, not a responsible transition out of combat, not a refocus on the war on terror, but a plan to sink us further into the intractable Iraqi civil war.

What were the goals of that surge? Here are the President's own words:

> The strategy I announced in January is . . . aimed at helping the Iraqis strengthen their government so that it can function even amid violence.
>
> It seeks to open space for Iraq's political leaders to advance the difficult process of national reconciliation, which is essential to lasting security and stability.

Fast-forward to today, 10 months later. It is indisputable that the goals of the surge have failed. As we speak, there are 187,500 American troops in Iraq. The Iraqi Parliament created eight benchmarks for progress toward national reconciliation. These benchmarks were passed by this Congress on a bipartisan basis and signed by the President. According to an independent analysis by the General Accounting Office, the watchdog of Congress, and this country, only one and a half of eight legislative benchmarks have been achieved. By any standard, even the math of the Republicans, that is a failing grade.

Iraq, a country with huge natural resources, I can remember the first time I met with Iraqi leaders right back here in then-Senator Frist's office. We were told by the Iraqi President that he disagreed with the international assumption that Iraq had the second

largest supply of oil in the world. He said: We have the largest supply of oil in the world.

Why are we pouring the treasures of this country into a country with the highest oil reserves in the world?

Without evidence of reconciliation, the Bush administration and its allies are trying a new playbook—pointing to recent reductions in violence. To be clear, any shift that makes conditions less dangerous for our troops and the Iraqi people is welcome news. But take, for example, what we read in the papers today. This past month, there were ''only'' 1,560 violent explosions with explosive devices in Iraq—''only'' 1,560 in the last month. That is down from 3,200. Sounds like a lot of violence to me.

We must not forget that 2007 has been the deadliest year for our troops in the entire war. We must remember that about 3,900 Americans have been killed. We must remember that tens of thousands have been gravely wounded. According to the Joint Economic Council, more than $1 trillion already has been spent on the Iraq war. And 5 million Iraqi men, women, and children have fled their neighborhoods or left the country altogether—about half and half; half have left the country and about 2½ million have been displaced—out of a total population of about 27 million people.

With these staggering costs and political reconciliation nowhere in sight, how would the President honestly judge his troop surge? We know how General Petraeus rates it. In a letter to the troops he wrote:

> One of the justifications of the surge, after all, was that it would help create the space for Iraqi leaders to tackle the tough questions and agree on key pieces of national reconciliation legislation. It has not worked out as we had hoped.

General Petraeus.

And why has reconciliation failed?

Yesterday's Washington Post reported the alarm among our military leaders that it is clear the Iraqis are simply not doing their part. Quoting from one article:

> U.S. military officials expressed growing concern over the Iraqi government's failure to capitalize on sharp declines in attacks against U.S. troops and Iraqi civilians. . . .
>
> The lack of political progress calls into question the core rationale behind the troop buildup President Bush announced in January, which was premised on the notion that improved security would create space for Iraqis to arrive at new power-sharing agreements.

Our troops continue to fight and die valiantly; and our treasury continues to be depleted rapidly—for a peace we seem far more interested in achieving than Iraq's own political leaders—a peace we want. The Iraqi leaders do not seem to want one.

Meanwhile, the hidden costs of the war are only growing. Our military is stretched nearly to a breaking point, which has prompted Secretary Colin Powell to say: ''The army is [nearly] broken.''

New evidence emerges every day that President Bush's obsession with Iraq has come at the expense of Afghanistan, once viewed as a success.

Now the opium trade in that country is at an all-time high. Ninety-three percent of the world's opium this year is coming from Afghanistan. Think of the misery around the world that it has created. Violence is at its highest since the American intervention in Afghanistan, and it was reported yesterday that the Taliban has vastly stepped up its efforts.

Meanwhile, bin Laden is still free, taunting and threatening us with videotapes, and his al-Qaida network—according to the Bush administration's own intelligence—has regrouped and is stronger than ever.

We need to look no further than the crisis in Pakistan as a reminder that the world can change overnight, and our ability to respond nimbly to new challenges is essential.

Are we prepared to do so? General Casey, head of the Army, a few weeks ago, said this:

> The current demand for our forces exceeds the sustainable supply. We are consumed with meeting the demands of the current fight, and are unable to provide ready forces as rapidly as necessary for other potential contingencies.

The evidence—from General Casey, from Secretary Powell, from the General Accounting Office, and from constant news reports—is indisputable. Yet President Bush has demanded another $200 billion with no accountability at all.

But the choice is ours. Those of us who think the answer in Iraq is more of the same should approve the President's request. If you think we should simply stay the course, approve the President's request. But if you think it is time to turn the page and take a responsible path out of Iraq, approve the bridge fund bill that came from the House.

We will never turn away from our courageous troops.

A couple of days ago, we sent a bill to the President that he signed for $470 billion. People are out here now, after Secretary Gates has gone and talked to the President, saying we need the money tomorrow. We talked to Secretary Gates on Wednesday. On Wednesday, he said the Army is OK until the end of February, the Marines are OK until the middle of March. But he went on to say: If we have to start doing layoffs, we are going to go to the union members first. Everybody listen to that. The Secretary of Defense said: If we have to start laying people off, we are going to go to the union members first.

Does that speak of this administration, their despicable attitude toward men and women who work hard, and by a chance to improve their lot they are union members—they are going to get laid off first—when they got, 3 days ago, $470 billion that, we were told on Wednesday, would take the Army until the end of February and the Marines until the middle of March?

This bill requires the President to start bringing these troops home so they can get the heroes' welcome they so bravely have earned.

Our bill sets a reasonable goal for the end of combat operations, and it finally ensures that the President will be accountable to the Congress and to the people.

I urge all my colleagues to support this fair and reasonable legislation we received from the House of Representatives.

Finally, let me say this. The vote the Republicans are having us take is totally unnecessary. Yesterday, when the minority leader requested a vote on his motion to proceed, my staff told him he could offer his proposal to the House appropriations bill. He chose to ignore that and, instead, made the unusual motion to proceed by a minority—by a minority leader—so not only is this vote unnecessary, it is totally meaningless. It is a motion to proceed to a Senate appropriations bill.

Let me repeat that it is a motion to proceed to a Senate appropriations bill. Everyone knows, even in elementary school, that under our Constitution revenue bills must originate in the House of Representatives. So even if the Senate were to pass his bill, the House would refuse to act on it. This would be the case regardless of which party controls the House of Representatives.

The Republicans, when they controlled the House, also upheld their constitutional role in the appropriations process, and rightfully so. The only way to get the troops their funding is to act on the House-passed appropriations bill. Anything else is political posturing and does nothing to get the troops their needed funding.

UNANIMOUS CONSENT REQUEST—H.R. 4156

In order to give the minority leader his vote, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4156—that is the House-passed bill—and that immediately after the clerk reports the bill, the minority leader be recognized to offer his bill as an amendment; that there be 1 hour for debate on his amendment, and that the Senate vote on his amendment upon the use or yielding back of time, with 60 votes needed to pass his amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. On behalf of the Republican leadership, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2340, a bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008.

Mitch McConnell, Saxby Chambliss, Bob Corker, Wayne Allard, Thad Cochran, John Cornyn, Kay Bailey Hutchison, Lisa Murkowski, Orrin Hatch, Richard Burr, Trent Lott, Mike Crapo, Pat Roberts, Chuck Grassley, Jon Kyl, Norm Coleman, Mel Martinez.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2340, a bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 45, nays 53, as follows:

[Rollcall Vote No. 410 Leg.]

YEAS—45

Alexander	Craig	Lieberman
Allard	Crapo	Lugar
Barrasso	DeMint	Martinez
Bennett	Dole	McConnell
Bond	Domenici	Murkowski
Brownback	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Snowe
Coburn	Gregg	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Warner

NAYS—53

Akaka	Feinstein	Nelson (FL)
Baucus	Hagel	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Clinton	Levin	Stabenow
Conrad	Lincoln	Tester
Dodd	McCaskill	Voinovich
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murray	Wyden

NOT VOTING—2

Lott	McCain

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008—MOTION TO PROCEED

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act, 2008.

Carl Levin, Robert Menendez, Claire McCaskill, Robert P. Casey, Jr., Richard J. Durbin, Tom Carper, Amy Klobuchar, Daniel K. Akaka, Jack Reed, Patty Murray, Sherrod Brown, Frank R. Lautenberg, Charles E. Schumer, S. Whitehouse, Debbie Stabenow, B.A. Mikulski, Harry Reid.

The PRESIDING OFFICER. There will now be 2 minutes, with the time equally divided. Who seeks time?

The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, what will it take to end this war? How many lives? How many limbs? How many broken families? How many innocent victims?

The Senate has an opportunity, with this next vote, to start to bring this war to an end and to start to bring our soldiers home in an orderly, responsible way.

We know the President will not do this. But it is within our power, our authority, and our responsibility under the Constitution to do it. A vote now to move forward on this House appropriations bill will bring this war to an end in an orderly, responsible way.

I urge my colleagues, do not shirk your responsibility. Do not be on the wrong side of history.

The PRESIDING OFFICER. Who seeks time?

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, this summer, we had grim numbers coming out of Iraq and we had an election and we went through a soul-searching analysis of what to do. By an 80-to-14 vote, this Senate voted to send General Petraeus to Iraq and give him a chance to succeed. We had his full report in September. We had other reports from General Jones and GAO, and we concluded to continue this.

In recent weeks, progress has exceeded what we could have expected possible. This is not the right time to tie the hands of our military leaders. It is not the right thing to do—to leave any doubt that we are going to support the troops we have sent into harm's way.

I urge colleagues to not leave our troops in uncertainty and stand firm with a policy that seems to be working. Let's continue to monitor it. If it fails, we need to know that. But, right now, things are going well, and it would be wrong to undermine that in any way.

The PRESIDING OFFICER. All time has expired. 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 proceed to H.R. 4156, a bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 411 Leg.]

YEAS—53

Akaka	Feinstein	Nelson (FL)
Baucus	Hagel	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Clinton	Levin	Stabenow
Collins	Lincoln	Tester
Conrad	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NAYS—45

Alexander	Crapo	Lieberman
Allard	DeMint	Lugar
Barrasso	Dodd	Martinez
Bennett	Dole	McConnell
Bond	Domenici	Murkowski
Brownback	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Specter
Coburn	Gregg	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Craig	Kyl	Warner

NOT VOTING—2

Lott	McCain

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider vote No. 410.

Mr. DODD. I move to table that, Mr. President.

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

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I enter a motion to reconsider vote No. 411.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. DODD. Mr. President, at the request of the distinguished majority

leader, and as the only Democrat who voted against cloture on the motion to proceed to H.R. 4156, the Orderly and Responsible Iraq redeployment Appropriations Bill, I have entered this motion to reconsider so that the Senate may have another opportunity to vote on this matter. Only Senators who voted no on this matter are able under Senate rules to ask for another vote.

I am undertaking this procedural matter at the Leader's request and out of my respect for him. I am happy to do so.

However, I want to make clear that should there be another cloture vote on H.R. 4156 or similar legislation, my position will remain the same—I will vote no. I am opposed to providing any additional funding for the war in Iraq unless there is a firm and enforceable deadline for the redeployment of our forces from Iraq.

My views on the ongoing failed policy in Iraq are included in the RECORD earlier in the day at the time of the original vote and I urge my colleagues to take the opportunity to review my concerns about our continued involvement in a civil war which has no military solutions.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Harkin amendment No. 3500 (Substitute) to H.R. 2419, the farm bill.

Tom Harkin, Jon Tester, Daniel K. Inouye, Dick Durbin, Patrick J. Leahy, Patty Murray, Bernard Sanders, Kent Conrad, Ben Cardin, Debbie Stabenow, Ben Nelson, Byron L. Dorgan, Max Baucus, Ken Salazar, Claire McCaskill, Bob Casey, Jr., Sherrod Brown.

The PRESIDING OFFICER. There will be 2 minutes equally divided on the cloture motion.

Who seeks time?

The majority leader is recognized.

Mr. REID. Mr. President, there will be no more rollcall votes today. I look forward to a productive Thanksgiving. I hope everyone enjoys themselves. When we come back in December, we have 3 weeks to do a lot of work. I had a good exchange with the Republican leader today and hope we can return more quickly than we have in the last few days.

The PRESIDING OFFICER. There will be 2 minutes equally divided on the motion to invoke cloture. Who seeks time?

Mr. HARKIN. Mr. President, I yield back our time.

The PRESIDING OFFICER. The Senator from Iowa yields back time.

Mr. CHAMBLISS. Mr. President, I yield back our time.

The PRESIDING OFFICER. The Senator from Georgia yields back time.

The mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3500, offered by the Senator from Iowa, Mr. HARKIN, to H.R. 2419, the farm bill, should be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 42, as follows:

[Rollcall Vote No. 412 Leg.]

YEAS—55

Akaka	Feinstein	Nelson (FL)
Baucus	Grassley	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Coleman	Lieberman	Thune
Conrad	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Mikulski	
Feingold	Murray	

NAYS—42

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Collins	Inhofe	Vitter
Corker	Isakson	Voinovich
Craig	Kyl	Warner

NOT VOTING—3

Cornyn	Lott	McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 55, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

UNANIMOUS CONSENT REQUEST—H.R. 2366

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 217, H.R. 2366; that all after the enacting clause be stricken and the text of the amendment, which is at the desk, be inserted in lieu thereof; that the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, with the Small Business Committee appointed as conferees, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Mr. President, I do object. I would like to make a statement on this after the majority leader finishes his request. Maybe I can do that in morning business.

I do want to say how much I appreciate both the ranking member and the chairman of the Small Business Committee for their thoughtfulness toward our veterans. We have some things to work out, and hopefully we can get this done in December.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I would hope during the next 2 weeks we can work out these differences. It is a very important bill for the entrepreneurial spirit of veterans. This is a good bill, and we have worked hard on it. So I hope we can work it out. I am disappointed we cannot pass that today.

I appreciate the Senator allowing me to finish some other business before he makes his statement.

TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2761, and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that a Dodd substitute amendment at the desk be agreed to; the bill, as amended, be read a third time 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3800) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 2761), as amended, was read the third time and passed.

Mr. REID. Mr. President, with all the ''he said, she said'' that has been going on in this body this week, everyone should all agree with one voice we passed extremely important legislation, terrorism insurance, which gives breathing room to the American free enterprise system, which allows various companies to go forward with what needs to be done, dealing with making sure that when they have a building they are going to construct, that there is some ability for the purchase of insurance, so if something untoward comes from these evil people around the world, they are covered.

This is good legislation. I appreciate the cooperation of the Republicans.

Mr. DODD. Mr. President, I am extremely pleased that the Senate has unanimously passed the Terrorism Risk Insurance Program Reauthorization Act of 2007. It is critically important for our Nation's workers and businesses that we enact this backstop legislation. The legislation passed today provides for an extension of the Terrorism Risk Insurance Act, known as ''TRIA,'' which expires on December 31 of this year. TRIA was originally passed in the aftermath of the 9/11 attacks, and was extended for 2 years in 2005. The bill passed by the Senate today extends TRIA for an additional 7 years.

In anticipation of TRIA's expiration, the Banking Committee held a hearing earlier this year in which the committee heard from a variety of experts about the critical need to extend this program, which is vital to the economic security and prosperity of our Nation. As my colleagues will recall, after the attacks of September 11, 2001, the market for terrorism insurance in this country virtually disappeared. Businesses could not obtain credit, borrowers could not obtain loans, jobs were at risk, and the economy faced serious instability and dislocation. We repeatedly heard from businesses, both large and small, from labor unions, from universities and hospitals, from manufacturers, builders, and lenders, and from insurers about the need for the Federal Government to help stabilize the market and ensure the availability of affordable insurance against the risk of future terrorist attacks. Congress responded by creating TRIA, a public-private partnership in which the Federal Government would share the risk of future terrorist attacks with insurers by becoming the backstop against truly catastrophic losses.

And the overwhelming evidence shows that TRIA has worked, very very well. According to several recent studies, terrorism insurance is more widely available and more affordable today than in the aftermath of 9/11, providing certainty and stability to the sectors of our economy that we depend on for our national well-being. And it is important to note, TRIA has cost taxpayers virtually nothing. When terrorism insurance is available at reasonable rates, and when business owners and property owners can insure themselves against terrorism, there is a private-sector mechanism in place to cover a significant amount of the losses stemming from any future terrorist attack. In fact, a recent study by the RAND Corporation found that in the case of a terrorist attack, TRIA would actually save taxpayers money, as property owners could rebuild using the payments from their insurance policies instead of federal disaster assistance. Let me quote from RAND's findings: ''Taxpayer cost is lower with TRIA than without TRIA across a broad range of scenarios when post-attack assistance is factored in as well.''

The need to extend this program is clear. The private insurance industry has not reemerged with respect to the provision of terrorism insurance. Nearly all of the data and the experts say that there is no reason to think that the private insurance industry alone can insure against this unique risk. As long as the threat of terrorism remains, we must act to ensure that terrorism insurance remains available and affordable.

I want to note that this bill contains two important studies to address serious issues that were raised in the context of the TRIA extension debate. First, there is a mandate for the GAO to study the question of insurance for nuclear, biological, chemical, and radiological terrorist events. Insurance coverage in this area is very limited and in this legislation we require the GAO to make recommendations for expanding such coverage. Second, the GAO is required to study and to report back to the committee within 6 months on whether there are areas of this country, such as Lower Manhattan, that may have unique capacity constraints when it comes to terrorism insurance, and to make recommendations for addressing those capacity constraints.

This legislation is supported by the insurance industry and policyholders, and I ask unanimous consent to have printed in the RECORD letters of support for the legislation. I also want to particularly thank Senator SHELBY for his work on this program, as well as Majority Leader REID, Minority Leader MCCONNELL, and Senators REED, BENNETT, and SCHUMER, for their work both on this bill and on the original TRIA bill and its extension in 2005. By extending the TRIA program for an additional 7 years, this bill will address the long-term security needs of our people and our economy, and I thank all the Members of the Senate for their unanimous support for this legislation.

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

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
Washington, DC, October 16, 2007.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to encourage prompt action on the matter of terrorism risk insurance. For us and our families, it is an issue of jobs and our national economic security, as well as one of protecting the investments of pensioners to shareholders to individuals.

With the devastation of the September 11th attacks, and the recognition that terrorism risk will be with us for the foreseeable future, insurers have excluded this risk from coverage, and reinsurance remains largely unavailable, exposing our economic security to serious peril.

The essential facts that led Congress to enact the Terrorism Risk Insurance Act of 2002 have not changed. We continue to face an unpredictable threat with the potential of mammoth losses to our economy. We continue to need terrorism insurance for our economy to function in the face of the terrorist threat. We continue to need the framework the program provides to enable the United States to recover quickly and efficiently should there be some future terrorist attack.

As Chairman of the Senate Banking Committee, I encourage you to act on an effective long-term federal program as soon as possible.

Thank you for your consideration of these views.

Sincerely.

FREDERICK P. MCLUCKIE,
Legislative Director, Government Affairs Department.

COALITION TO INSURE AGAINST TERRORISM,
Washington, DC, October 16, 2007.

Hon. CHRISTOPHER J. DODD, *Chairman,*
Hon. RICHARD C. SHELBY, *Ranking Member,*
Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: The Coalition to Insure Against Terrorism (CIAT), a broad-based coalition of business insurance policyholders, representing a significant segment of the nation's GDP, strongly endorses your efforts to extend and improve the Terrorism Risk insurance Act (TRIA) with the introduction of the Terrorism Risk Insurance Program Reauthorization Act of 2007 (TRIPRA).

CIAT is very pleased that the Senate Committee on Banking, Housing and Urban Affairs is proposing bi-partisan legislation to extend TRIA. As the principal consumers of this vital insurance coverage, CIAT thanks you for your long-standing support and leadership on the issue of terrorism risk insurance.

The current federal terrorism risk insurance program has been a tremendous success. TRIA has helped keep the economy going in the face of continued terrorist threats by allowing businesses across America to secure this commercially necessary product, saving countless jobs in the process. Moreover, it serves as an important tool to minimize the severe economic disruption that almost certainly will occur from a future terrorist attack.

With TRIEA's expiration looming at the end of 2007, CIAT is extremely pleased that the extension enjoys bi-partisan support in the Committee, and we look forward to the Committee's consideration of it.

CIAT thanks you for taking a significant step towards securing the economy against terrorism risk by scheduling this mark-up.

OCTOBER 16, 2007.

Hon. CHRISTOPHER J. DODD,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. RICHARD SHELBY,
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: We, the undersigned sports leagues, write to express our strong support for your Committee's efforts to extend the Terrorism Risk Insurance Extension Act (TRIEA) before it expires at the end of this year.

Sports venues are more than just buildings where professional and amateur athletic teams compete. These iconic buildings are a source of public pride for millions of sports fans, and, with capacities that can sometimes exceed 100,000, are the sites of huge public gatherings year-round. In most cases, sports venues are the result of public-private partnerships that involve significant financial commitments from taxpayers. And very often, they serve as anchors for private investment in communities across the country.

In the current environment, it is critical that arenas and stadia continue to be insured against a terrorist act. The federal backstop established by Congress in 2002 has been a tremendous success, and is the only reason that such insurance remains available to policyholders. We are therefore pleased that the Committee will be taking up extension legislation this week, and we urge its prompt passage.

In addition, because many of our venues are located in densely populated areas, we further hope you will include language similar to that in the House-passed bill (HR 2761). providing private insurers with an incentive to make coverage available in those areas where they would otherwise impose coverage limits due to the perceived risk of terrorism.

Ensuring minimum economic disruption from a terrorist attack is an important national objective, and guaranteeing the continued availability of terrorism insurance is a key component of that goal. Once again, we are grateful to the Committee for its history of supporting TRIEA and strongly support its extension.

NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES,
October 16, 2007.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

Hon. RICHARD SHELBY,
Ranking Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD AND SENATOR SHELBY: On behalf of the National Association of Mutual Insurance Companies (NAMIC) and our over 1400 member companies we want to express our support for the Committees' ''Terrorism Risk Insurance Program Reauthorization Act of 2007.''

With the Terrorism Risk Insurance Extension Act (TRIEA) set to expire on December 31st, this legislation is vital in continuing this much needed program. Following the terrorist attacks on September 11, 2001, it became clear that some form of federal involvement was needed to help stabilize the marketplace. Despite some improvements in the marketplace, NAMIC believes that the current TRIA program must be reauthorized to assure an orderly economic recovery after the next terrorist attack.

By eliminating the distinction between foreign and domestic terrorism, maintaining insurers' copayments and deductibles at existing levels and extending the program for seven years, we feel strongly that this bill assures that terrorism coverage will continue to be available to policyholders. While we strongly support the base bill, we would like to continue to work with the Committee to try to lower the current event trigger level to $50 million to assure that small and medium-sized property and casualty companies are not squeezed out of the marketplace.

We look forward to continuing to work with you as this important bill moves through the legislative process.

Sincerely,

CHARLES M. CHAMNESS,
President and CEO.

MORTGAGE BANKERS ASSOCIATION,
Washington, DC, October 16, 2007.

Hon. CHRISTOPHER J. DODD,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. RICHARD C. SHELBY,
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: As you prepare to mark up the ''Terrorism Risk Insurance Program Reauthorization Act of 2007'' (TRIPRA), the Mortgage Bankers Association (MBA) believes the seven-year extension in the Chairman's Mark signals to the real estate finance industry and the nation as a whole that terrorism risk insurance will remain available and affordable over an extended period of time. This certainty bolsters the capital market's confidence in the commercial and residential real estate finance industries and fosters market stability.

In addition, recently uncovered domestic and international terrorist plots indicate that the distinction between foreign and domestic source terrorism has blurred to the point where such distinctions are meaningless. Accordingly, we strongly support the clarifying language contained in TRIPRA that eliminates this distinction and allows domestic source terrorism to be included in TRIPRA.

MBA remains concerned about nuclear, biological, chemical and radiological (NBCR) risks We stand ready to participate in an effort that would bring together the federal government, policy holders, the insurance industry, and insurance regulators to perform a comprehensive evaluation of the challenges facing the development of the NBCR insurance market and provide recommendations for overcoming these challenges.

Once again, MBA commends you for working together to extend TRIEA. A long-term extension helps provide the clarity and certainty of the federal government's response to a terrorist attack will serve as an important deterrent to future attacks. MBA salutes you for this effort and offers its full support of TRIPRA.

Very truly yours,

KIERAN P. QUINN,
Chairman.

BUILDING AND CONSTRUCTION TRADES DEPARTMENT,
Washington, DC, October 1, 2007.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR CHAIRMAN DODD: I am writing to you to encourage prompt action on the issue of terrorism risk insurance. This issue is of critical importance to my members and their families all across the United States. For those of us whose jobs depend on this important coverage to do business, this is not just an issue of protecting the investments of pensioners, shareholders, bondholders and individuals from across the nation. It is an issue of jobs and our national economic security.

Since 9/11, the threat of terrorism remains a clear and present danger as are the economic risks associated with this peril. The Terrorism Risk Insurance Act (TRIA) and its extension have been essential to those of us who depend on this coverage. But the current law, TRIA, is, as you know, set to expire in just over 3 months, and people now in the market for terror coverage that extends into next year are being told that their coverage will end if Congress fails to act.

The essential facts that motivated Congress to enact TRIA in 2002 have not changed. Terrorism continues to be an unpredictable threat with potentially mammoth losses. Insurers continue to say terrorism risk is uninsurable. Our economy continues to need terrorism insurance in order to function in the face of the terrorist threat.

Most importantly, our economy needs the framework the program provides to enable us to recover quickly and efficiently after some future terrorist attack. If not extended, the real victims will be the millions of good men and women who depend on the construction industry for their livelihood.

We encourage you as Chairman of the Senate Banking Committee to enact an effective long-term federal program as soon as possible.

Thank you for the opportunity to comment on this important national issue.

Sincerely,

MARK H. AYERS,
President.

AMERICAN BAR ASSOCIATION,
Washington, DC, October 16, 2007.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We understand that tomorrow your Committee will markup legislation to reauthorize the Terrorism Risk Insurance Act (TRIA). We urge your Committee to approve legislation that is permanent or that extends TRIA for a term of years that is as long as possible.

The ABA believes it is very important to pass a long-term or permanent reauthorization of TRIA, which was enacted after September 11, 2001, in order to create a program that helps stabilize the commercial property and casualty insurance markets and ensures the continued availability of terrorism insurance for U.S. businesses. Terrorism insurance is required by banks and financing institutions prior to approving loans on commercial real estate projects and development. Insurance companies are reluctant to offer terrorism insurance without TRIA, which is set to expire at the end of December 2007. In order to prevent market disruption, it is critical for Congress to act promptly so that new policies for 2008 can be written by insurers and purchased by policyholders prior to TRIA's expiration.

TRIA has helped stabilize the price of terrorism insurance by reducing the amount of risk borne by insurers. Without this federal backstop, many insurers would not provide terrorism coverage. The unpredictability of terrorism diminishes the ability of the private market to underwrite this risk, which is significantly more difficult to predict and model than other kinds of risks. The risk is so variable and difficult to predict that insurers and reinsurers will only put limited amounts of capital at risk. The government backstop helps to consolidate the risk of catastrophic events so that the consequences of

modeling mistakes are shared by the federal government and the private insurance industry, rather than by individual insurers alone.

A government backstop is especially needed in the area of insurance coverage for nuclear, chemical, biological, and radiological attacks. At the present time, there is little insurance available for such attacks apart from coverage mandated by state law, such as workers compensation.

The government-industry partnership benefits policyholders and the economy. Some critics of TRIA improperly characterize it as an ''industry bailout'' bill. Such rhetoric is both overblown and misplaced. After September 11, and prior to TRIA's enactment, exclusions from terrorism risk were approved in 45 states and the District of Columbia. It is therefore reasonable to assume that without sufficient reinsurance, or another financial loss-sharing mechanism like the federal backstop, most insurers could simply exclude terrorism risk from their coverage.

The federal government, because of its massive national security apparatus and its superior access to information, is in the best position to partner with the insurance industry to provide terrorism insurance. Moreover, experience has shown that the government will likely provide assistance to victims of a major terrorist attack; it behooves the federal government to be involved prior to the attack in order to receive the benefits of advance planning, risk management, capital accumulation, and the opportunity to use the underwriting and claims expertise of the insurance industry.

We urge your Committee to approve legislation that would provide for the permanent or long-term reauthorization of TRIA.

Sincerely,

DENISE A. CARDMAN,
Acting Director.

AMERICA'S COMUNITY BANKERS,
Washington, DC, October 16, 2007.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

Hon. RICHARD SHELBY,
Ranking Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: On behalf of America's Community Bankers (ACB) and its member banks representing over $1.7 trillion in assets across the nation, I am writing to express our strong support for the Terrorism Risk Insurance Program Reauthorization Act of 2007 and the Flood Insurance Reform and Modernization Act of 2007. These two pieces of legislation, scheduled for consideration during the Committees Executive Session on Wednesday, October 17, 2007 will provide much needed certainty to both the commercial and residential lending market by ensuring that adequate terrorism and flood insurance safeguards remain both affordable and available They will also provide certainty to our nation's lenders who require these types of coverage for the commercial and residential loans they originate

ACB particularly appreciates the inclusion of a provision that extends the terrorism risk insurance program beyond what has become a standard two years. This will allow time for the private market to innovate and develop private-based solutions for permanently covering this level of risk.

We commend you both for crafting balanced legislation that will ensure adequate continuity in our nation's lending and insurance markets, and we look forward to working with you in passing these very important bills.

Sincerely,

ROBERT R. DAVIS,
Executive Vice President and Managing Director, Govt. Relations.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, October 16, 2007.

U.S. SENATE,
Committee on Ranking, Housing & Urban Affairs, Washington, DC.

DEAR SENATOR: On behalf of more than 1.3 million members of the National Association of REALTORS® (NAR), I commend the Senate Committee on Banking, Housing and Urban Affairs for developing a bipartisan bill extending the terrorism Risk Insurance Program. NAR, supports the Terrorism Risk Insurance Program Reauthorization Act (TRIPRA) being considered on Wednesday, October 17.

The availability of terrorism insurance is vital to the continued strength of the commercial real estate markets. Without a reauthorization of the Terrorism Risk Insurance Program by the end of the year, terrorism coverage will likely become unaffordable and widely unavailable. As we continue to fight the WAR on terror, our enemies may look beyond the iconic real estate of our major urban centers and consider soft targets such as shopping centers and suburban offices. NAR supports a comprehensive extension of the Terrorism Risk Insurance Program which provides a long-term duration, eliminates the distinction between foreign and domestic acts of terrorism, and evaluates whether the federal backstop program should be strengthened to enable insurance providers to make nuclear, biological, chemical, and radiological event coverage available at an affordable rate.

Again, I thank the Senate Committee on Banking, Housing and Urban Affairs for addressing the need to extend the Terrorism Risk Insurance Program in a timely and comprehensive manner. NAR urges you to support TRIPRA.

Sincerely,

PAT V. COMBS,
2007 President,
National Association of Realtors.

PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA,
Washington, DC, October 16, 2007.

Hon. CHRIS DODD,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

Hon. RICHARD SHELBY,
Ranking Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate Washington, DC.

DEAR CHAIRMAN DODD AND SENATOR SHELBY: The Property Casualty Insurers Association of America (PCI) supports the bill you have drafted to extend the Terrorism Risk Insurance Act (TRIA), without amendments. We represent more than 1,000 members who insure America's large and small businesses in every sector of the economy.

TRIA works. This program has successfully protected millions of individuals, businesses and the U.S. economy since January 2003 and has made it possible for insurers to cover an otherwise uninsurable risk. We greatly appreciate the leadership both of you have shown in crafting legislation to renew this vital program that has been a foundation on which America's economic strength is built. We are particularly appreciative of the exclusion of a mandatory ''make available'' requirement for nuclear, chemical, biological and radiological (NBCR) attacks, and also of the inclusion of a seven-year term, which will allow time for a fair analysis of the potential for private sector growth in this market.

We look forward to our continued work with you as this much-needed bill moves through the Senate.

Sincerely,

BENJAMIN MCKAY,
Senior Vice President.

NATIONAL MULTI HOUSING COUNCIL AND NATIONAL APARTMENT ASSOCIATION,
Washington, DC, October 16, 2007.

Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN DODD: On behalf of the National Multi Housing Council (NMHC) and the National Apartment Association (NAA), we would like to express our strong support for the ''Terrorism Risk Insurance Program Reauthorization Act of 2007'' (TRIPRA).

The NMHC and the NAA represent the nation's leading firms participating in the multifamily rental housing industry. Our combined memberships are engaged in all aspects of the apartment industry, including ownership, development, management, and finance. The NMHC represents the principal officers of the apartment industry's largest and most prominent firms. The NAA is the largest national federation of state and local apartment associations. NAA is comprised of 190 affiliates and represents nearly 50,000 professionals who own and manage more than 6 million apartments. NMHC and NAA jointly operate a federal legislative program and provide a unified voice for the private apartment industry.

We are extremely pleased with the proposed 7-year extension. This recognizes the long-term need for the program and will bring certainty to the market relative to pricing and capacity. With the December 31, 2007 expiration date of the program quickly approaching, we are reminded of the interruptions that result with looming expiration dates that are harmful to the overall health of the market for terrorism insurance. Certainty in costs and coverage limits are critical components in a multifamily property owner's continued ability to offer safe and affordable housing. We are also pleased to see the elimination of the distinction between foreign and domestic acts of terrorism.

The Terrorism Risk Insurance Act of 2002 (TRIA) and the Terrorism Risk Extension Act of 2005 (TRIEA) have been the mechanism that provides ready access to affordable terrorism insurance coverage for commercial property owners and developers, as well as countless small and large companies throughout the United States. The real estate industry represents one of the highest take up rates among all policyholders for terrorism coverage. According to results of the NMHC 2007 Risk Survey, 87.1 percent of apartment firms surveyed purchased terrorism coverage as part of their property program.

NMHC/NAA remain optimistic that over time private market solutions will reduce or eliminate the need for federal support. However, we are not there yet. Until such time we support the federal government's continued role to ensure that terrorism risk insurance is available and affordable for all American businesses. We encourage your support for the ''Terrorism Risk Insurance Program Reauthorization Act of 2007'' (TRIPRA).

Thank you for your support of this critical program.

Sincerely,

JIM ARBURY,
Senior Vice President,
Government Affairs.

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

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

Mr. REID. May I ask the Senator to withhold for a couple minutes?

Mr. COBURN. Absolutely.

HONORING SENATOR ROBERT C. BYRD

Mr. REID. Mr. President, last night I had the honor and pleasure of going to a birthday party. I, personally, never had birthday parties. My mother always said my birthday was too close to Christmas, so I guess we made up for it on Christmas. But the party last night was sensational.

Hundreds of people showed up. They showed up a few days early, but only a few days, because this coming week Senator Robert Byrd will be 90 years old. He holds all kinds of records. I often compare him with the greatest baseball player of all time, Babe Ruth, for obvious reasons.

What a pleasure it has been for me to serve in the Senate, but every day that goes by that I am able to serve in the Senate, I reflect upon how fortunate I am to serve with Senator BYRD and the many courtesies he has extended to me; from the first time I arrived in the Senate, when he asked: Senator, will you agree to conduct hearings for the Interior Subcommittee on Appropriations?

That was as good as scoring a touchdown, to have Senator BYRD ask me to conduct a hearing. He was chairman of that subcommittee, and I did that. When work was to be done on that committee, it didn't matter what I had scheduled, I set it aside so I could satisfy Senator BYRD and do a good job of conducting those hearings.

I wish Senator BYRD happy birthday. As I said last night at the birthday party, I also wish to tell him how much I appreciate all he has done for me personally, all he has done for the people of West Virginia, all he has done for the people of the State of Nevada, and all he has done for our country.

It is such a thought-provoking thing, to think that I have been able to serve with Senator BYRD and serve in some of the positions he has held: Minority leader, majority leader, minority whip, majority whip.

Last night I was so happy. Senator BYRD was his old self. There he was up there in front of everybody, without a note, reciting poetry from memory. I have said it before, but I will say it again, I want him to hear this and I want everyone else to hear this. I have a lot of favored stories about Senator BYRD, but this is my favorite.

I came back from Nevada. I was right back here. Senator BYRD said: What did you do this weekend?

I said: Senator BYRD, I grabbed a little paperback book out of my library and I read ''The Adventures of Robinson Crusoe.''

Senator BYRD did as I have seen him do many times: Robinson Crusoe? He was on that island 28 years, 6 months, 2 weeks, and 3 days.

I looked at him. I said: What is he talking about? I just read the book. I went back to my home and looked, and there it was. He hadn't read the book for 40 years, but in that computer he has that is a brain, he was able to recall that.

That is only one indication of the abilities of this orphan who is so proud of being from West Virginia. He may have been an orphan growing up, but he is not an orphan in the Senate. He has a family who loves him.

Mr. MCCONNELL. Mr. President, when Robert C. Byrd was born, America had just sent its first troops to France, an angry mob had just abolished private property in Russia, and the New York Times published its first op-ed piece.

Unfortunately, the ''Times'' would continue to publish daily editorials in addition to those op-eds. But fortunately for the country and for us, his colleagues, the Lord granted Robert Carlyle Byrd the gift of years—a lot of them.

Next week, Senator BYRD celebrates one more milestone in a long and growing list of them: his 90th birthday. And I think I speak for every Member of this body when I say we are grateful to have lived in an age in which we could serve with such a remarkable man.

Writing about the foundation of any great society, Ralph Waldo Emerson wrote:

Not gold, but only men can make a nation great and strong
Men who for truth and honor's sake stand fast and labor long
Real men who work while others sleep
Who dare while others fly
They build a nation's pillars deep
And lift them to the sky

Robert Byrd is such a man. Indeed, those words seem almost to have been written with him in mind.

Senator, we revere you for your many achievements, we thank you for always bringing us back to our purpose here, we wish you a very happy birthday, and many more to come.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

EXPLANATION OF OBJECTION

Mr. COBURN. Mr. President, I will take a few short minutes because I know others want to honor Senator BYRD, and there is some other business to discuss. The bill I objected to today comes before us because we have some questions. The chairman of the committee, Senator KERRY from Massachusetts, and Senator SNOWE, the ranking member, have it right, wanting to help our veterans and to make sure they have great opportunities as they return. But I remind my colleagues that this last year, in the SBA, we stole $26 million worth of their salaries to run that, to do directed earmarks. So we have this great new leader at the SBA, Steven Preston. Yet we have handcuffed him in his ability to do what he needs to do at the SBA.

We noticed in the paper yesterday a tremendous, large number of loans where things have been faked. The SBA hadn't had the capability of managing the SBA properly. So our purpose in doing this is not to go against the veterans we see. Nobody stands as a greater supporter than I in terms of protecting their privacy, their second-amendment rights, and honoring them.

We do want to do this. The offset that is in this bill comes out of a microloan that is also designed to help veterans. So we are taking money from one area and not the other at the same time we are stealing money from the SBA's operational money to do earmarks that don't do anything to help veterans.

My pledge to both Senator KERRY and SNOWE is to look at this and see if we can't come to some resolution about our concerns over the intervening time between now and the time we come back and make a commitment to try to do that.

But most important is, what we want to do is preserve freedom. An ever-encroaching Federal Government does not preserve the very freedom that those veterans fought for.

I yield.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

HONORING SENATOR ROBERT C. BYRD

Mr. ROCKEFELLER. Mr. President, I rise today to wish a very happy birthday today to my colleague, Senator ROBERT C. BYRD, and to say a couple of things about him.

As the majority leader indicated, we had a wonderful reception for him last night, and what was interesting to me was not only the warmth of what it was that those who spoke said of him, but even more important was the fact that in the crowd of 2 or 300, I would say 80 percent of them had come up from West Virginia or were West Virginians who had come from other parts of the country.

It was actually the strongest statement of the evening because it reflects their love and their respect. These were people who would not ordinarily do something such as this because they have other matters they might need to attend to because they are public officials or because of their positions—they are scholars or whatever. But they made their way up here so they could pay their tribute by their presence, even though they could not say a word to Senator BYRD.

That meant a lot to me, to understand—as I do anyway—the way people feel.

I also wish to say one of the things I have always most admired about Senator BYRD is he grew up the hard way.

We have talked about that from time to time, all of us who comment on Senator BYRD, from one birthday to another, and how he persevered and how he never grew discouraged. He had very little means with which to live, but he had something called iron will and a sense of purpose.

It is not entirely clear to me that his sense of purpose was to be directed to the Senate in his early years, when he was working for the military, as a ship builder, as a meat cutter, and doing other things he needed to do, particularly when he was in West Virginia, for the purpose of surviving.

But what actually interests me almost the least about next Tuesday is that it is his 90th birthday. That is not what I think of when I think of ROBERT C. BYRD. I don't think about his age. I think about his absolutely dominant sense of discipline, self-control, purpose, and a willingness to do whatever needs to be done to accomplish a goal for West Virginia.

Senator BYRD and this speaker, this Senator, understand very well how hard it is for West Virginia to succeed, to make strides forward, partly because of the nature of its topography—only 4 percent of the land is flat. There is a very interesting effect of that 4 percent. I think Senator BYRD would agree with me. It causes us not only to have to fit most of the industry in that 4 percent, but a lot of the people are fit into that 4 percent. Therefore, by definition, the word ''community,'' and from that the word ''family,'' has a powerful meaning in West Virginia.

I wasn't born in West Virginia. I came to West Virginia as a VISTA volunteer and worked in a very challenged community for 2 years as a VISTA volunteer. It was that sense of family, of people looking out for each other, that turned my life upside down and made me want to stay there and fight for West Virginia.

The phrase ''fighting for West Virginia'' is what sums up ROBERT C. BYRD, whether it is his 50th birthday or his 90th birthday. It has never changed with him. The fight for West Virginia, in our part of the world, is a sacred cause; No. 1, because it is hard; No. 2, because there are so many people who don't understand West Virginia, don't understand West Virginians.

But then an interesting thing happens. They come to West Virginia on a visit. When they go to the Greenbrier, that doesn't quite count as going to West Virginia. But if they come to the rest of West Virginia, they are usually overwhelmed. This can be reporters, this can be observers, this can be people who are doing business or visiting in West Virginia—they are overwhelmed by the sense of warmth, honesty, integrity, purpose. For the most part, it is a hard life, a fairly low average family income, people living at the margins—some people doing spectacularly well. Many of them leave the State. Many of them stay in the State.

But West Virginia takes work. It takes hard work. That is what Senator ROBERT C. BYRD is all about and that is what I think of when I think of him on this day, on next Tuesday, or any time in the future: the capacity and the love of hard work. It is a requirement for a Senator from West Virginia, but it has been the particular domain of the senior Senator from West Virginia. Yes, it is true that he has held powerful positions and does hold powerful positions in the Senate. What can one make of that? The fact that he has been here and he has earned those positions.

But he has done everything in his power to help our people and to help our communities. That is essentially what I am here for, but I am staggered by what he has done.

It is not just the building of roads—that is what is usually associated with Senator BYRD—but it is all kinds of work. When you pick up a local newspaper, often somebody—some institution, some college, some volunteer fire department, some research institute at one of our universities or colleges—has been helped by Senator BYRD.

It is work, it is simply hard work.

It is like the memorization which has been referred to so often. It is the power of memory. If you memorize poems, if you memorize books, if you memorize English monarchs, that takes work. It takes a particular type of diligence, fanatical commitment to achieving a purpose. So he can do it on that cerebral side, the intellectual side, and he does it all the time in serving West Virginia.

I can remember in happier days for all of us, when Irma, his beloved wife, was living. I would call him—I would try not to call Senator BYRD too often at home—and she would say: Oh, he is out on the porch having a cigar.

I would feel good. I would feel good because it would be one of the very few times that I had ever heard of Senator BYRD not working but actually sitting on the porch smoking a cigar. Now, he may have been reading the Constitution, he may have been reading the Encyclopedia Britannica, I have no idea. But he was smoking a cigar. Or sometimes he would take a walk with his beloved dog Billy. And those things he treasured.

So he did have his moments of solace and his moments of quietude. I think a particularly hard blow for him, and therefore for my wife Sharon and myself, was the death of his wife. She was the, as they say, moving wind under his wings. He adored her. We have had many conversations about her. Yet when she passed on, it did not change his nature. It saddened him. He does not show his emotions. But it did not change his nature as a worker. So he will be 90, that should be noted as a fact, on Tuesday. But on Tuesday he will also be an incredible fighter for the people of West Virginia and, yes, of the Constitution and, yes, the place of the Senate in our pattern of Government. But, fundamentally, his heart, his work, his attention, over and above what he has given to his family, has been helping the people of West Virginia. That is what we are elected to do. We all do it in one way or another. Some just do it in a superior way because they have the superior ability and a superior focus and a superior concentration and an overwhelming love for their State, which nurtured them, brought them up, and gave them the values Senator BYRD has.

Senator BYRD, I am tempted at this point to say: Here is to you. But you do not drink. That is another one of your good characteristics. So I am not going to say that. I am just going to say I am extremely proud to be your colleague. I am very moved by every aspect of your career which, I think, in the broad sweep of America, matches anybody.

Lots of people can make money. They have an idea, they turn it into a product, the product sells, they make a lot of money, and then they go buy houses and do things. Very few people have the constancy of purpose and love of State, driven greatly now by the memory of Irma, which is always with you every minute of every day.

So I honor you, Senator BYRD. I wish you a happy birthday, and many happy birthdays to come.

Mr. CONRAD. Mr. President, I wish Senator BYRD a happy birthday. I was there at the celebration last night. Senator BYRD is one of the great men in American history. As people will look back on his career, they will see a truly remarkable public servant. It has been my privilege in the 21 years I have been here to watch Senator BYRD, to learn from him. He is a truly remarkable man, a renaissance man, somebody who studied not only American history but world history. He has learned from what he has studied. He brings the wisdom of the ages to this Chamber.

We have enormous admiration for what Senator BYRD has meant to this country, to his State, and to the Senate that he loves so much. We all recognize Senator BYRD and want to honor him on this special day.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

UNANIMOUS-CONSENT REQUEST—H.R. 3074

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 3074, the Transportation-HUD Appropriations Act; that there be 20 minutes of debate with respect to the conference report; with the time equally divided and controlled between Senators MURRAY and BOND or their designees; that upon the use or yielding back of time, the Senate proceed to vote on adoption of the conference report, without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, there is objection on behalf of members of the Republican side. As you know, the Republican leader objected to the same request yesterday. There is objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. MURRAY. Mr. President, we are about to begin one of the busiest travel seasons of the year—the week of our Thanksgiving holiday. The millions of Americans who will take to our Nation's roads, rails, and airways probably won't have the country's transportation budget on their minds. But we had them in mind as we put together this bipartisan Transportation-Housing appropriations bill and negotiated the conference agreement before us today. Unfortunately, the Senate Republican leadership has now formally blocked our ability to have a vote on this conference agreement and move it to the White House. And that is shameful.

Our conference report invests in rebuilding our infrastructure and modernizing our safety systems. It spends the money needed to adequately staff our air traffic control towers and hire the safety inspectors for aircraft, pipelines, and railroads that are needed to protect us. It rejects misguided budget cuts proposed by the White House to slash the number of safety inspectors, underfund our highway needs, and throw Amtrak into bankruptcy.

This bill also keeps faith with another American Thanksgiving tradition—giving back to those who are less fortunate. It rejects the President's proposals to slash housing funds for the elderly and the disabled and provides necessary increases to shelter the homeless and keep federally subsidized tenants in their homes.

Finally, this holiday, millions of families will worry that they won't be able to keep their homes for another year. Millions are facing foreclosure on their homes in the coming months as their mortgage payments rise to unaffordable levels. This agreement helps address that crisis by targeting a quarter of a billion dollars to ensure these families get counseling that will allow them to stay in their homes. We are working to stop the rising number of foreclosures and increasing despair among the millions of citizens who pursued the American dream of homeownership.

Throughout this process, I have worked closely with a very able partner, my ranking member, Senator BOND of Missouri. We held numerous hearings together. We negotiated every line of a very complicated spending bill together, and we negotiated the details of a conference report with the House together. Senator BOND and I didn't agree on every issue or every funding level, but we continued to make compromises so that we could keep the team together, press forward with our joint responsibilities.

We were able to put together an appropriations bill that was reported by our committee without one dissenting vote. That bill 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 Capitol. I am so proud of how well we were able to work together to get this important bill done. This is truly a bipartisan bill.

Sadly, President Bush threatened to veto this agreement—despite the years of neglect it seeks to reverse—and even though it has strong bipartisan support. The President says he opposes this bill because it spends about $3 billion more than the levels he requested for these programs back in February. I think it is unconscionable that he wants to spend $196 billion on the wars in Iraq and Afghanistan—in this year alone. Yet he refuses to invest just $3 billion on some of the basic needs of every American—transportation and housing.

What is even worse is that instead of standing up for programs they believe in—that they supported already—the Republican leadership here in the Senate has decided to stand in the way in order to protect President Bush from having to veto these important projects. The Senate Republican leadership put their loyalty to this failed Presidency above all the good this bill can do—and above the fact that 88 Members of the Senate supported it.

Clearly, when the Senate Republican leadership calls for bipartisanship—as they have several times since they became the minority—they don't necessarily mean it. When we have a truly bipartisan agreement, they might still kill it just to score a political point. And that is a tragedy for the Senate and for Americans.

So I think it is important to point out why this bill spends more than the President's request. It is because all the conferees—Democrats and Republicans alike refused to let our bridges and highways crumble. They refused to go into the busiest travel week of the year by slashing funding for airports and railways. They refused to let our families lose their homes without an opportunity to work with their lender and professional counselors to keep it. And they refused to let our returning heroes lie homeless on the street in need of shelter and mental health services.

Now let me share some examples of why this bill should move forward.

We have all heard the stories this year about record flight delays that have disrupted people's travel plans across the country. Customer service complaints are at an alltime high. Our airports and runways are now more congested than they have ever been. And that is on a normal nonholiday week—some 27 million Americans will take to the airways this Thanksgiving.

We also face a huge challenge as we work to replace the thousands of air traffic controllers and safety inspectors who are scheduled to retire over the next several years. The void they will leave threatens the safety and reliability of our airlines. Many of our controllers are still using equipment that is two decades old or older. But if the President had his way, we would cut funding to modernize our air traffic control system by more than $50 million.

Well, not one Democratic or Republican conferee on our bill stood up for the President's dramatic cuts in airport investment. And no one agreed that the cutting our investment in modernized equipment was a good idea.

The President just doesn't get it. Just yesterday, he voiced concern about flight delays even as he continued to threaten to veto this bill. Only someone who flies on Air Force One could make those two statements at the same time. Travelers will have President Bush and the Senate Republican leadership to thank as they wait at the gate and on the runway, this holiday weekend.

Mr. President, the next is train travel. This coming Wednesday—the day before Thanksgiving—more than 125,000 Americans will use the Amtrak system in just 1 day. Our overcrowded highways and runways aren't able to absorb those travelers. We have to keep up our investments in options like Amtrak, which will cut down on highway congestion and air pollution caused by cars stalled in traffic. Yet the President proposed to decimate Amtrak's funding, which would have thrown the railroad into certain bankruptcy.

Well, all the conferees—House and Senate—Democrats and Republicans—refused to slash funding for Amtrak by nearly 40 percent—or almost $500 million. Not one wanted to lose our Nation's passenger rail service to the President's misguided budget priorities.

Thirdly, we agreed to spend more than the President requested because the conferees recognized that the millions of holiday travelers who take to the highways next week will cross over 600,000 bridges that the Federal Highway Administration has rated as ''Deficient.'' Mr. President, 80,000 of those bridges have been deemed to be functionally obsolete, meaning they don't meet today's design standards for safety, and they are handling traffic far beyond what they are designed for. These are not just remote bridges in sparse parts of the country, either—6,000 of those deficient bridges are on the National Highway System—the core network of highways that connect our major cities and towns.

We still have a tragic reminder of the cost of neglecting our highways and bridges. In the city of Minneapolis, tens of thousands of Thanksgiving travelers will be required to take alternative routes due to the collapse of Interstate 35W bridge.

This conference report includes $195 million to help complete the reconstruction of the I–35W bridge. It also includes additional spending authority of $1 billion dollars from the Highway

Trust Fund to allow all 50 States to beef up bridge inspections and rebuild or renovate their most deficient bridges. That additional spending authority came about as a result of my amendment, which passed on the floor back in early September. I want to thank the many Republican Senators who supported me on that vote.

Now the President's budget was formulated and delivered to Congress before the Minneapolis tragedy. But I just think it is wrong that the President hasn't altered his budget priorities one penny in the wake of that reality.

Both sides of the aisle in Congress have heard the wake-up call on the need to address our most critical, deteriorating infrastructure. Yet the President would rather spend $196 billion on the war than help our communities ensure their safety.

Our conference agreement also helps protect homeowners who are struggling to keep a roof over their heads. It spends more than the President's request because the conferees—Democrats and Republicans alike—didn't hide from the subprime mortgage crisis that is threatening to destroy many middle-income communities across the Nation.

In the next two quarters, more than 2 million homeowners throughout the Nation will see their mortgage payments rise. Many of them will struggle or fail to meet these new, higher payments. We are now seeing communities where every other home—or every third home—is being abandoned by homeowners who can't meet their payments. Whole communities are having their economic underpinnings ripped from beneath them. Many of these near-ghost towns have been concentrated in the industrial Midwest. But Senators must know—if something isn't done to address this crisis soon, we will find these communities all across the country.

Our conference agreement includes a special infusion of $200 million to boost housing counseling efforts to help keep struggling mortgage-holders in their homes. It is the same level that was included in the Senate version of the bill—a 500-percent increase over the current level. And rather than send this additional funding into the HUD bureaucracy, we have sent it out for competitive grants through the Neighborhood Reinvestment Corporation—a federally chartered corporation that specializes in this area.

I am especially proud that this agreement helps protect our veterans, who—tragically—now make up a quarter of the homeless population.

Veterans Day just passed. In the speech I delivered in my home State, I said we ought to be asking what we can do—as a community, a state, and a nation—for our veterans. The conferees on our Transportation-Housing bill—Democrats and Republicans alike—refused to turn their back on the realities facing our returning heroes from Iraq and Afghanistan and all past conflicts. So our bill took one step in the right direction for our veterans. It includes $75 million for additional housing vouchers, which provide housing assistance through HUD, as well as supportive services through the VA to help get our heroes back on their feet.

This isn't the first year the President has tried to underfund our Nation's housing and transportation system. The cuts this Congress refused to adopt this year are the very same reckless cuts proposed by the Bush administration in 2007, in 2006, in 2005, and every other year. The President has been proposing to slash funding for the CDBG Program, for elderly and disabled housing, for Amtrak, and for airports—year, after year, after year. This year was no different—and Congress responded the same way. The only difference between this year and prior years is that this year President Bush is threatening to veto the bill. And the Senate Republican leadership is determined to protect him from having to make that hard decision.

But the American people don't care about party politics. They care about whether their bridges are safe enough to travel on. They care about whether they will have to sit for hours in the airport because their flights were delayed. They care—when they are sitting on a train platform—about whether the train is actually going to arrive. And they care about our homeless veterans and the need to keep struggling mortgage-holders in their homes.

Our conference committee addressed those realities head-on and came up with a bipartisan solution. I only wish the Senate Republican leadership had these concerns of the American people on their minds rather than their need to protect a misguided President who is so out of touch with the American people.

We learned today where bipartisanship begins and ends for the Senate Republican leadership. It begins with empty, insincere rhetoric on the Senate floor. And it ends when it comes to the need to protect President Bush. When the American people wonder why important legislation is not passing out of the Senate, they should look at this example, one where the Senate Republican leadership is blocking progress on a bill that bears the signature of every Republican who worked on it—one where the needs of the American people are thrown out the window in favor of the need to protect a failed President.

HAPPY BIRTHDAY TO SENATOR BYRD

Mr. KYL. Mr. President, might I be recognized for a moment to comment, as the Senator from West Virginia did, on the birthday of Senator BYRD?

I will be very brief. Certainly, Senator ROCKEFELLER, being Senator BYRD's colleague, with great emotion, I noted, commented on his colleague's birthday.

I hope perhaps coming from someone on the other side of the aisle it will be equally meaningful to recognize Senator BYRD's birthday, but also recognizing his long service here, not just his birthday.

We all hope we can continue to achieve those birthdays, but more important is the ability to represent the people of our State, the people of the United States, and do so over a long and distinguished career.

There are few who have matched Senator BYRD in that regard. I join Senator ROCKEFELLER in extending my best wishes to Senator BYRD, someone who, like me, loves bluegrass music. The only difference is he can play it; I cannot. Happy birthday, Senator.

The ACTING PRESIDENT pro tempore. The Senator from Ohio has the floor.

Mr. BROWN. Mr. President, I join in wishing Senator BYRD a happy 90th birthday. I first heard Senator BYRD speak, and for that matter play his fiddle, in 1974 in Shelby, OH, a city in north central Ohio.

I was a candidate, right out of school, for the State legislature. I knew of Senator BYRD's reputation, but I never heard him play the fiddle, and I was honored by his coming to this small town and playing the fiddle for the assembled 200 or 300 people.

I also had the pleasure of listening to Senator BYRD earlier this year as a freshman member of this body as he spoke to the Democratic caucus lunch. He talked about his background. He was born during the flu epidemic. It took members of his and so many families' lives, and his struggles, as Senator ROCKEFELLER said, made him into the scholar and the fighter for economic justice that he has been.

Then I had the pleasure of visiting Senator BYRD in his office my first month on the job. He then came out during my maiden speech on the Senate floor and made a comment that my daughter talks about to this day. He said: Senator BROWN's words will be in the CONGRESSIONAL RECORD not for 100 years but 1,000 years. And my daughter called me up right afterward and said Senator BYRD said the words will be in the CONGRESSIONAL RECORD in 1,000 years.

But more important than that, he gave me his collection of speeches on the history of the Roman Senate, something we all, as newer Members of the body, should have the opportunity, and should take advantage of the opportunity to learn from his writings about the Roman Senate, how we can make this Senate work better than sometimes it does.

I would finally say, as the Senator from the State on the other side of the Ohio River, we share Parkersburg and Marietta and Belpre. We share Wheeling and Belmont County, Saint Clairsville, Bellaire, Flushing, across the river, and all up and down the river. People on my side of the river have such great admiration—of course,

they do in West Virginia, but they have such great admiration on my side of the river for the terrific work Senator BYRD has done.

I only have 4 or 5 minutes I would like to say about Thanksgiving and the farm bill. But if Senator BYRD would like to take time before that, I am certainly willing to yield or I can proceed.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have some comments. They will be short, but I will save them for next Tuesday, which the Lord willing, at that time I will say a few things. I thank the Chair. I thank the Senator. I thank all of the Senators. I thank all the Members and the staff who make it possible for us to do our work. Thank you. Thank you. Thank you. Have a good Thanksgiving.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

THE FARM BILL

Mr. BROWN. Mr. President, today the Senate will break for the Thanksgiving holiday. We will all travel back to our States. We will work in our offices. We will move around our States. We will probably celebrate the Thanksgiving holiday with our families and our friends.

Many of us who are so very blessed will gather together next Thursday at tables surrounded by family, echoing with laughter, overflowing with food.

For too many families in my home State of Ohio and across the Nation next Thursday will be very different. These families, many of whom work full-time, simply do not earn enough each month to survive without the assistance of food stamps and food banks and help from churches and help from other organizations.

Too many families suffering from layoffs—layoffs caused by plant closings, the offshoring of jobs, and the downsizing of American industry—are now solely reliant on food stamps and food banks to feed their families. Adding anguish to heartache, food banks, the last hope many have for getting even just one meal a day, are finding themselves running short on food.

Yesterday's Cincinnati Enquirer told the story of Denise Arnold, a mother from Roselawn, OH, a suburb of Cincinnati. Since losing her job, and while looking for another job, Ms. Arnold has fallen behind on her rent and worries about becoming homeless. She has applied for food stamps, but that process takes time, and she has a son to feed.

Ms. Arnold visits the St. Vincent de Paul food pantry industry to get what food she can for her family. She told the reporter: It is really rough. I have been so scared. The pantry once was able to offer a week's supply of food to those in need. Now, because of budget cuts and inadequate funding, this pantry must ration out, as so many others do, to their visitors, a few days' worth at a time, not a full week.

According to yesterday's newspaper article, food pantries across the region have similar stories to report. On this floor, I have shared the story of Rhonda Stewart, a single mother from Butler County, OH, who relies on food stamps to feed her family.

Ms. Stewart bravely shared her story before the Senate Agriculture Committee several months ago as we began the process of writing the 2007 farm bill. She told us she has a young son and is fairly recently divorced. Her husband—her ex-husband—has lost his job and is not able to support the son or his former wife.

She has a full-time job, only making about $9 an hour. She is president of the local PTA and volunteers for the Cub Scouts. She teaches Sunday school. She does everything we ask of a citizen and a parent, and she is a food stamp beneficiary.

Yet, she told us, at the beginning of the month, she and her son—she cooks pork chops once or twice that first week. That is his favorite meal. By the middle of the month, she takes him out to a fast food restaurant perhaps once or twice. By the end of the month, she always runs out of money. She sits at the dining room or the kitchen table with her son, and that last couple of days of the month at dinnertime he is eating dinner, and she is sitting there not eating.

He says: Mom, what is wrong?

She says: I am not feeling well, or I am not hungry. She said it happens month after month.

The truth is, food stamps provide a benefit of about $1 per person per meal. So Rhonda Stewart was getting $6 per day for food stamps. She traveled to Washington to let us know what mattered most to her and to her family and to families like hers. She had every right to expect that we would listen and we would hear her.

In 2006, more than 35 million Americans went hungry. We must ask ourselves, how many more will go hungry next Thursday and Friday and Saturday and Sunday and into the rest of the holiday season?

I raise this issue today because at this moment we are debating in this Chamber legislation that literally means the difference between food and hunger for Ms. Arnold, Ms. Stewart, and millions of families in this country, hundreds and hundreds of thousands of families in my home State of Ohio like theirs.

In a nation wealthy as ours, eradicating hunger, eliminating poverty, investing in families should not be a political issue. It is not Republican versus Democrat. It is food and shelter versus Americans who aren't as fortunate as all of us in this body, as the staff, the Senators, all of us. This is a moral obligation, a duty that flows from compassion and the very reason we have been sent here as public servants.

In November of last year, families in my State of Ohio, as they did in the State of the Presiding Officer, sent a loud and clear message that they wanted change. They demanded in no uncertain terms that the priorities championed here in Washington better reflect their own back home. Given their call for change and the unquestionable understanding of challenges facing families across the country, one must pause and reflect on what we are actually doing here. We have a responsibility to think about the priorities being debated this week, this very day as part of the farm bill.

On the one hand, we have been arguing for weeks about how many tens of millions, sometimes hundreds of millions, an industry gets out of this bill. We have been arguing over profit margins. On the other hand, we have in this legislation language that would fund food banks by an additional $110 million each year. We have legislation that would increase food stamp funding by $5 billion over 5 years and would help millions of new families with food assistance. We have the opportunity in this bill to validate for Ms. Arnold and Ms. Stewart and the millions of mothers like them across the country that their voices do in fact matter. These are not issues being discussed only within these walls. This is a question of principle. It is a call to action the public understands very well. The public understands how important are the issues of hunger, social justice, investing in families, at every level of income.

I applaud Ohio food banks and businesses such as First Energy and the Kroger Company for their dedication and initiative. This year First Energy and its employees, as part of their Harvest for Hunger campaign, collected the equivalent of nearly 2 million meals. This week the Kroger Company helped jump-start a Hunger is Unacceptable campaign in greater Cincinnati.

Local social service agencies in the area are pooling resources to help fight hunger more effectively. What these stories say to me is that people back home get it. They get it in Cincinnati, in Columbus, and in Cleveland. It is time that Washington gets it.

I strongly urge my colleagues to remember that budgets and bills are more than ink on paper. They are a set of priorities, and they are about our values. I strongly encourage my colleagues not to delay in passing the farm bill and to remember how many families are depending on them for us to stand up for them.

I fully expect and encourage families back home to continue watching what we do and to hold all of us accountable for our actions.

I want to say to Ms. Arnold—with a very special mention to Rhonda Stewart—that so many of us in this Chamber hear you. We are fighting for you, and we will not give up.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague from Ohio for his service on the Agriculture Committee. He has brought new vision, new vigor to the committee. We very much appreciate his service there. This has been a difficult challenge, but I think we can be very proud of the result. This bill is fiscally responsible, and at the same time it does begin the orientation of priorities. It gives additional funding to not only conservation but to nutrition, where the Senator from Ohio has been a real leader. Over and over he has reminded us of not only our responsibility to fellow Americans, but a moral responsibility we have to make certain we change some of these programs that are so critically important to people all across America.

It is so often overlooked that the vast majority of the money in the farm bill, 66 percent of the funding, goes for nutrition. That is where the vast majority of the spending goes. We can be very proud of the changes that have been made. We have added over $5 billion above the baseline for nutrition, to begin to address things that have not been changed for 30 years. The Senator from Ohio has been a leader, somebody who prodded us all to be better than we have been. I thank the Senator from Ohio for his leadership.

BUDGET FACTS

Mr. CONRAD. Mr. President, I come to the floor to respond to remarks made yesterday by the ranking member of the Senate Budget Committee. I must say, sometimes my friends on the other side of the aisle amaze me on the question of fiscal policy. Because after nearly 7 years of rubberstamping the Bush administration's completely failed fiscal policy, they are so anxious to distract attention from what they did, they now want to besmirch what we have done. We are not going to let them do that.

I have enormous respect for my colleague. He and I work together on the Budget Committee. I like him. I respect him. But it is not his right to rewrite history. The fact is, when they were in charge, as recently as last year, they couldn't even get a budget. They had no budget for the United States. They did not produce a budget, even though they controlled the House of Representatives, the White House, and the Senate. They did not produce a budget for our country. In fact, 3 of the last 5 years they didn't produce a budget for this country.

Facts are facts. Not only did they not produce a budget, they did not finish work on 10 of the 12 appropriations bills for last year. They are now complaining we have not completed this year's work. One reason is, we had to start out by doing virtually all of last year's work before we could get started on this year's work. That is a fact.

The larger reality is that Democrats not only produced a budget, they produced a budget that will balance the books over 5 years. That is not according to my numbers or the Senate Budget Committee's numbers. That is according to the Congressional Budget Office that is nonpartisan. They are the ones who have the responsibility to make these judgments. They say our budget will balance over 5 years. The President never has produced a budget that would balance. In fact, none of his budgets come even close. In fact, he has run up record deficits and record debt and put America in a deep hole. Our friends on the other side supported every one of his misguided efforts. Facts are facts.

Let's look at the record of our colleagues. For nearly 7 years, our friends on the other side of the aisle voted lock, stock, and barrel to support the President's failed fiscal policy. The result is record debt, and the explosion in Federal debt comes at the worst possible time, just before the retirement of the baby boom generation. That has been their policy. That is their record. We on the Democratic side are working feverishly to change this failed course.

Let's be clear. Under the President's policies, the $5.6 trillion projected surplus he inherited has been completely wiped out. Worse than that, the President's policies have driven us deep into deficit, as this chart shows. This is the record. This isn't a projection. This is what has happened under the President's policies. He inherited a surplus, in fact, a surplus so large that for 2 years we were able to stop what had gone on for 20 years, raiding Social Security to pay other bills. For 2 years under the Clinton administration, that bad habit was stopped. Instead of using Social Security money to pay other bills, we were able to actually pay down debt. That is a fact. That is not an imagining. That is not a political claim. That is historic fact.

Here is the record of our friends on the other side. Here is what happened to spending they controlled. Make no mistake, they controlled it completely. They controlled the House of Representatives, the Senate, and the White House. Here is what happened to spending. It went from $1.9 trillion a year to $2.7 trillion a year on their watch. And they accuse us of being big spenders? Excuse me? This is their record. This is what they did. They ran up the spending in the country by 50 percent. But it didn't end there. Here is what they did on the revenue side. On the revenue side, real revenues have been stagnant during the entire time of this administration. They will show you a very different chart. They will show you not real revenues, which are adjusted for inflation; they will show you a chart that only looks at the last 3 years, and they will do it not adjusted for inflation. So the last 3 years they will show a big increase in revenue. But we all know that is not an apples-to-apples comparison, and we all know that neglects to point out what has happened over the whole period of their control.

Over the whole period of their control, there has been virtually no increase in the real revenues, the inflation-adjusted revenues of the country. They have been flat, as this chart shows.

What is the result? If you dramatically increase spending and revenue is flat, what happens? The debt explodes. That is precisely what has happened with our colleagues on the other side in control. They walked in here with a debt at the end of the first year of the President's tenure at $5.8 trillion. We don't hold them responsible for the first year, because they are working on the budget of the previous President. But look what has happened to the debt. They have run it up $3 trillion in these last 6 years. They have run up the debt to a fare-thee-well. And increasingly, it is foreign-held debt. That is, we are increasingly dependent on the kindness of strangers to finance this incredible borrowing binge our colleagues on the other side have taken this country on.

When they came into office, we had a trillion dollars of U.S. debt held abroad. That is now over $2 trillion. They have more than doubled foreign holdings of U.S. debt in this short period of time from 2001 to 2007.

They then go after the spending that is in our budget. Let me be clear. We pay for our spending. We balance the books in 5 years. If you look at total spending, there is virtually no difference between what the President proposed and what we proposed. The difference is seven-tenths of 1 percent.

Where did we propose spending some additional money?

We proposed not to spend more money in Iraq. We proposed to spend more money right here at home on critical domestic priorities, in three areas: No. 1, aid to our veterans and their health care; No. 2, children's health care; and, No. 3, education.

Those are the priorities of the American people. Those are the priorities that will make a significant difference to our country over time: more money for education so people can go to college, so they can come out with less debt, so parents can afford to help their kids get the best education they can; more money for veterans health care to keep the promise that was made to veterans when we sent them in harm's way; more money for children's health care so we begin to cover children with health insurance. That is a good investment because if you are able to help a child lead a healthier life, that is an investment that pays off over a lifetime.

But more than that, Democrats adopted a rule that we call pay-go. What pay-go says is simply this: If you want more tax cuts or more mandatory spending, you can do it, but you can only do it if you pay for it. In the Senate we adopted the rule that new mandatory spending and tax cuts must be offset, must be paid for, or that you get a supermajority.

Now let me be clear: Pay-go is working. My colleague on the other side

calls it ''Swiss-cheese-go,'' as a way of deriding the new discipline that they refused to follow.

We used to have pay-go, and you can see—it is very interesting—the difference. This chart goes back to 1990. You can see that red ink back in the early 1990s. Then things started to get better when a strong pay-go rule was put in effect, as shown right here on the chart. The result was that, coupled with other steps, every year the deficit was reduced. In fact, we got into a situation in which we had a surplus. Then our friends took over after the 2000 election, and look what has happened since: They immediately weakened pay-go. It is one of the first things they did. Look what has happened since: They immediately frittered away the surplus that had been built up, with great difficulty, and plunged us back into deficit.

Now we have restored pay-go, and we are moving in the other direction. We are finally moving out of deficit.

Let me be clear that pay-go is working. What is the evidence? Here is the evidence. The Senate pay-go ''scorecard'' has a positive balance of $670 million over the next 11 years. That means the legislation we have passed thus far has, in fact, been paid for. You would not have a positive balance on the pay-go scorecard unless the legislation that is passed has been paid for. These are facts. These are not political claims. These are not the assertions that were made on the other side without the backing of fact. These are facts.

No. 2, every bill coming out of conference committee this year has been paid for—or more than paid for. My colleague calls it ''Swiss-cheese-go''? No. This is pay-go, properly applied, getting real results, requiring that things be offset—something they never bothered to do.

Pay-go also has a significant deterrent effect, preventing many costly bills from ever being offered.

Interestingly enough, my colleague on the other side, in his previous service as head of the Budget Committee, said this. He had a different view of pay-go back then. I am quoting him from back in 2002, 5 years ago. He said this:

The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses. . . .

He went on to say:

If we do not do this—

In other words, if we do not have pay-go—

if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress, and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

That is what he said 5 years ago. He was right then. He now contradicts himself and, unfortunately, the record bears out his previous position. Because when he weakened pay-go—and his side weakened pay-go—what was the result? Exactly what he predicted 5 years ago. The deficit has exploded, the debt has exploded—all while they controlled the fiscal direction of the country. He was right then. He should have stayed with that position. The country would have been in far better shape.

Now he made a series of arguments in his assault on pay-go, suggesting that it is ''Swiss-cheese-go.'' Let me indicate we do not have to take my word for it on the question of what has happened under pay-go with the legislation that is passed. We can look to the nonpartisan Congressional Budget Office, because what we find is that his argument is full of holes. It is not pay-go that is ''Swiss-cheese-go.'' It is his own argument that is full of holes.

Here is what the Congressional Budget Office says: On the SCHIP reauthorization—that is children's health care—the overall effect of that legislation led to a savings of $207 million; on the higher education bill that he criticized, the combined effect of that legislation was a savings of $752 million. In other words, the legislation was paid for, plus additional savings were created so that the cost was completely offset. It did not add a dime to the deficit or debt. In fact, it had savings.

As to the immigration bill that never passed the Senate, it had, when it went down, large unified savings—over $20 billion over 10 years. The farm bill shows savings of $102 million, according to the Congressional Budget Office.

So these four bills cover virtually all of the phony claims—phony claims—made by the other side with respect to pay-go.

Again, you do not have to take my word for it. This is an official document from the Congressional Budget Office. The Senator on the other side, the ranking member of the Budget Committee, attacked the children's health insurance bill, saying it was not paid for. Wrong. The Congressional Budget Office says not only was it paid for, but that it had savings of $207 million.

The College Cost Reduction Act of 2007—he said it was not paid for. Wrong. According to the Congressional Budget Office, over 10 years, it saves $3.6 billion.

The Immigration Reform Act. He has again said it was not paid for. According to the Congressional Budget Office, he is wrong again. Over 10 years, it would have unified savings of over $25 billion.

The Food and Energy Act of 2007 he says is not paid for. The Congressional Budget Office says he is wrong again, that it saves $102 million.

THE FARM BILL

Mr. CONRAD. Mr. President, let me conclude on the farm bill itself. This farm bill is fiscally responsible. It is a 5-year reauthorization. It is fully paid for. It complies with pay-go. It cuts commodity title payments by $7.5 billion over 5 years. That is a fact. In fact, the share of the total Federal budget going to commodity programs is reduced from the previous farm bill, from three-quarters of 1 percent of total Federal spending to one-quarter of 1 percent. That is a fact.

This bill tightens payment limitations and eliminates loopholes. It adopts the elimination of the three-entity rule that allowed people to hide behind paper entities to get farm program payments. It eliminates that abuse. It requires direct attribution of farm program payments so a living, breathing human being has to be the recipient of these payments—again, instead of being able to hide behind a mask of phony corporate entities.

This bill is fiscally responsible. When my colleague says this bill has tax increases in it—$15 billion he asserted of tax increases—wrong again. Is there more revenue in this bill? Yes. How can it be there is more revenue but not tax increases? Well, let's look.

Let's look at where the revenue comes from—$15 billion over 5 years. Where does it come from? It comes from codifying the ''economic substance'' doctrine that prohibits businesses from using certain tax-avoidance schemes. Is that a tax increase? No, I do not think that is a tax increase. I think that is shutting down a bunch of tax scams that are going on around the country. In fact, you heard the Republican ranking member of the Finance Committee out here on the floor vigorously defending that pay-for, and that came out of the Finance Committee on a vote of 17 to 4—overwhelming bipartisan support.

The second pay-for is to revoke tax benefits for leasing foreign subways and sewer systems. Now they are going to say that is a tax increase? Let's understand what is happening. We have certain corporations and wealthy individuals who are buying—get this—buying foreign sewer systems, and depreciating them on the books for U.S. tax purposes—leasing those sewer systems back to the European cities that bought them in the first place.

Did they do this because they are in the sewer business? No. They are not in the sewer business. They are in monkey business. They are buying foreign sewer systems to depreciate them on the books in the United States to reduce their taxes in the United States. They have nothing to do with being in the sewer business in European cities. They want to call that a tax increase? Again, that provision came out of the Senate Finance Committee on a vote of 17 to 4—a very strong bipartisan vote.

Where is the other revenue coming from?

Increasing penalties for failure to file correct information returns. That is not a tax increase. That is a penalty for people who are trying to cheat.

Finally, denying deductions for certain fines and penalties. That is, again,

an additional inducement for people to play fair.

In addition, much of the money—in fact, two-thirds of the money—that has come from this additional revenue has been turned around and put right back out in tax cuts. You did not hear that from the other side, did you? They never mention that fact.

Well, what are the tax cuts that are in this bill? There is $7.3 billion for conservation, including a tax credit for farmland in the Conservation Reserve Program—a program that affects over 10 million acres across the United States.

There is $2.5 billion for energy, including a tax credit for small producers of cellulosic fuel and $800 million for agriculture and rural areas.

Those are the tax reduction elements which are a part of this bill.

The final point I want to make is this Democratic-led Congress has rejected the failed fiscal policies of the last 2 years. We have put in place a strong pay-go rule. It is working by any standard—by any objective standard. While it would not single-handedly solve all of our problems, it is making a meaningful contribution. The fact is, the pay-go scorecard, as of this moment, shows a positive balance. That means the legislation that has been advanced has been paid for. That is a significant departure from what has gone on in the previous 6 years under the control of our colleagues on the other side.

So it is going to be a long, tough slog for us to get done what needs to be done and get America back on track, at least in the fiscal arena. While the Senator from New Hampshire and I have sharp disagreement on these matters, we are working together on a plan to bring together a bipartisan task force—16 Members; 8 Democrats, 8 Republicans—with the responsibility to come up with a plan, a long-term plan to get America back on track. In that, he and I are joined at the hip, and we are prepared to ask our colleagues to come together in a bipartisan way to develop a plan to deal with these long-term imbalances. So while we have sharp disagreement on the question of pay-go and on the question of their fiscal record versus ours, one place we are in complete agreement is on the need to face up to these long-term fiscal imbalances. That is in the interests of our country. That is in the interests of every citizen of America.

I thank the Chair.

I yield the floor, and I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, just very briefly if I could, I say to my colleague, I am just going to take 30 seconds.

THANKS TO STAFF

Mr. CONRAD. Mr. President, I wanted to thank my staff director of the Senate Budget Committee. The other day I thanked all of those who have worked so hard on the farm bill, the members of my staff, including my lead negotiator and my entire negotiating team; six members of my staff. I did not thank at that time my staff director on the Senate Budget Committee, Mary Naylor.

No one has worked harder in this Chamber at the staff level to try to get us back on a fiscal track that makes sense than Mary Naylor. She has been with me many years. She was the person who ran all of my budget operations before I became chairman of the Budget Committee, and when I became chairman, I asked her to be the staff director because there is no one for whom I have higher regard than Mary Naylor, and I wanted to thank her formally and publicly today for her extraordinary commitment to making this country better.

I thank the Chair, and I yield the floor.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business without a time limit.

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

DEMOCRATIC AGENDA

Mr. ENZI. Mr. President, Ron Hindle has done a tremendous job of finding any information that I need and putting it in tremendous format so that it is easily understandable, and even writing it up in words that I can understand. He has been with me the entire time that I have been in the Senate. This is my 11th year. He has done a tremendous job. He worked for Senator Simpson before that. So I welcome him to the floor.

Mr. President, in the history of politics, I don't think anyone has ever had their finger on the pulse of the Nation quite like former President Ronald Reagan. Anyone who knew him or heard him speak was instantly warmed by his charm and captivated by his personality. He had a way of expressing himself that enabled him to connect with all of America. He had a unique way of speaking, and that unforgettable Reagan wit let everyone know he was on their side and would do everything he could to make this a better world for us all.

I remember one day in particular. It was 1992, and the Republican Convention was going strong. Ronald Reagan approached the podium to give one of his trademark speeches. As he spoke, something told us that this night, this speech, would be different from all the rest. Something told us that we were watching the last major address he would ever give.

In his message, he spoke of the importance of doing everything we could to point America toward the day when the nations of the world would turn to us and say: America, you are the model of freedom and prosperity. That was when we would turn to them and say: You ''ain't'' seen nothing yet.

It was a wonderful catch phrase that had been around for so many years, but it expressed his feeling that when that day came, something even bigger and greater would be about to make its presence felt throughout the Nation. Unfortunately, today when we hear those words, we are reminded not of a great President, but of a Congress that continues to lag further and further behind the expectations it created in the last election.

I know I am not the first one to notice. There have been editorials in the papers asking us when we are going to fulfill the promises that were made in the elections last year by the Democratic majority party.

This is also the anniversary of another event. It was about a year ago that what is now the Democratic Party put together a strategy that proved to be successful and they won both Houses of Congress. People were excited and looking forward to the change the Democrats said the election would bring. It seemed that every Member had a press conference during which he or she offered a long laundry list of legislation that was going to be taken up as soon as possible.

With such a celebrated beginning, you may be wondering why you ain't seen nothing yet. Trust me, you aren't the only one. I don't think you will see any celebrating in the leader's office or the Speaker's office about the past year's results. So much of what they fought so hard to attain has been lost over the past year. So much of the progress they promised and that we all hoped to see has somehow failed to materialize. I do need to note an exception. The HELP Committee, the Health, Education, Labor and Pensions Committee that Senator KENNEDY chairs and on which I am the senior Republican, has produced a few bills and virtually all of the bills that have passed. If someone as liberal as Senator KENNEDY and as conservative as I am can move bills, everyone should be able to, but it requires putting aside ''gotcha'' politics and working for the 80 percent that we can agree on.

Is it any wonder that Congress's approval ratings are at an all-time low?

As the Senate's only accountant, I well remember all of those times I would come to the Senate floor to debate our Nation's budget. The Democratic Party didn't have the numbers back then to control the Senate, so all we heard was a steady stream of complaints from them about the lack of progress that we were making on the budget and the lack of a coherent plan for spending. Now that the shoe is on the other foot and the Democrats are in charge, what have they produced?

We have all heard about the slow boat to China. Well, this is a slow boat that is going nowhere. The same people who criticized the Republican budget, the same people who promise they would do better have instead done worse—a lot worse.

We are long past the start of the fiscal year—about 6 weeks or so—and still only two appropriations bills have been sent to the President, and that was just last week. If you want to find another Congress that was this tardy with spending bills, you would have to go back quite a while, I would imagine. In fact, I think you would have to go back through all of U.S. history.

Remember all the talk we heard about fiscal discipline and controlling spending? Once again, you might be thinking that you ain't seen nothing yet, and you would be right again.

Reminiscent of Everett Dirksen's words that a billion here and a billion there and pretty soon we are talking about real money—the Democratic Party seems unconcerned about the difference between their proposed spending and the President's proposals over the next 5 years. After all, what is $20 billion or so among friends? We have even had times of gaming to pay for the spending to the tune of nearly $40 billion.

So what is the record of the Democratic Party so far? Not too good. Are we surprised? The Democrats continue to insist that they support the troops. At the same time they are professing their support for the troops in Iraq, they are suggesting it is time to cut funding off for our military. With our backs against the wall, they have been keeping their foot to the pedal—the brake pedal—when it comes to providing our troops with emergency supplies they need—the body armor, the bullets, the mine-resistant vehicles. These things save lives, and we need to give our troops what they need when they need it so that they will come home safe and sound to their loved ones.

This isn't all. There is a long list of promises made during the last election that haven't been kept. After questioning whether the war in Iraq made us safer, they refused to deal with the reforms we need to gather the intelligence we have to have to keep our people safe.

I am strongly supportive of the rights guaranteed to us by our Constitution. There is no question that our rights as Americans are sacred and they have to be respected. But if you ask the average American if terrorists deserve to be treated as citizens, if terrorists deserve to be treated as citizens and given those same rights, I think you will hear a decisive no. I believe our constituents know they have been kept safe for these past 6 years by this administration, and they want Congress to work together with the administration to continue that pattern of safety. I don't think they want us to work against each other.

When the new Congress began about 11 months ago, we were promised a new attitude. We were told we would be walking arm in arm, working together to make this a better Nation for us all.

Unfortunately, that hasn't happened either. Instead, we have seen a general unwillingness to work together to get things done. The ''gotcha'' politics. In fact, in 2007, at least 70 cloture motions have been filed by the majority so far. That is the same number of motions filed by the Republicans in the entire 109th Congress spanning 2 years. We are supposed to be here to conduct the people's business. Instead, more often than not, we are just getting the things done on cloture petitions, and that is not getting anything done at all.

How do you get things done? We quit playing ''gotcha'' politics. We have been on the farm bill for 2 weeks, but there hasn't been a single amendment voted on. There hasn't been a single amendment allowed to be voted on.

I did some checking. The farm bill has never passed without votes. I think we could have done this bill in a week. It came out of committee unanimously. So why not give the rest of the Senators a shot and move on? I have checked. We have always done about 25 amendments on the farm bill, in the history of the farm bill. A lot of them failed, but we have the right to have votes.

Parliamentarily, we have been precluded from having votes, from offering amendments. Until that happens, there is not going to be any progress on the bill. As soon as it happens, there will be progress on the bill.

So how about health care? Well, you ain't seen nothing yet, and I know you will not this year. You may not next year.

Are you concerned about energy? Again, you ain't seen nothing yet. There has to be something done.

How about training our workers for the good jobs that will come during the current global economy? Once again, unfortunately, you ain't seen nothing yet. I am bringing these sentiments to the attention of Congress that could do great things, and does do great things when it wants to, or probably more accurately when it needs to. It can come together with a snap of a finger in a time of crisis.

Remember September 11? We came together not as Democrats or Republicans or Independents. We came together as Americans, and we swore we would work together to make this a better country. Unfortunately, that magic moment didn't last, and it wasn't long before we were back to our old ways.

Sometimes it seems like partisanship and gridlock are just a way of life back here. It doesn't need to be. It doesn't have to be. If we work together and take the action on health care, education reform, and so much more of the Nation's needs, and look to get it done, when we go home to hold town meetings and meet with our constituents and we are asked what we are doing in Washington to make their lives better, ease their burdens, and make their futures brighter, we will be able to answer truthfully: You ain't seen nothing yet—not because we haven't done anything yet but because we have, and there is a lot more to come. And it can come. We agree on 80 percent of the issues. So if we just do the 80 percent instead of concentrating on the 20 percent we are not going to agree on—but I guess makes good political ads—we can get something done.

As every football fan knows, it takes four quarters to make a football game. We are only coming up on halftime. There is plenty of time to put our heads together and develop a winning strategy—not for our parties but for the American people.

At the close of the speech I referred to earlier, Ronald Reagan said that he hoped we would have the heart to conceive, the understanding to direct, and the hand to execute the works that will make the world a little better for our having been here. That is our charge, our mission—to leave the world a little better than it was when we got here. It is a difficult mission, but it is one we can accomplish. We can accomplish it by joining and working together because the future is quite literally in our hands.

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

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

The legislative clerk proceeded to call the roll.

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

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

CONGRATULATING THE REGENT-MOTT STATE CHAMPIONSHIP FOOTBALL TEAM

Mr. DORGAN. Mr. President, I know the Senate is about to adjourn. I wish to take a minute. Last evening, I called a legion club in a small town in southwestern North Dakota, a State I am privileged to represent in the Senate, and said congratulations to a group of young men from my hometown of slightly less than 300 people, Regent, ND, who combined with a school in Mott. The Regent-Mott team won the nine-man State championship football game last week at the Fargo Dome in Fargo, ND. I called last evening to several hundred people who gathered to say congratulations to the players and talk about how proud they were. I wish to add my congratulations today. I told them I was going to do so on the floor of the Senate.

It is a big deal for a small community to have the kind of community pride and the achievement of winning a State championship.

The communities of Regent and Mott—the community I grew up in was a town of 300 people in Regent, ND, and

Mott is slightly larger than that, but it is a wonderful community. It is a community that has the kind of small-town values one would expect.

When I grew up in that community, I graduated in a senior high school class of nine students. I have always talked about the tapestry of the Senate. I sit in the Senate with JOE LIEBERMAN, from Connecticut, on one side of me and DIANNE FEINSTEIN, a Senator from California, on the other side. We have people coming from all corners of this country to serve in this great place. My privilege is to come from a town of about 300 people and a high school senior class of nine students.

We didn't, when I was in that senior class of nine students, win a State championship. Finally, the students from that school combined with a school in neighboring Mott, ND, and did win a State championship. They are enormously proud, and I am proud of them. They actually played in what is called the Fargo Dome, a very large indoor dome in Fargo, ND. That is over 300 miles from southwestern North Dakota, but distance doesn't mean too much to us out on the northern Great Plains. Driving is not such a chore. There is not a lot of traffic. People are pretty courteous to each other. We drive a lot of miles on virtually every occasion.

I wished to describe the pride I have in a very small community. Hettinger County, to describe one more specific, in North Dakota, is larger than the State of Rhode Island in landmass. It has 2,700 citizens in the entire county spread out among three towns and also a lot of family farms. It is, in my judgment, the cradle of family values and all things that are sensible and all things that are likable about American life.

I wished to, again, come to the floor today to say to the Regent and Mott schools and those young boys in Hettinger County congratulations on a State championship and to the coach who has coached for 22 years. One might expect the number of hours that man has invested in the lives of young people, and last Saturday he had the privilege of coaching a State championship team. I know how proud he is as well.

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

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

ALTERNATIVE MINIMUM TAX

Mr. HATCH. Mr. President, I rise today to discuss the pending crisis of the American taxpayer. The cause of this crisis is the failure of Congress to deal honestly with the alternative minimum tax, or AMT.

Debate over what to do about the AMT has become a yearly ritual on Capitol Hill. As a member of the Finance Committee, I fully understand this ritual. But this year, we are dragging our feet, and the more we delay, the more likely it is that millions of Americans will get socked with an unexpected tax bill next year and millions more will have their refunds delayed.

Now it appears we are not going to address the AMT until December. Failure to address the AMT promptly on our return will be a pretty terrible Christmas surprise for the families impacted by congressional ineptitude, but it will certainly be a surprise they will never forget. I can see it now: Surprise, you need to write a check for $3,000 to the IRS by April 15. That is right up there with: Surprise, you have been served. Yet Congress delays. Congress fiddles. This is grossly irresponsible.

According to Secretary Paulson and the Department of the Treasury, unless we fix the AMT, 25 million taxpayers will be subject to it in 2007. That is 21 million more than in 2006. And 25 million other taxpayers will face delays in the processing of their returns and receiving of refunds. In my home State of Utah, the Joint Tax Committee estimates we will jump from 19,000 AMT filers to 150,000 AMT filers. This is simply unacceptable.

Most of the taxpayers who are at risk have not planned for the eventuality of AMT liability. After all, year after year, like clockwork, the Republicans controlled Congress and they passed AMT relief. We are already too late to avoid some problems. The IRS warned Congress that unless we fixed the AMT by early November, there would be serious delays in the processing of tax returns. We are now pushing toward Thanksgiving. Secretary Paulson has made clear that based on historical filing patterns, enactment of an AMT fix in mid to late December could delay issuance of approximately $75 billion in refunds—that is with a ''b,'' a billion dollars, 75 of them. That is 25 million tax refunds delayed.

It is always a bad idea for Members of Congress to get between their constituents and their tax refunds. Yet here we are. How did we come to this particular pass? The story of the AMT should be a case study for limited Government. Give Congress long enough, and it will find a way to mess things up.

In 1969, the press reported that 155 high-income Americans paid no Federal income taxes in 1966. That was found out in 1969. Congress came to the rescue, creating an alternative minimum tax that would make sure all Americans paid their fair share. The AMT would prevent tax avoidance by disallowing certain credits and deductions. As if it is not bad enough figuring out one tax system, now many Americans would have to complete their tax a second way—once under the traditional income tax and once under the alternative minimum tax. And naturally the tax that gets paid is the one which is highest.

Still, this AMT was originally meant to apply to a small number of filers—155. That is 155 out of almost 300 million people. Today, it is a menace threatening millions of Americans. Absent changes, estimates show that by 2010, nearly 89 percent of all married couples, with two children, earning between $75,000 and $100,000 will be hit by the AMT. Make no mistake about it, elected officials are responsible for that train wreck—and, I might say, on both sides of the aisle.

In 1986, Congress failed to index the AMT exemption for inflation.

In 1993, a Democratic Congress and President Clinton took us a bit further down the road toward this fiscal debacle. They raised the 24-percent rate on the first $175,000 of the alternative minimum tax. They raised that taxable income to 26 percent. The rate on income in excess of $175,000 was raised to 28 percent.

Republicans in Congress attempted to right the ship. In 1999, we passed a provision repealing the AMT in its entirety. Done. Finito. Vaya con dios, AMT. Had President Clinton signed this bill, we would not be having this debate today. Millions of Americans would not be staring down the barrel of an unfair and unplanned-for tax hike. But we all know how this story ended. President Clinton vetoed the bill. This was the coup de grace. And so the AMT would continue to haunt us, growing bigger and more destructive every year since then.

The tax cuts of 2001 and 2003 only further emphasized the insidiousness of the AMT. These tax cuts promised tax relief to middle-class families and economic growth. Yet, as the economy grew and income rose, more and more middle-class families fell into the AMT trap. Economic growth, income growth, tax cuts, and a failure to index the AMT for inflation created one costly cocktail for millions of families.

So there you have it. Congress manages to take a tax designed to target a handful of super-rich tax avoiders—155 people—and 40 years later, millions of middle-class families are being hit by that tax.

For what it is worth, this experience should give pause to any American who wants to hand management of the Nation's health care system over to the good people on Capitol Hill—us good people on Capitol Hill. Nonetheless, since 2001, Congress has patched the AMT. In layman's terms, on a yearly basis we have increased the AMT exemption. The result is that fewer Americans have an AMT liability greater than their liability under the ordinary income tax. These patches have done the trick. They have prevented the AMT from hitting even more families. Republicans dutifully passed that patch as sure as the sun rising in the morning.

Now, don't get me wrong, a yearly patch is no substitute for what we tried

to do during the Clinton years, and that was to completely repeal the AMT, which I have been advocating for many years. Only complete repeal will remove the uncertainty faced by millions of Americans with potential AMT liability. And as is on full display this year, that uncertainty is growing.

The problem now is the insistence by my colleagues on the other side that we follow the so-called pay-go rules. Under a Democratic Congress, any tax cuts must be paid for. Now, let me translate that for you. This Democratic Congress is going to raise your taxes, and to pay for the AMT, a Democratic Congress is going to have to raise a lot of your taxes. Under pay-go rules, if Congress passes a provision that reduces revenues to the Treasury, it must make up the balance from somewhere else. This is true even if the provision does not cut taxes but merely prevents a tax increase from hitting middle-class American families.

The Democratic Congress is proud of these rules. These rules supposedly demonstrate a commitment to fiscal responsibility. But, as some wags have suggested, the Democrats misnamed their rule. It should be more accurately called tax-go, not what it has been—pay-go. You see, in the hands of a Democratic Congress, the way to balance the books after a tax cut is never to cut spending; it is always to raise taxes. You have to love the logic. We are going to cut taxes by raising taxes. This is a public policy of robbing Peter to pay Paul.

Now, you don't have to take my word for it. This is what Congressman TIM MAHONEY, a Florida Democrat, had to say:

> You want to reward people for taking risks. How about budget cuts to make government more efficient? We need to show people we are good managers and stewards of their money. I've been here 10 months and I haven't seen one proposal to cut spending.

Now, I think that about hits the mark, and that is a Democrat speaking about Democrat rule in the House of Representatives and the Senate.

Now, for the Democrats—most of them—fiscal responsibility means one thing: raising your taxes. They have a one-page playbook, and with the AMT fix passed by the House last week, they ran that play right down the throats of the American people. Touchdown, Democrats. Unfortunately, the American people are the big losers here. A 1-year patch for the alternative minimum tax costs $50 billion. For 2 years, we will need to come up with $135 billion. Permanent repeal of the alternative minimum tax will now cost us $872 billion.

Oh, if we had just had President Clinton sign into law the repeal of AMT that we passed through both Houses of Congress back then. But let's just start with the 1-year patch.

In order to pay for this $50 billion 1-year patch—or a tax increase, in other words—the House had to come up with $50 billion in tax increases. One of the most talked about tax hikes in that bill involves treating carried-interest income, currently taxed as capital gains, as ordinary income. This is an old-school soak-the-rich play, honed before the adoption of the forward pass. I think for this one the Democrats pulled out FDR's playbook. Go after private equity managers, raise taxes on the 50,000 people nationwide earning carried interest, and keep taxes level for the 23 million people whose financial security is jeopardized by AMT. Never mind the fact that this could create perverse disincentives for one of the engines of our current economic growth. Never mind that it would reduce risk-taking in venture capital firms and real estate partnerships and other entities that create jobs and economic growth. Never mind the fact we are paying for a 1-year AMT tax by permanently raising taxes—your taxes. No, what is really pathetic about this proposal is that the Democrats who support this want to permanently raise taxes to pay for revenue we never thought we would have in the first place. People, this is phantom revenue. We were never going to collect this money. We never wanted to collect this money. But with a twisted sense of fiscal responsibility, we are now going down the road of permanently increasing taxes to make 1-year offsets on money we never thought we would have. And that is because we are unwilling to cut spending in this Congress today. Now, this is some seriously warped tax policy.

The House majority leader sees these misguided tax hikes as a model of virtuous statesmanship—''Raising revenues takes political courage.'' If that is true, then the House Democrats are the Spartans of tax hikes. In the end, I doubt we will raise taxes to pay for AMT relief. I certainly hope we will not do that.

I understand why the Democrats feel the need to blame someone else for this problem. While Americans everywhere could be hit by the AMT, it really is the high-tech States—represented primarily by Democrats—that will suffer the most if Congress fails to act. All States will suffer, but the ones that will suffer the most are the blue States. Taxpayers in California, Connecticut, Maryland, New Jersey, and New York filed 44.2 percent of all AMT returns last year, and I think that figures in it a lot.

This disparity is only growing. If Congress does not fix this problem, in States such as Connecticut, Maryland, and New Jersey, nearly 25 percent of current filers will be forced into paying the alternative minimum tax. Absent alternative minimum tax relief, New York would have 1 million additional AMT tax filers this year compared to last year—1 million more. In California, the number of new AMT filers would increase by 1.7 million.

I don't mind these Robin Hood-like approaches to blue States, if that is what they want to do by electing people who do this to them. I think they have a right to do that. But I will bet money that they do not want that type of thing to happen to them.

These individuals and families, who are going to now be sucked into the AMT tax, never thought they would be subjected to the AMT and so they did not withhold accordingly. The worst case scenario, then, is that they will actually have to cut checks for thousands of dollars come April.

Let's not forget the 25 million lower income taxpayers who are facing long delays in getting their refunds because of the slowness of the Congress and the inability of Congress to get this done. This would be devastating, it will be devastating, unless we can change this. Yet we continue to dither. The answer is easy: Repeal it, just do it, get rid of it already. But Democrats do not seem to be inclined to do the sensible thing. They want to let the AMT linger and fester.

Year after year, repeal will become even more expensive and the Democrats, armed with their pay-go rules, will have to find a way to balance the books when they do repeal it.

What do they propose? How will they offset the nearly $1 trillion that AMT repeal or reform will cost? If you look closely enough, you can just make it out on the horizon—the mother lode, the mother ship, the mother of all tax reforms, according to my dear friend over in the House, the chairman of the Ways and Means Committee. We are close friends but, boy, he called it right, the mother of all tax reforms.

AMT relief is at the center of the central Democratic proposal for tax reform. While this tax reform is going nowhere right now, make no mistake about it, this is what we have to look forward to, from a Democratic Congress and White House.

My friend from New York, the chairman of the Ways and Means Committee, has a way of getting what he wants. He is smart—I think he is brilliant, personally—he is persistent, and he knows how to cut a deal. I know. I have worked with him on a number of things. I have great admiration for him. And this mother of all tax reforms is his baby. But as much as I love my friend Congressman RANGEL, this is one ugly mother.

This mother is not friendly or funny like Lucille Ball. She is a bit creepy, as a matter of fact, as you can see. Actually, she is a bit scary. That is frightening. At times, she is downright unstable. This may be hard to see on the television cameras here, but she looks pretty unstable to me. And she is coming to get the middle class.

This mother promises to get rid of the onerous AMT. By repealing AMT, mother claims she will provide tax relief to millions of middle-class families. But mother is really only out for mother. Of course, that relief is not real relief, since we never intended those families to pay the AMT in the first place. Calling this tax relief is

like someone getting ready to hit you in the head with a hammer, deciding not to hit you, and then telling you that he is doing you a favor.

What she gives with one hand, this mother takes away with the other, by assuming the 2001 and 2003 tax cuts, so essential to our economic growth, will expire.

The mother ship already comes fully loaded with the largest tax increase in history. Allowing the 2001 and 2003 tax cuts to expire would dwarf even that.

This is not a recipe for happy taxpayers, this is bitter and unnecessary medicine. The majority of Democrats in the Congress seem prepared to make the American taxpayer take the dose. You can see, it is not very tasty.

We do not need to go down this track. To borrow from an old movie, we should ''Throw Momma''—this mama—''From The Train.'' It would be a real mistake to continue the practice of paying for fake, temporary tax cuts with real and permanent tax hikes.

Contrary to the assertions of some of my colleagues on the other side of the aisle, the only responsible and the only realistic action we can take is to repeal the AMT in its entirety right now. We should do so without raising taxes.

We are going to have a debate in the next few years over fundamental tax reform and we are going to have debates over fundamental health care reform. We should do so without the specter of the AMT hanging over this Chamber.

I urge my colleagues to repeal it in its entirety, right now, without raising taxes. You cannot be fiscally responsible without being fiscally honest. This phantom income should play no part in broader debates over tax reform. At the very least, we should not pass permanent tax hikes that would have ugly economic ramifications in order to pay for 1 year of AMT relief. We are putting off disaster 1 more year by doing that, at a cost of $50 billion in tax increases.

There are some ways we can do this. There are no good ways we can do this. But I know one thing, the worst way is to do it by increasing taxes to pay for it, and stifling the economy that has enough on its plate with the high cost of energy, to mention one item.

To go to approximately 24 million people from 155 people is more than absurd. That is where we are going. If we take this mother of all tax reforms seriously, and if we were able to pass that—and I hope we are not—I have to say there is going to be a great increase in taxes, a great stifling of the economy, and much more difficulty for this country in the coming years.

One reason I am giving these remarks is I know there are people on the Democratic side who do not like this, who are responsible and who do want to do what is right, who basically know there are no good options here. Raising taxes is one of the worst options we can do. I appeal to them to stand up now and not let this happen because if it does, this economy is going to pay a tremendous price. I think in the end, as bad as it will be no matter what we do, there are better ways of doing this than increasing taxes, doing it the way that has been suggested.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

IRAQ

Mr. SESSIONS. Mr. President, we are facing a number of challenges in the Senate and in the Congress, but none is more important than our willingness and our responsibility to properly support the men and women in our Armed Forces who are serving us today in Iraq and Afghanistan; serving us because we voted to send them there, doing the policy of the United States that has the support of the President, the Chief Executive, the Commander in Chief, and that has been supported by the Congress.

Yes, we have had a lot of debate, a lot of dissension, and a lot of complaints, but when the chips have been down, time and time again we have authorized and funded the activities that are going on now in the name of the United States of America in Iraq and in Afghanistan.

We had an election last fall. We have heard people talk about that. But the American people did not say: We want to pull out of Iraq regardless of the consequences. They said they were not happy, and none of us were happy with the way things were going.

It seemed to be drifting in a bad way, and there seemed to be no positive results coming. So we had, after this election, last spring, April and May, a big debate about it. And President Bush said: We need to change policy. I am going to send a new general over there, General Petraeus, and we are going to change tactics, and I am going to ask you to approve additional troops. I am asking for a surge in troops.

So we talked about it. We debated it right here in the Senate. This great Nation's legislative branch responded to the President's call and had a debate on it. We had no obligation to fund that. None whatsoever. But earlier in the summer, we voted 80 to 14 to fund the surge in Iraq and to send General Petraeus and to give him a chance to utilize a new tactic and a new strategy for confronting the terrorist forces we were facing there, in particular al-Qaida, which was a strong entity at that time.

I have got to tell you, I was worried things had not gone as well as we had expected. We had had a bad year, and casualties were up and attacks were up and it was a tough time. But as part of that debate, we asked General Petraeus to come back in September and give us a report. My Democratic colleagues and others, all of us were concerned. We wanted a report to see how things were going because we were not going to have a blank check and unended obligation to Iraq if things were not going to work.

That is a fundamental synopsis of the situation. I believe that is a fair analysis. So General Petraeus came back and gave us his report. General Jimmy Jones had been sent and a group of other independent evaluators with experience in military matters.

That commission was sent over there at the direction of Congress. When we passed the supplemental to fund General Petraeus and the surge, we required another report, not just General Petraeus, but the Jones Commission to come back and make a report. We asked the General Accounting Office to do an evaluation also, the independent GAO.

So they all came back in September. We had hearings and debate and suggestions and we continued to go forward. We voted, in essence, to continue to allow General Petraeus to pursue the plans he was carrying out. Some progress had been made. It was notable, but it was not sufficient for us to say with certainty that a major change positively had occurred. We could not be certain of that. But it looked as if some progress was being made with more troops and new tactics.

So we said then: Let's go forward. And we did. Now we have seen some very dramatic positive developments in Iraq. The Iraqi people, by all accounts, I think few can dispute this, have believed the American troops are reliable allies. We have changed our tactics in how we deal with the local Iraqi officials and tribal leaders and mayors and chiefs of police.

We are doing a much better job—General Petraeus is—of partnering with them. They have turned against al-Qaida, Osama bin Laden's troops, that terrorist group they thought was going to take over Iraq. And Al Anbar, the worst area in Iraq for al-Qaida, has made a transformation. Al-Qaida is on the run throughout Iraq. Violence is down substantially.

Can I guarantee you it will continue to go down? I cannot. I can tell you that deaths of American soldiers are down by two-thirds this last month; and attacks on Iraqi civilians, which always cost more lives than attacks on our American soldiers, are down by a similar margin. Attacks on Iraqi soldiers are also down.

Al-Qaida has virtually been removed. Sadr's group has quieted down and

seems to be working with the Government. The Government has not performed like we would like it to. The Parliament, they have not performed like I would like to see them perform. I think they deserve criticism for that. But it is not an easy thing for them to do, just to walk in and reach agreements that affect the future of Iraq and the oil revenue and military power within Iraq for generations to come.

It is understandable they would be somewhat reluctant. But they need to do better. But, fundamentally, as of this date, things are so much better than they were in April and May, and so much better even than they were in September. That is quite remarkable. No one, I think, can deny that.

We are a great nation. We have a great Congress. And we went through a national post-election discussion about what to do. Were we just going to pull out regardless of the consequences? Were we going to give General Petraeus a chance to employ new tactics? We voted to give him a chance. It is beginning to work better than I think any of us would have predicted so far. It is rather dramatic.

So I would say to my colleagues, at this point in time, for goodness' sake, let's not now start cutting back on the ability of our soldiers to have the resources they need to continue what they are doing. Let's not try to pass legislation that directs General Petraeus how to conduct operations in Iraq.

What do a group of politicians in a dysfunctional Congress have to offer to one of the most brilliant generals this Nation has ever produced, General Petraeus? In a few short months he has achieved dramatic progress there.

We are committed there. Our soldiers are committed. They are serving us now. I had an e-mail the other day sent to me from a relative of a soldier in Iraq. He was saying things are better. The only concern he had was what the Congress would do, whether we would pull the rug out from under them, if we are going to deny them the resources they need to continue the progress. After all this effort, to walk away from what we have done is, to me, unthinkable.

We are at a point now where instead of giving a supplemental that will allow the military to plan the year's activities, plan to go forward with, as you know, General Petraeus's commitment to reduce troops by next summer, we are talking about a $50 billion supplemental with all kinds of strings attached to it. The President is not going to accept it. He cannot accept it. He is not going to accept it. So for us to continue to pursue a supplemental with excessive strings attached that is too small, leaves the military uncertain of the support of the American people and the Congress is a bad thing for us to do. It really is. It is not good.

Well, they say, let's keep the military out there. Let's let them know we are watching them. We are going to keep control of them instead of giving them the funding they need for a year or more. Let's do it a few months at a time. Then we can bring them in here, and we can beat them up. We can appeal to our antiwar people out in the country and let them know we are fighting for them, and we will do all these things. And it won't hurt anything.

But it does hurt. If you were walking the streets in Baghdad right now attempting to execute the policy of the United States, placing your life at risk, does it not make any difference to you whether Congress is behind you? I think it does make a difference. While questioning General Casey yesterday, the chief of staff of the Army, former commander in Iraq, I said, I am concerned that what we are doing is going to undermine the confidence American soldiers have in the support they have at home. It will embolden the enemy and make our allies less certain of our commitment. I said, I know you don't want to be drawn into a political debate, but that seems to be the situation. He summed it up this way. He said: Senator, as I said in my opening statement, it sends the wrong message.

Doesn't it send the wrong message that we can't, after a full debate this summer, now continue for a few months to support our troops? They are in the field now. Why stand we here idle? Why are we not doing our part to show them the support they need? We will watch this situation in Iraq. If it gets worse and things are not moving effectively, then we ought to, as a Congress, continue to consider whether to remove our troops, to cut off funding. But that is not what we are going to do. We are not going to cut off funding for our troops while they are making the kind of progress they are making. It is not going to happen. So if we are going to actually follow through eventually and give this money to them, why don't we do it in a way that helps them to be even more successful instead of doing it in a way that makes it more difficult for them and places our soldiers and troops at greater risk?

This is what the Deputy Secretary of Defense wrote a few days ago, November 8, about the budget situation we are now in. Yes, we did pass a Defense appropriations bill. But we funded the military effort in Iraq and Afghanistan by separate supplemental appropriations. It allows us to have more control over what is actually being spent on the war effort to do it separately. He wrote this letter. This is Secretary Gordon England:

> I am deeply concerned that the . . . Defense Appropriations Conference report under consideration does not provide necessary funding for military operations and will result in having to shut down significant portions of the Defense Department by early next year.

He goes on to say:

> Without this critical funding, the Department will have no choice but to deplete key appropriations accounts by early next year. In particular, the Army's Operation and Maintenance account will be completely exhausted in mid-to-late January, and the limited general transfer authority available can only provide three additional weeks of relief. This situation will result in a profoundly negative impact on the defense civilian workforce, depot maintenance, base operations, and training activities. Specifically, the Department would have to begin notifications as early as next month to properly carry out the resultant closure of military facilities, furloughing of civilian workers, and deferral of contract activity.

If you were Secretary of Defense, what would you do if you have soldiers in the field authorized by the Congress, authorized by the Commander in Chief, and you run out of money? You have to lay off your civilian personnel, and you have to get the money to the soldiers whose lives are at risk.

Secretary England goes on to say:

> In addition, the lack of any funding for the Iraqi Security Forces and the Afghanistan National Security Forces directly undermines the United States' ability to continue training and equipping Iraqi and Afghani security forces, thereby lengthening the time until they can assume full security responsibilities.

These are not idle threats. The money is running out. We ought not to be dangling the Defense Department out there, leaving them hanging with uncertainty, having them spend hours and hours figuring out how they are going to juggle personnel, developing plans to lay off nonessential civilian personnel, although I suppose in some sense are all essential, but laying off civilian personnel and canceling contracts. It will result in substantial expense to the Government for penalties and that kind of thing. We ought not to be doing that.

This is what Secretary of the Army Geren said yesterday at the Armed Services Committee hearing:

> Let me just conclude with a brief comment on the supplemental.
>
> Very quickly we run through the resources that are available to us.
>
> Dr. Gates has told us to start planning for what we're going to do when we—if we reach the point where we do run out of our O&M funding and start making plans for what we as an army would do with that eventuality.

He pleaded with us:

> Last year, we had bridge funding that helped us through this period. This year, we don't have that funding. So we just ask that—we know there are many issues you all are working on and working through regarding that supplemental. But it's very important for us to be able to provide the orderly and reliable support to our soldiers, for us to get that funding.

Isn't that a reasonable request for him to make? I know moveon.org doesn't want us to fund the military. But we voted 80–14 to do this as a Senate, and the House also supported it. Why are we putting the military in a position to go through incredible gymnastics to try to manage this effort, because we are leaving them hanging about whether we are going to give them the money to support our troops?

Senator JOHN THUNE of South Dakota, a member of the Armed Services

Committee, asked this of General Casey. General Casey is the chief of staff of the Army. He asked:

And I want to ask General Casey, if I might, a question because earlier this year the Army—it was at an Army posture hearing, I believe, that your predecessor, General Schoomaker, raised concerns about the effect of not delivering adequate and predictable funding, particularly in the form of supplemental funding for the war effort.

We're 46 days into the first quarter of fiscal year 2008. We don't have an authorization bill. We don't have a bridge funding bill for the [Department of Defense]. And we don't have an [fiscal year 2008] global war on terror supplemental.

Senator THUNE goes on:

We recently sent a defense appropriations bill to the president which he has signed into law, but that has little effect on the war effort.

So my question is what will be the effect of no timely bridge funding or supplemental funding. Will you have to cancel service contracts, lay people off, slow down work at depots, those sorts of thing? If you could, address that subject.

This is what General Casey said, a career military man:

Secretary [of Defense] Gates has instructed us to begin planning for that possibility. The signing of the appropriations bill did two things. One, it gave us money for our base budget, but it also stopped the continuing resolution funding that was going to support the war.

So now we're faced with having to fund the war without a bridge out of the base budget. Our Army O&M account is about $27 billion. When you look at our Army base budget . . . you're talking about $6.5 billion, $6.6 billion a month.

If the Army is asked to fund this without any type of bridge or without any additional resources, we're going to run through that $27 billion . . . around mid February. And we cannot wait until then to start making some of the decisions that will have to be made.

Our employment contracts, many of them, require 60 days' or 45 days' notice before you can furlough somebody. We have many of the services that are provided by civilians, by contractors, and it would have a hugely detrimental effect on the home base.

We will beggar the home front to make sure our soldiers that are in theater have everything they need, and it will put a terrible burden on our soldiers, on families, on the institutional Army, our ability to train.

Timely funding is absolutely essential. An organization of our size cannot live effectively with unpredictable funding. And we need that supplemental passed soon, or we're going to have to start planning for the possibility that we're not going to have it.

Can anybody dispute that General Casey is exaggerating about that? Can anybody dispute that uncertainty in funding has a terrible impact on the Pentagon?

Senator THUNE asked another question:

General Schoomaker also testified that the Army was forced to cash flow itself through the first quarter of . . . 2006. Could you explain what that means? And will the Army have to do that again?

General Casey:

We're in that position now. The O&M account is our account that offers us the greatest flexibility. Most of the other accounts are constrained by specific—we call the term color of money.

But we would find ourselves having to spend the O&M money not only to support the Army but to support also the war effort. So we are in that position today and using up the funds at a rate of $6.5 billion a month against a $27 billion total.

So I hope in the weeks to come our leaders in the Senate will begin to work together in a way that can allow us to approve this funding—that I think with certainty we will ultimately approve—sooner rather than later and not go through this painful exercise.

I have to say, I really think it would be a lot better for our country, I think it would be a lot better for our military, I think it would be a lot better for our allies, and I think it would put us in a much better position against our enemies if the leader of the Senate, the majority leader, would quit saying this is a doomed, failed effort. It is not helpful.

We have voted to support this effort, and we do not need to be saying publicly it is not going to work when, in fact, we are achieving more success today than any of us would have thought possible just a few weeks ago.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. 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. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

RECESS APPOINTMENTS

Mr. REID. Mr. President, the Senate will be coming in for pro forma sessions during the Thanksgiving holiday to prevent recess appointments.

My hope is that this will prompt the President to see that it is in our mutual interests for the nominations process to get back on track.

While an election year looms, significant progress can still be made on nominations.

I am committed to making that progress if the President will meet me halfway.

But that progress can't be made if the President seeks controversial recess appointments and fails to make Democratic appointments to important commissions.

As Democratic leader, I recommend nominees to the President for many important commissions like the Federal Communications Commission, Federal Energy Regulatory Commission and the Nuclear Regulatory Commission.

These independent agencies are required by law to have Democratic representation.

As a result, the President has a statutory obligation to honor my recommendations and move on them in good faith.

And, up until recently, the President has generally discharged that obligation.

In the last several months, however, the administration has been stalling progress on Democratic appointments.

This problem existed before the August break.

In an effort to solve it, I worked hard to confirm over 40 administration nominees in exchange for a commitment by the President to make progress on a number of important commissions.

When we reconvened after the August break, I also worked to quickly move on the President's new Attorney General.

I did this despite my own opposition to that nominee.

Even with all this hard work on our side, the commitments the administration made to me before the August break were not met.

In the almost 3 months since that break, we have received no Democratic nominees to full-time commission positions.

For some, in fact, absolutely no discernible progress has been made.

With the Thanksgiving break looming, the administration informed me that they would make several recess appointments.

I indicated I would be willing to confirm various appointments if the administration would agree to move on Democratic appointments.

They would not make that commitment.

As a result, I am keeping the Senate in pro forma to prevent recess appointments until we get this process back on track.

RECOGNIZING NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. REID. Mr. President, on October 31, President Bush proclaimed November 2007 as National American Indian Heritage Month.

American Indians influence and enrich our culture. I am proud of the contributions that Nevada's tribes have made and continue to make in my home State. The 26 tribes, bands, and colonies support their tribal and surrounding communities with their diverse tribal enterprises. Working on a government-to-government basis, they join Federal and State agencies to protect many of Nevada's natural resources and the environment—our wildlife habitats in mountains and valleys and our lakes and waterways for fish and fowl. The tribes in my State, like tribes throughout the country, provide education and health services to their children, elders, and members.

I am proud of the leadership and opportunities many tribal leaders are providing for their people and that improve the lives of their neighbors.

Mr. President, I want to remind my colleagues of an anniversary this year. Fifteen years ago, the Indian Health Care Improvement Act Amendments of 1992 became law. My friend and colleague, Senator INOUYE, as chairman of the then-named Select Committee on Indian Affairs, led the effort to reauthorize the principal law governing Indian health services and programs. I joined Senator AKAKA, Senator COCHRAN, Senator CONRAD, Senator Domenici, Senator KENNEDY, Senator MCCAIN, Senator STEVENS, and others to sponsor that bill, which became law. Incredible to think today, but S. 2481 was passed by a voice vote on the Senate floor.

The 1992 law was due to be reauthorized in 1999. Because of Senator DORGAN's passion for this issue and his regular statements on the Senate floor, we all know that the bill has been reauthorized annually since then, but more needs to be done.

The bill before us, S. 1200, the Indian Health Care Improvement Act Amendments of 2007, reflects the leadership and work of members on both sides of the aisle. Leaders on the Indian Affairs, Finance, and HELP Committees have worked to refine the bill with many Federal departments and agencies, national tribal organizations, and individual tribal leaders. It is a bipartisan, consensus bill that has been negotiated since the 105th Congress.

S. 1200 clarifies current law and authorizes critical services for Indian Country—strengthening recruitment, retention, and training programs for health care professionals; encouraging health care practioners to consult with other professionals using telemedicine and other technologic tools; expanding programs for behavioral health, to address problems of youth suicide and violence against women and children; improving individual access to other Federal health programs serving the most vulnerable people in our population—Medicaid, Medicare, and the Childrens Health Insurance Program; and helping tribes better coordinate with Federal programs to maximize the health services available to their members.

I am pleased that many of my colleagues who supported the 1992 legislation and whom I just mentioned are sponsoring this bill—with 29 cosponsors, including Senator Craig Thomas, our former colleague and ranking member of the Indian Affairs Committee.

I applaud the hard work of my colleagues, particularly Senator DORGAN and Senator BAUCUS. As I have said before, I am committed to bring this bipartisan bill to the floor for the full Senate's consideration, and I ask that the Republican leader work with me to bring this bipartisan bill to the floor in a timely and efficient manner.

Mr. President, as we acknowledge November as National American Indian Heritage Month, I cannot think of a better, or more timely, way to honor our indigenous people than by reauthorizing the Indian health bill. We must honor our Federal obligations to these people—just as many Native Americans have served and continue to serve this country, every day on battlefields, in government offices, in classrooms, in the wilderness, and on waterways.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, another month has passed, and more American troops lost their lives overseas in Iraq and Afghanistan. It is only right that we take a few moments in the Senate to honor them.

Since last memorializing the names of our fallen troops on October 24, the Pentagon has announced the deaths of 72 troops. They lost their lives in Iraq and in Operation Enduring Freedom, which includes Afghanistan. One Defense Department civilian was also killed. They will not be forgotten. So today I will submit their names into the RECORD:

PFC Casey P. Mason, of Lake, MI
SGT Christopher R. Kruse, of Emporia, KS
CPL Peter W. Schmidt, of Eureka, CA
SGT Joseph M. Vanek, of Elmhurst, IL
SGT Phillip A. Bocks, of Troy, MI
SSG Patrick F. Kutschbach, of McKees Rocks, PA
SPC Jermaine D. Franklin, of Arlington, TX
CPT Matthew C. Ferrara, of Torrance, CA
SGT Jeffery S. Mersman, of Parker, KS
SPC Sean K. A. Langevin, of Walnut Creek, CA
SPC Lester G. Roque, of Torrance, CA
PFC Joseph M. Lancour, of Swartz Creek, MI
SGT Lui Tumanuvao, Fagaalu, American Samoa
CPT Benjamin D. Tiffner, of WV
SSG Carletta S. Davis, of Anchorage, AK
SSG John D. Linde, of New York, NY
SGT Derek T. Stenroos, of North Pole, AK
PFC Adam J. Muller, of Underhill, VT
SGT Daniel J. Shaw, of West Seneca, NY
PO2 Kevin R. Bewley, of Hector, AR
SPC Christine M. Ndururi, of Dracut, MA
PFC Dwane A. Covert, Jr., of Tonawanda, NY
SFC Johnny C. Walls, of Bremerton, WA
2LT Tracy Lynn Alger, of New Auburn, WI
MSG Thomas A. Crowell, of Neosho, MO
SSGT David A. Wieger, of North Huntingdon, PA
Nathan J. Schuldheiss, of Newport, RI
SGT Daniel L. McCall, of Pace, FL
PFC Rush M. Jenkins, of Clarksville, TN
PVT Cody M. Carver, of Haskell, OK
CPT Timothy I. McGovern, of IN
SPC Brandon W. Smitherman, of Conroe, TX
SGT Louis A. Griese, of Sturgeon Bay, WI
SSG James D. Bullard, of Marion, SC
MAJ Jeffrey R. Calero, of Queens Village, NY
MSG Thomas L. Bruner, of Owensboro, KY
SSG Joseph F. Curreri, of Los Angeles, CA
SPC David E. Lambert, of Cedar Bluff, VA
SGT Joshua C. Brennan, of Ontario, OR
SPC Hugo V. Mendoza, of Glendale, AZ
PFC Adam J. Chitjian, of Philadelphia, PA
SSG Robin L. Towns, Sr., of Upper Marlboro, MD
SGT Edward O. Philpot, of Latta, SC
SSG Larry I. Rougle, of West Jordan, UT
Seaman Anamarie Sannicolas Camacho, of Panama City, FL
Seaman Genesia Mattril Gresham, of Lithonia, GA
SPC Wayne M. Geiger, of Lone Pine, CA
CPL Erik T. Garoutte, of Santee, CA
SSG Jarred S. Fontenot, of Port Barre, LA
SPC Vincent A. Madero, of Port Hueneme, CA
SPC Micheal D. Brown, of Williamsburg, KS
SPC Jason B. Koutroubas, of Dunnellon, FL
1LT Thomas M. Martin, of Ward, AR
PFC Kenneth J. Iwasinski, of West Springfield, MA
SFC Justin S. Monschke, of Krum, TX
SPC Frank L. Cady III, of Sacramento, CA
PVT Nathan Z. Thacker, of Greenbrier, AR
SSG Donald L. Munn II, of Saint Clairs Shores, MI
SSG Lillian Clamens, of Lawton, OK
SPC Samuel F. Pearson, of Westerville, OH
SGT Jason M. Lantieri, of Killingworth, CT
SSG Eric T. Duckworth, of Plano, TX
CPL Gilberto A. Meza, of Oxnard, CA
LCPL Jeremy W. Burris, of Tacoma, WA
CPL Benjamin C. Dillon, of Rootstown, OH
SPC Adam D. Quinn, of Orange City, FL
SGT Joseph B. Milledge, of Pointblank, TX
CPL Jason N. Marchand, of Greenwood, WV
SPC Vincent G. Kamka, of Everett, WA
SPC Rachael L. Hugo, of Madison, WI
SPC Avealalo Milo, of Hayward, CA
SGT Ricardo X. Rodriguez, of Arecibo, Puerto Rico
Seaman Apprentice Shayna Ann Schnell, of Tell City, IN

We cannot forget these brave men and women. The Nation cannot afford to forget their sacrifice. We have to remember that these brave souls left behind parents and children, siblings, friends. Those left behind will feel their sorrow forever. We want them to know the country thinks about them, and we make a pledge to preserve their memory with the dignity that those who served and paid this price deserve.

INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. SMITH. Mr. President, I wish to speak on the latest report from the International Atomic Energy Agency, IAEA, on Iran's nuclear program. Yesterday, a copy of the IAEA's upcoming report on Iran was released. It is troubling.

The IAEA gives an interesting description of Iran's nuclear development over the past 20 years. What is more relevant, however, is its report on Iranian nuclear proliferation in the present day. According to this latest document, Iran has continued to enrich uranium in violation of two U.N. Security Council resolutions passed under Chapter Seven of the U.N. Charter. The resolutions, which are binding, were enacted specifically to prevent Iran from completing the nuclear fuel cycle. To ensure multilateral support at the U.N., they were made as soft as possible. Resolution 1737, passed in December 2006, only targeted items related to Iran's nuclear enrichment cycle. When that failed to have any impact, the UNSC passed Resolution 1747, which targeted specific members of the Iranian regime and made certain commitments related to Iranian arms sales.

At the time, the United States was applauded for taking the multilateral

route. Withering contrasts were made to our approach to Iraq. If I am not mistaken, we received these same accolades in 2003, when we allowed the EU–3—Germany, France, and the United Kingdom—to handle nuclear negotiations with Iran. And like then, these same accolades and multilateral approach have accomplished little. Instead, Iran's uranium enrichment program has greatly expanded, to the point where—as the IAEA notes—uranium hexafluoride has been fed into each of the 18 centrifuge cascades. There is almost no doubt at this point that Iran will ultimately have enough enriched uranium to create a nuclear weapon.

There have been so many red lines broached during the past 5 years, it is almost hopeless to begin creating new ones. I will not try. What I will say, however, is that the issue of Iran creating highly enriched uranium has now become almost moot.

Centrifuge technology is technologically difficult; of that, there is no question. The Iranians have failed to spend the usual time needed to test and measure their first centrifuge cascade before building new ones. But resolution of this potential problem is just a matter of time. The equipment is there. The necessary uranium and uranium gas are there. Thanks to Pakistan's A.Q. Khan network, the knowledge is there.

Sometime in the future—not immediately but sometime not too far off—we will be approaching the endgame of this situation. I do not know what form the endgame will take. I hope and pray it is short of military confrontation; after all, that is why we have pursued the diplomatic track as long as we have. That is why I still believe diplomacy is the only answer. But we should remember that we in the United States have a luxury of sitting thousands of miles away from a nuclear-armed Iran. That is a reassuring expanse of mountains, plains, and oceans. Others do not have this luxury. Israel, one of our closest allies, is much closer, easily within Iran's missile range and certainly within Hezbollah's. Israel's decisionmaking process is certain to take this vulnerability into account.

So how do we move forward from the IAEA's report? Over the next several months, our focus must be in securing a third U.N. Security Council resolution on Iran. The Russians and Chinese may well point to this recent report and drag their heels on further sanctions. They are excellent at that, on issues from Darfur to Burma to North Korea. But the point of the first two resolutions was to halt Iran's uranium enrichment, not to receive more documentation from the IAEA. Iranian uranium enrichment is still continuing. Therefore, I think it weighs heavily on the U.N. and the Security Council in particular to pass a third set of sanctions on Iran. These would need to be stronger than the past two resolutions; ideally, they would include serious prohibitions on military and energy-related items, as well as nuclear equipment.

The time for foot-dragging is over. Every day that passes, that uranium hexafluoride becomes more enriched and the Islamic Republic draws nearer to a nuclear weapons capability. I believe that diplomacy is the best and only effective response to this growing threat. Therefore, Mr. President, it is time to pass the Iran Counter-Proliferation Act of 2007, to complement America's recent sanctions, and to pave the way for further U.N. sanctions. I was proud to introduce this bill with my colleague Mr. DURBIN, and I hope for quick passage.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In the early morning of November 4, 2007, in Austin, TX, a man was beaten by a group of college-aged men screaming antigay slurs. Tony Baker, 29, was riding his bike home when three men called to him from a sidewalk. He stopped to engage them since he hadn't understood what they were saying, and the men approached him. When it became apparent to him that the men were shouting antigay insults and that they were hostile, he began to ride off. But it was too late. The men were already upon him and began punching and kicking him in the head, still allegedly shouting slurs. The beating reportedly lasted about a minute, and Baker ended up in the hospital with minor injuries. The police are investigating the incident.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

LABOR-HHS APPROPRIATIONS

Mr. CARDIN. Mr. President, I wish to express my deep disappointment in President Bush's decision earlier this week to veto H.R. 3043, the fiscal year 2008 Labor, Health and Human Services, and Education, Labor-HHS, appropriations bill.

This bill would have provided an additional $8.2 billion in important health, education, and worker protection programs while remaining fiscally responsible. The President would have us cut funding from programs that help disadvantaged Americans while spending more than $10 billion monthly in Iraq. What does this say to the American people?

The President claims he understands the value of education. The original intent behind the No Child Left Behind Act, NCLB, was to give every child the opportunity for a quality public education while holding schools accountable for teaching the skills needed to succeed. That is an insightful goal. But not providing adequate funding to operate crucial programs has the effect of leaving every child behind. The Labor-HHS bill would have provided an additional $1.6 billion for NCLB programs, enough funding to provide title I services to 430,000 more disadvantaged children. The President's budget request provided a modest increase but also eliminated funding for school technology, school counselors, and arts in education. The spending bill also provided $12.3 billion in increased funding for the Individuals with Disabilities Education Act, IDEA. The IDEA Program entitles children with disabilities to a public education and provides Federal funds to help schools with the cost. The President proposes slashing $291 million from special education. Further, the President proposes reducing Head Start by $100 million, thereby cutting 30,000 slots for children. What is this saying to America's children?

As you are aware, Mr. President, my home State of Maryland is fortunate to have many Federal agencies that employ thousands of hard-working Marylanders. The Social Security Administration, SSA, is headquartered there. We are all aware of SSA's resources being stretched to the limit. Currently, over three-quarters of a million individuals are waiting an average of 523 days for hearing decisions. The Labor-HHS bill would have provided the agency with a $125 million increase over President Bush's budget request for administrative expenses. Funding provided by this bill would have barely scratched the surface of the ongoing claim backlog issue but is a step in the right direction. The President's decision to veto this bill forces older and disabled Americans to wait longer for their Social Security benefits. What does this say to America's seniors and disabled population?

We are also fortunate in my home State to have the National Institutes of Health, NIH, headquartered in Bethesda, MD. NIH funds significant health research at over 3,000 institutions throughout the U.S. and around the world. NIH funding supports research to find cures for diseases such as cancer, diabetes, stroke, and mental illness. These are health concerns that millions of Americans face every day. NIH-sponsored research offers hope for medical cures to millions of Americans. The bill added $1.1 billion for NIH research as opposed to the President's $279 million cut to NIH programs. His veto effectively closes the doors on much promising research and medical breakthroughs. What does this say to America's chronically ill citizens?

My agenda for America is one that values health care and education and hard work. Those are American values, and they were on display in the bill the President just vetoed. I regret the President's decision, and millions of other Americans do, too.

NATIONAL ADOPTION DAY

Mr. CARDIN. This Saturday, November 17, is the eighth annual National Adoption Day. On this day, courts across the country will open their doors to finalize the adoption of thousands of children from foster care.

This month, four Maryland cities will celebrate with events: Baltimore, Urbana, Rockville, and our capital city of Annapolis. In Baltimore on Saturday, November 17, the Circuit Court for Baltimore City will finalize the adoptions of more than 40 children. The court will host an event with face painting, arts and crafts, a dessert reception, and a commemorative photography session. Local businesses have donated toys and gift certificates for the children. Also, on Saturday, November 17, the Montgomery County Department of Health and Human Services, Child Welfare Services, will host an appreciation luncheon in Rockville. In Urbana on Sunday, November 18, an organization called Adoptive Families and Friends will host a celebration at the Urbana Public Library. They will have balloons, refreshments, entertainment, and representatives of adoption agencies, cultural groups, and support groups. Finally, in Annapolis on Thursday, November 29, the Circuit Court for Anne Arundel County will finalize between 10 to 15 adoptions and then host a reception for the new families and guests.

Mr. President, celebrations similar to these four in Maryland will occur all across our Nation in the days to come. The new families will serve as the inspiration for countless more adoptions in the years to come. By facilitating these adoptions, the lawyers, foster care workers, child advocates, judges, and others are building strong families and stronger communities.

This is my first year in the Senate, but for several years in the House of Representatives, I had the privilege of serving as ranking member on the Ways and Means Subcommittee on Human Resources, which handled issues related to families, foster care, and adoptions. Its new name is the Income Security and Family Support Subcommittee. In 1997, the committee worked in a bipartisan manner to pass the Adoption and Safe Families Act. That law created the Adoption Incentives Program, which provides incentive payments to States to promote adoptions out of foster care, with additional incentives provided for the adoption of foster children with special needs. Since that time, we have seen a substantial increase in the number of those adoptions—more than 60 percent.

Then in 2003, Representative DAVE CAMP and I authored, and Congress passed, the Adoption Promotion Act. It was introduced in the Senate by Senators GRASSLEY and LANDRIEU, and became law on December 2, 2003. That bill reauthorized the program providing States with incentives for increasing overall adoptions, and it created bonuses for placing older children in permanent homes. It also authorizes the Secretary of Health and Human Services to penalize States that fail to provide the Federal Government adequate data on adoptions and foster care services.

That law will expire next year, and to ensure that these vital programs can continue, Congress will need to reauthorize it. We still need more families willing to bring children into their homes. More than 114,000 American children are still awaiting adoption, and half of them are over 9 years old. These are the children who have the least chance of being adopted and the greatest chance of spending the rest of their childhood in foster care, so we must do more to help find adoptive families for them. I will be listening closely to the people of Maryland to learn how we can improve upon current laws.

Despite all the work we have done to promote adoptions, more than 25,000 age out of foster care every year. That means that they reach adulthood without ever having received permanent placement with a family. In September, a few of my colleagues and I participated in a wonderful event sponsored by the Orphan Foundation of America. We went to the Mansfield Room and helped put together care packages that are sent to college students across the country. It is something that many of us who have put children through college don't automatically think about. We have sent our college-age kids care packages with clothing, food, and other items. But what about the students without parents? This organization, with funding from Federal Express and many other companies, assembles and ships more than 3,700 packages to college campuses every year. I had the honor of meeting six talented students from Maryland—four from Morgan State University, one from the University of Maryland College Park, and one from the College of Southern Maryland. They have all the brains, promise, and enthusiasm of their fellow students, but they aged out of foster care, so they need our support to make the transition into adulthood a smoother one.

Mr. President, I believe every child deserves a loving family and a safe place to call home. We in Congress have the power to make that a reality for many of the more than 100,000 foster children now waiting for a family. I ask my colleagues to join me in congratulating the children who will be adopted this week and in working on policies that will help children who remain in foster care to get the opportunities they deserve.

THE GREAT AMERICAN SMOKEOUT

Mr. CARDIN. Mr. President, today is the American Cancer Society's 31st annual Great American Smokeout. This is an annual event designed to encourage the 45.8 million Americans who smoke tobacco to kick the habit. First held in 1977, American Smokeout Day challenges smokers to give up their cigarettes for 24 hours, in the hope that their decision to quit will be permanent.

Each year, approximately 440,000 Americans die from tobacco-related diseases. Lung cancer is the leading cause of cancer deaths for both men and women, accounting for one in five deaths in the United States. In Maryland alone in 2005, there were more than 7,000 smoking-related deaths, many from lung cancer.

Americans know much more today about the dangers of tobacco than we did 31 years ago when this event first took place. We know cigarettes contain more than 250 chemicals that are known to be harmful, including hydrogen cyanide, which is used in making chemical weapons; carbon monoxide, which is found in car exhaust fumes; and ammonia, which is used in household cleaners.

We have also learned that smoking affects not only tobacco users, but also the people around them. Recent research has demonstrated the serious hazards of secondhand smoke. Secondhand smoke causes nearly 3,400 lung cancer deaths and 46,000 heart disease deaths in adult nonsmokers in the United States each year, and it is especially harmful to young children. Tragically, secondhand smoke is cited as the cause of approximately 430 sudden infant death syndrome, SIDS, fatalities in the United States each year.

My home State of Maryland is 1 of 22 States that have enacted laws banning smoking in nearly all public places. Gov. Martin O'Malley signed the Clean Indoor Air Act of 2007 into law on May 17, 2007. It will go into effect on February 1, 2008. This law specifically prohibits smoking in public meeting places, public transportation vehicles, and indoor places of employment, including all restaurants and bars.

We also know it is never too late to quit. There are significant health benefits to quitting, even after 30 or more years of smoking. Studies have shown that quitting at age 30 reduces one's chances of dying from smoking-related diseases by more than 90 percent, and quitting by age 50 reduces one's chances by more than 50 percent.

Today is also a prime opportunity for our seniors who still smoke to quit. Doing so will save overall health care costs and save lives. According to the Centers for Disease Control and Prevention, 9.3 percent of Americans age 65 and older smoke cigarettes, and nearly 300,000 seniors die of smoking-related diseases every year. The Centers for Medicare and Medicaid Services have estimated that smoking-related health problems accounted for

about 10 percent of total Medicare costs.

Many elderly smokers began their habit decades ago, when tobacco companies told us that smoking carried no health risks. But we know better now, and help is available. Since 2005, Medicare has covered the cost of smoking cessation counseling for beneficiaries with diseases caused by tobacco use, such as cardiovascular disease, lung disease, weak bones, blood clots, and cataracts. Medicare also covers counseling for beneficiaries who take medications for diabetes, hypertension, blood clots, and depression because tobacco use can reduce the effectiveness of these medicines. Medicare Part D plans also cover smoking-cessation products such as nicotine patches and gum as long as they are prescribed by a physician.

There has been significant progress in the fight against cancer, and one factor is the decline in overall smoking rates in the U.S. But a recent New York Times article entitled, ''The Smoking Scourge Among Urban Blacks,'' reported dramatic increases in smoking among poor minorities in cities across America and particularly in my home town of Baltimore. On city streets, cigarettes are sold individually as ''loosies'' for 50 cents each, targeting people who cannot afford the nearly $5 cost of a full pack. Despite the success of antismoking campaigns among American society as a whole, recent research shows that more than half of poor, Black young adults still smoke. So we must continue to do more to educate minority children and young adults about the health hazards of smoking. We won't be able to attack the problem of health disparities in earnest until we do.

Finally, it is time for the United States to recognize nicotine as a drug and regulate its use. That is why I am a cosponsor of Senator KENNEDY's bill, S. 625, the Family Smoking Prevention and Tobacco Control Act. This bipartisan legislation, sponsored by a majority of this body, would give the Food and Drug Administration broad new authority to regulate the manufacture, distribution, advertising, promotion, sale, and use of cigarettes and smokeless tobacco products. Congress cannot in good conscience allow the Federal agency most responsible for protecting the public health to remain powerless to deal with the enormous risks of tobacco.

In closing, I want to recognize the extraordinary efforts of the American Cancer Society in raising awareness of the dangers of tobacco use and in sponsoring the Great American Smokeout. Over the years, ACS has helped millions of Americans live healthier, longer, and fuller lives. With comprehensive tobacco control programs, indoor smoke-free workplace laws, and a multitude of smoking cessation resources available today to help smokers, there has never been a better time to quit. Today's smokeout will give many more Americans the motivation to put out their last cigarette.

THE FIRES OF SOUTHERN CALIFORNIA 2007

Mrs. BOXER. Mr. President, in October, residents of San Bernardino, San Diego, Orange, Los Angeles, Ventura, Riverside, and Santa Barbara counties faced some of the most horrific fires in California's history. At one point, flames driven by fierce Santa Ana winds forced as many as one million Californians to flee their homes and communities.

During these firestorms, 14 people lost their lives. More than 100 people sustained injuries. Almost 3,000 structures, two-thirds of them homes, were destroyed. More than 500,000 acres burned. The impact of these tragic fires will be felt by the people of California for a long time, but we will do everything we can to help rebuild the damaged lives, homes, and communities.

It is often during the very worst of times that we see the very best of humanity. I want to express my deep appreciation to all those at the local, county, State, and Federal levels who worked tirelessly to get the job done, including CalFire, the California National Guard, the U.S. Forest Service, the U.S. Navy, the Marines, the Border Patrol, the National Park Service and, above all, the county and local fire agencies.

I was deeply touched by the thousands of courageous and tireless firefighters who worked around the clock saving the lives of people caught in the fire's path, battling flames, and protecting neighborhoods. Our California firefighters and those who traveled across the country to help risked their own lives to protect the lives and homes of others. We are so grateful to these heroes, and will never forget their bravery and dedication.

Thankfully, no firefighters or public safety officers lost their lives during the fires. But several of our firefighters were injured, some of them seriously, and I send them and their families my best wishes for a full recovery.

As we pay tribute to our firefighters, we must recognize their valor with not just words, but also deeds. That means standing up for their health and welfare, particularly as they face challenges that can last a lifetime. Our firefighters are there for all of us when we need them most and they deserve the same.

RETIREMENT OF DENIS P. O'DONOVAN

Mr. ENZI. Mr. President, this is another one of those bittersweet moments for us all as we say goodbye to a member of our extended family, Denis O'Donovan. Denis will soon be retiring and bringing to a close a truly remarkable career in the Senate.

Denis has worked in several offices in the Senate during his career, but I would like to think he saved his best for his last post—as the chief clerk of our committee, a post he has held since 1998.

I remember when I first came to the committee and had the opportunity to observe Denis at work. I don't think I have ever met anyone who had a better eye for detail, or a better sense of making sure everything was in its proper place. He has a great mind for numbers, and anyone who has ever had to work with a budget knows how frustrating it can be to make sure all the columns add up and are balanced—top to bottom—and—left to right.

As the Senate's only accountant, I admire that kind of precision. In fact, I think our love of numbers may be one of the reasons why we got along so well and enjoyed each other so much.

In the years that I have served on the committee, I have had the chance to work with Denis as its chairman and now, as the ranking member. No matter which party had control of the committee, Denis was always there, ready to help in any way he could. That is why he was such a good chief clerk for me, for Senator KENNEDY, and for all of us.

Looking back, Denis has a lot to be proud of. He has been a part of a lot of the good work the committee has done over the years. Senator KENNEDY and I have brought a long list of measures to the Senate floor and then on to the President for his signature and Denis played an important role in every one of them. Thanks in no small part to you, Denis, we have made great progress on a lot of issues that will make life better for all Americans.

Now Denis is about to head off to that thoughtful and reflective world known as retirement. He will finally have the time to finish that book—not the one he was writing—the one he was reading. For now, there will be time to do all those things Denis has been putting off for someday.

I have a family tradition we call the list of 100 things. Simply put, it is the to do list of all time. You put together a list of the 100 things you have always wanted to do someday—and then you start to get them done—one by one. It is a little more complicated than that, but I will get together with you to explain the whole procedure to you later. It will be one of our gifts to you on your retirement.

I know what you are thinking—just what I wanted—more stuff to do!

Trust me, you will enjoy this project. And the next time I see you, we will compare notes so I can see how you are doing in your quest for adventure in your retirement.

I hope Senator KENNEDY will not mind, but I would like to close with a bit of Irish cheer for you—the words of a toast I have often heard, and I am sure you have too.

Denis, as you leave us:

May the road rise to meet you,
May the wind be always at your back.
May the sun shine warm upon your face.

And rains fall soft upon your fields.
And until we meet again,
May God hold you in the hollow of His hand.

ADDITIONAL STATEMENTS

CONGRATULATING DR. SCOTT D. MILLER

• Mr. BIDEN. Mr. President, I wish to commend a true leader, someone who has left an indelible impression on thousands of Delaware's college students. Dr. Scott D. Miller, after 10 years at the helm of Wesley College in Dover, is moving on to the next phase in his professional life.

Dr. Miller's tenure at Wesley has been marked by previously unknown success. He took over a quiet school in our State capital and turned it into a nationally recognized institution with a burgeoning and diverse student population.

Evidence of his quick influence is the fact that Wesley was named as one of just four ''amazing turnarounds'' featured in the book, ''The Small College Guide to Financial Health,'' after only 5 years of Dr. Miller at the helm.

Dr. Miller's accomplishments are too numerous to name in one statement, but I would like to mention a few of the most notable:

Wesley's faculty is stronger in number and diversity, which has improved the retention rate and academic profile of Wesley's student body.

Enrollment has nearly tripled in the 10 years Dr. Miller has been president.

He has presided over the most prolific fundraising era in Wesley's history.

And he has developed community service partnerships for his students with five campus-based affiliates.

In short, Wesley College has been changed permanently—and for the better—by Dr. Miller's leadership and vision. My State's oldest private college will retain its prominence for years to come, thanks to Dr. Miller's guidance in leading that institution into the 21st century.

Dr. Scott Miller is moving on, being rewarded for his excellent work over the last decade, and he will surely be missed. But his efforts will not soon be forgotten in Dover, surely not among all of the lives that he touched.•

RECOGNIZING KITTY ROBERTS

• Mr. BINGAMAN. Mr. President, I would like to recognize Kitty L. Roberts, the superintendent of Glen Canyon National Recreation Area, who will retire on December 3, 2007, after 28 years with the National Park Service. Currently the superintendent of Glen Canyon National Recreation Area and Rainbow Bridge National Monument, for many years Kitty headed the National Park Service's Office of Legislative and Congressional Affairs, where she worked very closely with the Energy and Natural Resources Committee.

A native of Milton, WV, Kitty graduated from the University of Maryland and attended graduate school at Indiana University. She then worked for the Maryland National Capital Park and Planning Commission, where she remained for 9 years.

Kitty began her career with the National Park Service in 1979 as a management assistant in the National Capital Region. She went on to become the assistant superintendent at the George Washington Memorial Parkway between 1980 and 1984. From 1984 to 1990, Kitty was the Deputy Associate Regional Director, White House Liaison, in the National Capital Region. During this time, Kitty was the NPS Inaugural coordinator and oversaw the development of East Executive Park that now serves as a visitor entrance to the White House. In 1990, Kitty returned to the George Washington Memorial Parkway, where she served as superintendent. In 1993, former National Park Service Director Roger Kennedy asked Kitty to become the assistant director for Legislative and Congressional Affairs. Kitty served in that position for 8 years, and during that time was extremely helpful to the committee in its consideration of national park-related legislation.

During Kitty's tenure as assistant director, over 230 laws were passed affecting our national parks. Among the notable laws passed during that period were the California Desert Protection Act and the Omnibus Parks and Public Lands Management Act of 1996, with its creation of 5 new park units, 10 new national heritage areas, 12 park boundary adjustments, and numerous other changes that benefited several units of the National Park System. Kitty also worked on the Transportation Equity Act for the 21st Century, which doubled the amount of funding for national park roads, and the National Parks Omnibus Management Act of 1998, which reformed the National Park Service's concessions program, created a park research mandate, and supported employee career development and training.

In February 2001, Kitty left Washington to become the superintendent of Glen Canyon National Recreation Area and Rainbow Bridge National Monument. During her time at the park, Kitty has worked on a policy for personal watercraft and off-highway vehicle use. She has found ways to maintain access to Lake Powell even as ongoing drought conditions have led to a 145–foot drop in the lake's water level. Perhaps one of her most important contributions has been a program of public education to prevent needless deaths due to individuals swimming behind boats where exhaust fumes were vented. In early June of this year, Kitty presided with the President of the Navajo Nation at the grand opening of the new floating marina village at Antelope Point, with its architectural elements from the surrounding red rock landscape and its unique cooling system using lake water from 75 feet below the surface.

Kitty has had a distinguished career with the National Park Service and will be greatly missed by those she has worked with over the years, both in the Park Service and in Congress. I want to congratulate Kitty on her retirement and thank her for the many contributions she has made toward making our national parks the pride of our Nation, and I wish her the best in the years ahead.•

TRIBUTE TO JERRY PARKS

• Mr. BUNNING. Mr. President, today I pay tribute to Jerry Parks of Georgetown, KY, for being recognized on USA Today's 2007 All-USA Teacher Team.

For 10 years USA Today has selected K–12 teachers nationwide for the All-USA Teacher Team. This year the nominees were judged on how well they recognize and respond to the needs of their students as well as the effectiveness of their teaching methods. Each team member demonstrates dedication and enthusiasm for educating the youth and future of this great country.

Mr. Parks, a seventh-grade social studies teacher at Georgetown Middle School, was recognized in the top 8 of 20 teachers on this national team. His creative hands-on teaching techniques produce students who value education and are eager to learn more. Mr. Parks also holds a doctorate in theology and has had several teacher guides published. Because of his commitment to education, Mr. Parks established student scholarships with the profits from these publications. His passion for teaching serves as an inspiration to his peers and to teachers everywhere.

I now ask my fellow colleagues to join me in congratulating Mr. Parks for his remarkable achievement and his devotion to educating young minds. Our Nation can look forward to a brighter future because of individuals like Jerry Parks.•

COMMENDING JOE FREEMAN

• Mrs. DOLE. Mr. President, today I wish to congratulate Joe Freeman of Mistletoe Meadows Christmas Tree Farm in Laurel Springs, NC, for winning the National Christmas Tree Association's 2007 National Christmas Tree Contest. As the Grand Champion, Mr. Freeman has the distinguished honor of providing this year's Official White House Christmas Tree. This storied tradition began in 1966, and I applaud Mr. Freeman for producing North Carolina's tenth Official White House Christmas Tree. After winning at the State level, the Mr. Freeman's prized 18½ foot Fraser fir was selected at the national competition. The prized tree was chosen to be the Blue Room Christmas Tree by White House Chief Usher Stephen Rochon, Superintendent of Grounds Irv Williams, Grounds Foreman Mike Lawn and White House Florist Nancy Clarke. Mr. Freeman and Ms. Linda Jones will have the honor of presenting the prized Blue Room Tree

to First Lady Laura Bush in a special ceremony at the White House on November 26, 2007.

This year's Official White House Christmas Tree is a fine example of the exceptional quality of Christmas trees that we have in North Carolina. According to the North Carolina Department of Agriculture, in 2006 North Carolina led the nation in Christmas tree production, providing roughly one out of every four Christmas trees in the United States, and contributing over $134 million to North Carolina's economy. But this success did not come easily; it takes several years of meticulous care and attention to raise a Christmas tree. An average 7 foot tree is about 10 years old, and throughout that time the grower diligently shapes, grooms, and fertilizes the tree several times per year. Not many people realize the years of hard work and sacrifice that go into raising a Christmas tree, and our growers are to be commended for their continuous success.

North Carolina celebrates a rich history of Christmas Trees, and year after year, many American families enjoy the warmth and beauty of these North Carolina trees that are a symbol of the holiday season. I am proud of the hard work exhibited by our Christmas tree growers in North Carolina, and I am proud that there will be another North Carolina Christmas tree in the White House this year.●

TRIBUTE TO MAJOR GENERAL DANIEL J. DARNELL

● Mr. INHOFE. Mr. President, today I pay tribute to a great leader and an exceptional officer of the U.S. Air Force, MG Daniel J. Darnell, now serving as the Director of Legislative Liaison for Office of the Secretary of the Air Force, as he prepares to leave this position for one of even greater importance.

A command pilot with more than 4,500 flying hours, primarily in the F–15A/B/C/D and F–16C/D, Major General Darnell has commanded at the squadron, group, wing, and warfare center levels and has flown combat missions in Iraq, enforcing no-fly zones during operations Northern and Southern Watch. Major General Darnell continues to provide outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to the Air Force, Congress, and this Nation.

Major General Darnell was born at March Air Force Base in California, where his father flew with Curtis LeMay as a B–29 radio operator, later retired as a B–52 tail gunner. He graduated as valedictorian from the Virginia Military Institute in 1975 and, immediately following graduation, he entered the Air Force and was recognized as a distinguished graduate from the Air Force ROTC Program. Major General Darnell was selected to attend pilot training at Reese Air Force Base in Texas and was again at the top of his class, graduating pilot training as a Distinguished Graduate. Upon completion of pilot training, Major General Darnell was selected to fly the F–15, the Air Force's premier air-to-air fighter. He was initially assigned to the 7th Tactical Fighter Squadron at Holloman Air Force Base but then moved overseas to Kadena Air Base in Japan. At Kadena, Major General Darnell again excelled in the air and on the ground leading to his selection as instructor pilot, flight examiner, and the sole F–15 aerial demonstration pilot in the Pacific.

In 1982, Major General Darnell was selected to attend the F–15 Fighter Weapons Instructor Course at Nellis Air Force Base in Nevada, an honor only bestowed on the top fighter pilots in the U.S. Air Force. After graduating, he returned to Kadena as the squadron weapons officer and then was assigned to McChord Air Force Base in Washington, first as the Chief of Standardization and Evaluation, and then as Chief of Weapons and Tactics. His weapons expertise, coupled with his superior leadership, led him back to Nellis Air Force Base and the U.S. Air Force Fighter Weapons School in 1986 where he was a Fighter Weapons Instructor Course instructor, flight commander and operations officer, providing the most advanced air-to-air training in weapons and tactics employment in the world.

Following a staff assignment to Headquarters Tactical Air Command at Langley Air Force Base, Virginia, as the Chief of Weapons and Tactics, Major General Darnell was selected as the 20th commander and leader of the U.S. Air Force Thunderbirds, ''America's Ambassadors in Blue.'' Major General Darnell flew the F–16 as Thunderbird lead for 2 years, performing hundreds of aerial demonstrations for millions of people all over the globe. In 1994, he was hand-picked to attend National War College in Washington, DC, where he received a master's degree in national security policy.

In 1997, Major General Darnell became the commander of the 12th Operations Group at Randolph Air Force Base where he was responsible for conducting joint and allied pilot instructor training as well as Air Force and Navy undergraduate combat systems officer training. He returned to the F–16 in 1998 and commanded the 20th Fighter Wing at Shaw Air Force Base in South Carolina and then 31st Wing at Aviano Air Base in Italy.

Major General Darnell returned to Nellis Air Force Base in 2001 as commander, 57th Wing, the largest composite wing in the Air Force. During that time, he deployed to Prince Sultan Air Base in Saudi Arabia where he was the Senior Director of the Combined Air Operations Center during the opening weeks and months of Operation Iraqi Freedom. In 2003, Major General Darnell was assigned to Schriever Air Force Base in Colorado as the commander of the Space Warfare Center where he was responsible for advancing America's space capabilities and employment concepts.

For the past 2 years, Major General Darnell has been the Director of Legislative Liaison. During that time, he laid the legislative groundwork for procurement of four new major weapon systems, including Joint Strike Fighter, Joint Cargo Aircraft, Next Generation Combat Search and Rescue platform, and the $20 billion KC-X, the Air Force's No. 1 acquisition priority. His leadership, vision, and political acumen allowed the Air Force to break through years of congressional restrictions on aircraft retirements, resulting in the landmark $4 billion 2007 National Defense Authorization Act language, a milestone year for Air Force recapitalization and fleet management. He flawlessly orchestrated the movement of more than 1,500 congressional delegation trips for Members and staff throughout the world.

Major General Darnell's mastery of complex issues and decisive leadership guided Air Force relations with Congress through a myriad of difficult issues to include Base Realignment and Closure, Total Force Integration, and a 40,000 personnel drawdown. Additionally, he was responsible for effectively communicating a consistent Air Force message that was the driving force behind approval of an unprecedented multiyear funding authorization for the F–22A Raptor, garnering approximately $411 million in Air Force savings.

On behalf of Congress and the United States of America, I thank Major General Darnell, his wife Vickie, and their entire family for their continued commitment, sacrifice, and contribution to this great Nation. I congratulate Major General Darnell on his selection to the rank of lieutenant general and wish him success as he transitions into his new job as Deputy Chief of Staff for Air, Space and Information Operations, Plans and Requirements.●

TRIBUTE TO DR. ANDREW MAYS

● Mr. SESSIONS. Mr. President, today I want to commend a distinguished resident of the State of Alabama, Dr. Andrew Mays. Dr. Mays lives in Birmingham, AL. He is a well-respected member of the medical community in our State, serving as a faculty member in the University of Alabama at Birmingham School of Medicine's Department of Ophthalmology, as well as operating a private clinical practice. He serves our State public education and health systems at the Callahan Eye Foundation Hospital, where he concentrates his research and practice in combating the devastating effects of the eye disease glaucoma. Dr. Mays also sits on the Board of Directors for the Alabama Academy of Ophthalmology.

However, I speak to you today not to praise Dr. Mays for his accomplishments in medicine, but to congratulate

him on being awarded the first prize in the 2007 Van Cliburn International Competition for Outstanding Amateurs. Dr. Mays beat 74 other contestants on June 3, 2007, to earn this mark of distinction. This competition lasts a week, and allows competitors over the age of 35 who do not earn their livelihood through playing or providing instruction on the piano to vie for a chance to win this distinguished title.

Michael Huebner of the Birmingham News once stated that Dr. Mays possessed ''a heart and mind of extraordinary capacity.'' Drew Mays possesses wonderful talent. He polished and sharpened this talent at the School of Music at the University of Alabama, earning both a Bachelor of Music in 1982, summa cum laude honors included, and a Master of Music degree in 1987 from this fine institution. In addition, he earned the opportunities to study at the Conservatory of Music in Hanover, Germany, and the Manhattan School of Music in New York City, where he began his Master studies.

Not only has Dr. Mays made a name for himself through medicine and music, he is a man dedicated to family values. He and his wife, Dr. Therese Mays, have four young children. Dr. Mays had his family by his side as he won the Van Cliburn competition this year. I had the pleasure of meeting him and his wife when they came to visit my office during a trip to play at George Washington University through a Smithsonian Associates program. During the recital he gave at the Jack Morton Auditorium on the GWU campus, you could see the bond these two shared as musicians and partners, as his wife nodded along to the twists, turns, and rhythms of his performance.

I commend Dr. Andrew Mays for all of his accomplishments and successes, and I am proud to be able to represent such a wonderful man. I share with this body today my pleasure in congratulating Dr. Mays for winning this prestigious competition, as he is certainly a worthy recipient.●

CAPTAIN SETH CHAPEL

● Mr. STEVENS. Mr. President, I ask unanimous consent that this letter from CAPT Seth Chapel be read into the CONGRESSIONAL RECORD. Captain Chappell wrote this address for East Anchorage High School's Veterans Day Remembrance Ceremony. He is a 2000 East High graduate and a 2004 Graduate of the U.S. Military Academy. Captain Chappell served with the 37th Engineer Battalion, Combat, Airborne, in Afghanistan during Operation Enduring Freedom VII as a route clearance platoon leader a light equipment platoon leader.

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

EAST HIGH THUNDERBIRDS

When Mrs. Strickland approached me and asked for my thoughts on Veterans Day, I had to take pause for a minute. For me, Veterans Day 2007 will be my first as a veteran back from war, free to enjoy my long four-day weekend, sales, barbecues, and all the other trappings of Veterans Day here in the States. Last year at this time I was in Ghazni, Afghanistan, eight months into my tour as a Route Clearance platoon leader, hunting the roads of Afghanistan for bombs and mines. Since returning in March, I have had time to reflect on what my deployment experience and coming home has meant to me, and how it shapes who I am, what I do, and what I value.

For many Americans Afghanistan is a dimly understood backwater that occupies a place in world affairs somewhere between interest rates and celebrity sightings. For those of us who have served Afghanistan is much more. Afghanistan is days of boredom and seconds of terror. Afghanistan is 120 degrees in the shade and you have to keep your helmet and body armor on. Afghanistan is 10 degrees at night and the heater in your vehicle is broken. Afghanistan is eating combat rations for the 35th day in a row and showering out of a water bottle for a month. Afghanistan is waking up before daylight to roll out and hoping you find the roadside bombs and they don't find you. Afghanistan is the car coming up fast behind your convoy that you hope isn't a suicide bomber. Afghanistan is going to bed at night and hoping that a mortar round doesn't find you, and being so tired that you don't think twice about it. Afghanistan isn't all hardship and torment though. Afghanistan is the sun coming up on the mountains while I drink my coffee. Afghanistan is sitting with the locals and sharing tea. Most of all for me, Afghanistan is the combat engineers of 2nd Platoon, Alpha Company, 37th Engineer Battalion. Having the opportunity to serve with such great Soldiers made all the hardship and trial worth it, and looking back on the experience now, I wouldn't trade a minute of it.

The service members serving overseas today aren't much different than you, and aren't much older, and are doing amazing things. My twenty year old medic almost cut his life short when he ran 200 meters under fire to work on a Soldier with a sucking chest wound who he didn't even know. These are men and women who face extraordinary circumstances and hardship every day, and to see what they endure and achieve is humbling. The job is hard, the risks are high, the pay is low, the clock never stops, and deployments are over when they are over (sometimes in excess of 15 months) and come again all too soon. So why serve again and again and again? Some of our Soldiers and Marines are now on their fourth tour of duty in the Middle East, and still they keep coming back. This morning in the Middle East, Soldiers are strapping on body armor, checking weapons, and readying vehicles to go outside the wire in places like Baghdad, Kandahar, and Mosul. Everyday they give 100% to accomplish their mission with honor and keep each other alive. As an officer, I have to work hard every day to deserve the privilege to lead men and women of this caliber.

We are a nation at war, and a thin red line, less than one half of one percent of Americans, are directly engaged in this conflict. The great majority of Americans can go about their day and think about Iraq or Afghanistan if they choose to, or blow it off completely and watch Laguna Beach on MTV. Whatever your political leanings may be, understand that the men and women of the volunteer military serve on your behalf, and stand on that wall so you don't have to. The profession to which they devote themselves is defined by sacrifice and service to something greater than themselves. You are high school students, with a whole life before you, and how you live it will either honor that service and sacrifice, or deny it. Graduate, work hard, and do something to help others, something that you can be proud of. Earn the sacrifice that generations of Americans have made to give you this birthright of opportunity.

Lastly, I would ask you to think about how you spend Veterans Day. Tomorrow I will board a plane to West Point, and visit my alma mater for the first time since I graduated in 2004. I'm going back to do some upkeep on the pedestrian bridge that my best friend David Fraser and I built as seniors for a civil engineering project. Dave won't be able to join me however. His name will be read today. Captain David M. Fraser was killed last year in Baghdad on November 26th when a roadside bomb destroyed the vehicle he was riding in. Dave's commander and driver were killed in the attack also. He was supposed to return to the States the next week. Take the time this weekend to thank a veteran. More than 3,000 paratroopers are returning to Anchorage after a hard tour in Iraq. You will see them out and about in town, and when you do, tell them thank you. It means more than you can ever know.

Regards,

SETH L. CHAPPELL,
Captain, U.S. Army Engineers.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations. (The nomination received today is printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2363. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3997. 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.

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–3945. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that has been identified as Department of the Navy case number 07-07; to the Committee on Appropriations.

EC–3946. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that has been identified as Army case number 06-10; to the Committee on Appropriations.

EC–3947. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Foot-and-Mouth Disease Status of Uruguay'' (Docket No. 00–11–3) received on November 13, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3948. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a standard competition of the Base Operating Support function at Goodfellow Air Force Base; to the Committee on Armed Services.

EC–3949. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department's financial report for fiscal year 2007; to the Committee on Armed Services.

EC–3950. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce , transmitting, pursuant to law, the report of a rule entitled ''Expanded Licensing Jurisdiction for QRS11 Micromachined Angular Rate Sensors'' (RIN0694–AD92) received on November 13, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3951. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Chief Procurement Officer, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HUD Acquisition Regulation Debarment and Suspension Procedures'' (RIN2535–AA28) received on November 13, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3952. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Extension of Time Period for Quarterly Reporting of Bank Officers' and Certain Employees' Personal Securities Transactions'' (RIN3064–AD20) received on November 13, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3953. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12938 with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC–3954. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fair Credit Reporting Affiliate Marketing Regulations'' (RIN1557–AC88) received on November 13, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3955. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003'' (RIN1557–AC87) received on November 13, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3956. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska'' (RIN0648–XD59) received on November 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3957. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Total Allowable Catch Harvested for Management Area 1A Period 2)'' (RIN0648–XD55) received on November 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3958. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Precious Corals; Black Coral'' (RIN0648–AT93) received on November 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3959. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Landowner Notification and Blanket Certificate Regulations'' (Docket No. RM07–17–000) received on November 13, 2007; to the Committee on Energy and Natural Resources.

EC–3960. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Texas Regulatory Program'' (Docket No. TX–057–FOR) received on November 14, 2007; to the Committee on Energy and Natural Resources.

EC–3961. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maine; Emission Statements Reporting and Definitions'' (FRL No. 8492–1) received on November 14, 2007; to the Committee on Environment and Public Works.

EC–3962. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Scranton/Wilkes-Barre 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory'' (FRL No. 8497–1) received on November 14, 2007; to the Committee on Environment and Public Works.

EC–3963. 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 ''Cyprodinil; Time-Limited Pesticide Tolerance'' (FRL No. 8156–8) received on November 14, 2007; to the Committee on Environment and Public Works.

EC–3964. 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 ''Isoxadifen-ethyl; Pesticide Tolerance'' (FRL No. 8156–6) received on November 14, 2007; to the Committee on Environment and Public Works.

EC–3965. 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 ''Pendimethalin; Pesticide Tolerance Technical Amendment'' (FRL No. 8134–6) received on November 14, 2007; to the Committee on Environment and Public Works.

EC–3966. 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 ''Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District'' (FRL No. 8496–7) received on November 14, 2007; to the Committee on Environment and Public Works.

EC–3967. 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 ''Sethoxydim; Pesticide Tolerance Technical Amendment'' (FRL No. 8153–5) received on November 14, 2007; to the Committee on Environment and Public Works.

EC–3968. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Revised Medical Criteria for Evaluating Digestive Disorders; Final Rules'' (Docket No. AF28) received on November 13, 2007; to the Committee on Finance.

EC–3969. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–221—2007–234); to the Committee on Foreign Relations.

EC–3970. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of a commercial communications satellite to international waters for launch; to the Committee on Foreign Relations.

EC–3971. A communication from the Secretary to the Council of the District of Columbia transmitting, pursuant to law, a report relative to Council Resolution 17–378; to the Committee on Homeland Security and Governmental Affairs.

EC–3972. A communication from the President, U.S. African Development Foundation, transmitting, pursuant to law, a report relative to the confirmation that no matters related to personnel, programs or operations of the Foundation were referred to prosecutive authorities during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3973. A communication from the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the Department's Performance and Accountability Reports for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3974. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3975. A communication from the Chairman, Securities and Exchange Commission,

transmitting, pursuant to law, notification of the fact that the Commission's Performance and Accountability Report for fiscal year 2007 is now available; to the Committee on Homeland Security and Governmental Affairs.

EC–3976. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3977. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Retention Incentives'' (RIN3206–AL41) received on November 15, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3978. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems: Abolishment of Rock Island, Illinois, as a Nonappropriated Fund Federal Wage System Wage Area'' (RIN3206–AL44) received on November 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3979. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems: Definition of the Municipality of Bayamon, PR, to a Nonappropriated Fund Federal Wage System Wage Area'' (RIN3206–AL43) received on November 13, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3980. A communication from the Senior Associate General Counsel, National Counterterrorism Center, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Director of the National Counterterrorism Center, received on November 13, 2007; to the Select Committee on Intelligence.

EC–3981. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Attorney General, received on November 13, 2007; to the Committee on the Judiciary.

EC–3982. A communication from the White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a vacancy for the position of Secretary, received on November 13, 2007; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–256. A resolution adopted by the Macomb County Board of Commissioners of the State of Michigan urging Congress to support H.R. 2927 which addresses increases in fuel economy; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 274. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes (Rept. No. 110–232).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2248. An original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Michael W. Hager, of Virginia, to be an Assistant Secretary of Veterans Affairs (Human Resources and Management).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. BURR):

S. 2376. A bill to establish a demonstration project to provide for patient-centered medical homes to improve the effectiveness and efficiency in providing medical assistance under the Medicaid program and child health assistance under the State Children's Health Insurance Program; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2377. A bill to amend title 38, United States Code, to improve the quality of care provided to veterans in Department of Veterans Affairs medical facilities, to encourage highly qualified doctors to serve in hard-to-fill positions in such medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROBERTS:

S. 2378. A bill to authorize the voluntary purchase of certain properties in Treece, Kansas, endangered by the Cherokee County National Priorities List Site, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2379. A bill to authorize the Secretary of Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 2380. A bill to amend the Internal Revenue Code of 1986 to modernize the application of the subpart F rules to computer software, to expand the subpart F de minimis rule, and to extend certain expiring provisions; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. BINGAMAN):

S. 2381. A bill to amend title XVIII of the Social Security Act to extend and improve protections for sole community hospitals under the Medicare program; to the Committee on Finance.

By Mr. PRYOR:

S. 2382. A bill to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units sot red by the Federal Government around the country at taxpayer expense; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. GRASSLEY):

S. 2383. A bill to require a pilot program on the mobile provision of care and services for veterans in rural areas by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SALAZAR:

S. 2384. A bill to authorize the Chief of Engineers to conduct a feasibility study relating to the construction of a multipurpose project in the Fountain Creek watershed located in the State of Colorado; to the Committee on Environment and Public Works.

By Mr. BROWN:

S. 2385. A bill to provide Federal Perkins Loan cancellation to fire fighters; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2386. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize temporary mortgage and rental payments; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2387. A bill to establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2388. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to increase the maximum amount of assistance to individuals and households; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Ms. CANTWELL, and Mr. LIEBERMAN):

S. 2389. A bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2390. A bill to promote fire-safe communities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED:

S. 2391. A bill to provide for affordable housing relief, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. OBAMA:

S. 2392. 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; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 2393. A bill to close the loophole that allowed the 9/11 hijackers to obtain credit

cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COLEMAN (for himself and Ms. COLLINS):

S. 2394. A bill to amend the Internal Revenue Code of 1986 to simplify, modernize, and improve public notice of and access to tax lien information by providing for a national, Internet accessible, filing system for Federal tax liens, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. ROCKEFELLER):

S. 2395. A bill to establish an adoption process improvement pilot program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. LOTT, and Mr. KENNEDY):

S. 2396. A bill to amend title XI of the Social Security Act to modernize the quality improvement organization (QIO) program; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2397. A bill to amend the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to preserve and expand minority depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 2398. A bill to phase out the use of private military contractors; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:

S. 2399. A bill to expand and improve housing counseling services by increasing financial education and counseling services available to homeowners and prospective homebuyers in financial turmoil or who seek credit or other personal financial assistance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 25. A joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 385. A resolution honoring those who have volunteered to assist in the clean-up of the November 7, 2007, oil spill in San Francisco Bay; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 386. A resolution to authorize testimony and legal representation in State of Nebraska v. Pamir J. Safi; considered and agreed to.

By Mr. LUGAR (for himself and Mr. DURBIN):

S. Res. 387. A resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and the Palestinian Authority; considered and agreed to.

By Mr. NELSON of Florida (for himself and Mr. ISAKSON):

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; to the Committee on Foreign Relations .

By Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. DORGAN):

S. Con. Res. 54. A concurrent resolution supporting the designation of a week as ''National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week''; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself and Mr. WEBB):

S. Con. Res. 55. A concurrent resolution commemorating the centennial anniversary of the sailing of the Navy's ''Great White Fleet'', launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909; considered and agreed to.

By Mrs. BOXER (for herself, Mr. DODD, and Mr. DURBIN):

S. Con. Res. 56. A concurrent resolution encouraging the Association of Southeast Asian Nations to take action to ensure a peaceful transition to democracy in Burma; considered and agreed to.

ADDITIONAL COSPONSORS

S. 60

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 325

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 325, a bill to provide for innovation in health care through State initiatives that expand coverage and access and improve quality and efficiency in the health care system.

S. 380

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 505

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 583

At the request of Mr. SALAZAR, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 583, a bill to create a competitive grant program for States to enable the States to award salary bonuses to highly qualified elementary school or secondary school teachers who teach, or commit to teach, for at least 3 academic years in a school served by a rural local educational agency.

S. 747

At the request of Mr. ISAKSON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 747, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 1000

At the request of Mr. STEVENS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1000, a bill to enhance the Federal Telework Program.

S. 1102

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to expedite the application and eligibility process for low-income subsidies under the Medicare prescription drug program and to revise the resource standards used to determine eligibility for an income-related subsidy, and for other purposes.

S. 1103

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1103, a bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program.

S. 1108

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1108, a bill to amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program and to provide funding for the conduct of outreach

and education with respect to the premium and cost-sharing subsidies under such program, and for other purposes.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1194

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1194, a bill to improve the No Child Left Behind Act of 2001, and for other purposes.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1641

At the request of Mr. COLEMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1641, a bill to amend Public Law 87-383 to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetland and other waterfowl habitat essential to the preservation of migratory waterfowl, and for other purposes.

S. 1814

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1814, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health related information, promote the use of non-identifiable information for health research, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1996

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1996, a bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2058

At the request of Mr. LEVIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2102

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2103

At the request of Mr. BINGAMAN, the names of the Senator from Ohio (Mr. BROWN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Hawaii (Mr. AKAKA), the Senator from Iowa (Mr. HARKIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2103, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. 2111

At the request of Mr. OBAMA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2111, a bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of early intervention services, particularly school-wide positive behavior supports.

S. 2154

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2154, a bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2209

At the request of Mr. HATCH, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2250

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2250, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program.

S. 2319

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2319, a bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 2324

At the request of Mrs. MCCASKILL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2324, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of

the Inspectors General on Integrity and Efficiency, and for other purposes.

S. 2335

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2335, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide adequate case management services.

S. 2348

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2348, a bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

S. 2356

At the request of Mr. COLEMAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2356, a bill to enhance national security by restricting access of illegal aliens to driver's licenses and State-issued identification documents.

S. 2358

At the request of Mr. BROWNBACK, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 2358, a bill to amend title 18, United States Code, to prohibit human-animal hybrids.

S. 2365

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2365, a bill to require educational institutions that receive Federal funds to obtain the affirmative, informed, written consent of a parent before providing a student information regarding sex, to provide parents the opportunity to review such information, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 356

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

S. RES. 367

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 367, a resolution commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall.

S. RES. 380

At the request of Mr. STEVENS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 380, a resolution recognizing Hostelling International USA for 75 years of service to intercultural understanding and to youth travel.

AMENDMENT NO. 3538

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 3538 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3613

At the request of Mr. STEVENS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 3613 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. BURR):

S. 2376. A bill to establish a demonstration project to provide for patient-centered medical homes to improve the effectiveness and efficiency in providing medical assistance under the Medicaid program and child health assistance under the State Children's Health Insurance Program; to the Committee on Finance.

Mr. DURBIN. Mr. President, we are all aware of the current healthcare crisis in our nation. Health care spending continues to rise at an unsustainable rate, constituting 16 percent of the Federal budget. Health care costs have increased 78 percent since 2001, more than 4 times the pace of prices and wages.

One reason for the rise in costs and spending is the increase in chronic disease. Heart disease, cancer, and diabetes are the leading causes of death and disability in the U.S. They also account for 70 percent of all deaths in the U.S., or 1.7 million people each year. These diseases also make life harder for the 1 of 10 Americans who are living with them. The irony, of course, is that chronic diseases are both preventable and manageable.

The quality of our healthcare has not changed substantially despite the fact that we live in the wealthiest country in the world with the best researchers and medical doctors at our fingertips. At a time when both health care costs and chronic illnesses are on the rise, we need a better way to provide care.

Changing the delivery of care is a controversial topic, but it is a topic that has gained more traction in recent months. Last week, the New York Times published an article titled, ''A Model for Health Care That Pays for Quality.'' The article described a new model for healthcare, and I quote here, ''to identify the best primary care doctors and to steer patients their way. Those doctors, in turn, would be paid for more services than are currently reimbursed under typical health plan payments for office visits. The idea is to encourage doctors to meet with patients for more than a few minutes during an office visit and to also compensate them, or nurse coordinators, for communicating with patients by phone and e-mail outside office hours.'' This is an approach to delivering care that national physician groups and patient advocacy organizations call the medical home.

A medical home is something that those of us who have it take for granted. We see the same doctor, in the same setting, for extended periods of time. Our medical history is in one place, and even if we are seeing specialists or different doctors in the same practice, there is continuity in decisions about our health care. This is a medical home.

But many people do not have this luxury. Think about people who move from place to place, whose home lives are less than stable, who don't have health insurance, whose medical care is sporadic. For these members of our community, each visit to a clinic or an emergency room means starting over again.

So, everyone should have access to a medical home. A medical home is not only a place, but an approach to providing comprehensive primary care that respects, and responds to, individual patient preferences and needs and helps patients develop relationships with their providers.

It sounds easy, but it requires some changes and creative thinking and, perhaps most importantly, it requires a commitment by local providers to work together. The medical home model makes sense for improving health care for everyone. It is a model of care that makes sense for stretching our limited Federal health care dollars.

States like Illinois and North Carolina are already seeing progress with implementing the medical home model. Illinois Health Connect is a new program at the Illinois Department of Healthcare and Family Services that uses the medical home model to deliver primary and preventive care for children and adults covered through the All Kids program. This emphasis on coordinated and ongoing care is leading to better health outcomes, and it's saving money.

Community Care of North Carolina launched a medical home model in 1998, through nine physician-led networks. North Carolina started by creating medical homes for 250,000 Medicaid enrollees. Today, it is a State-wide program that has saved the state at least $60 million in Medicaid costs in 2003 and $120 million in 2004.

Cost savings is not the only benefit. Several studies show that the medical home approach improves quality of care. Early analyses are finding that having regular access to a particular physician through the medical home is associated with earlier and more accurate diagnoses, fewer emergency room visits, fewer hospitalizations, lower costs, better care, and increased patient satisfaction. Many studies conclude that having both health insurance and a medical home leads to improved overall health for the entire population, which brings down the cost of care and reduces health care disparities.

Today, I am proud to be joined by my colleague Senator RICHARD BURR of North Carolina to introduce the Medical Homes Act of 2007. This bill would make it easier for other states to implement a medical home model, much like Illinois and North Carolina have. Congress passed a medical home demonstration project for Medicare last year. The Medical Homes Act of 2007 would do this for Medicaid and SCHIP beneficiaries by making Federal funding available for a demonstration project in 8 States to provide care through patient-centered medical homes.

The approach we propose requires a per-member, per-month care management fee to help pay for participating doctors and provides initial start-up funding for participating States. The startup funds are used for the purchase of health information technology, primary care case managers, and other uses appropriate for the delivery of patient-centered care.

If patients, provider, payers, and the government work together to create a system that values the patient more than payments and the health outcome of the patient more than the number of patients seen, we can really change the way primary care is provided. I urge my colleagues to support the Medical Homes Act of 2007 and help stabilize healthcare delivery for low-income and elderly Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2376

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 ''Medical Homes Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Medical homes provide patient-centered care, leading to better health outcomes and greater patient satisfaction. A growing body of research supports the need to involve patients and their families in their own health care decisions, to better inform them of their treatment options, and to improve their access to information.

(2) Medical homes help patients better manage chronic diseases and maintain basic preventive care, resulting in better health outcomes than those who lack medical homes. An investigation of the Chronic Care Model discovered that the medical home reduced the risk of cardiovascular disease in diabetes patients, helped congestive heart failure patients become more knowledgeable and stay on recommended therapy, and increased the likelihood that asthma and diabetes patients would receive appropriate therapy.

(3) Medical homes also reduce disparities in access to care. A survey conducted by the Commonwealth Fund found that 74 percent of adults with a medical home have reliable access to the care they need, compared with only 52 percent of adults with a regular provider that is not a medical home and 38 percent of adults without any regular source of care or provider.

(4) Medical homes reduce racial and ethnic differences in access to medical care. Three-fourths of Caucasians, African Americans, and Hispanics with medical homes report getting care when they need it in a medical home.

(5) Medical homes reduce duplicative health services and inappropriate emergency room use. In 1998, North Carolina launched the Community Care of North Carolina (CCNC) program, which employs the medical home concept. Today CCNC includes 14 networks, that include all Federally qualified health centers in the State, covering 740,000 recipients across the entire State. An analysis conducted by Mercer Human Resources Consulting Group found that CCNC resulted in $244,000,000 in savings to the Medicaid program in 2004, with similar results in 2005 and 2006.

(6) Health information technology is a crucial foundation for medical homes. While many doctor's offices use electronic health records for billing or other administrative functions, few practices utilize health information technology systematically to measure and improve the quality of care they provide. For example, electronic health records can generate reports to ensure that all patients with chronic conditions receive recommended tests and are on target to meet their treatment goals. Computerized ordering systems, particularly with decision-support tools, can prevent medical and medication errors, while e-mail and interactive Internet websites can facilitate communication between patients and providers and patient education.

SEC. 3. MEDICAID AND SCHIP DEMONSTRATION PROJECT TO SUPPORT PATIENT-CENTERED PRIMARY CARE.

(a) DEFINITIONS.—In this section:

(1) CARE MANAGEMENT MODEL.—The term ''care management model'' means a model that—

(A) uses health information technology and other innovations such as the chronic care model, to improve the management and coordination of care provided to patients;

(B) is centered on the relationship between a patient and their personal primary care provider;

(C) seeks guidance from—

(i) a steering committee; and

(ii) a medical management committee; and

(D) has established, where practicable, effective referral relationships between the primary care provider and the major medical specialties and ancillary services in the region.

(2) HEALTH CENTER.—The term ''health center'' has the meaning given that term in section 330(a) of the Public Health Service Act (42 U.S.C. 254b(a)).

(3) MEDICAID.—The term ''Medicaid'' means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) MEDICAL MANAGEMENT COMMITTEE.—The term ''medical management committee'' means a group of local practitioners that—

(A) reviews evidence-based practice guidelines;

(B) selects targeted diseases and care processes that address health conditions of the community (as identified in the National or State health assessment or as outlined in ''Healthy People 2010'', or any subsequent similar report (as determined by the Secretary));

(C) defines programs to target diseases and care processes;

(D) establishes standards and measures for patient-centered medical homes, taking into account nationally-developed standards and measures; and

(E) makes the determination described in subparagraph (A)(iii) of paragraph (5), taking into account the considerations under subparagraph (B) of such paragraph.

(5) PATIENT-CENTERED MEDICAL HOME.—

(A) IN GENERAL.—The term ''patient-centered medical home'' means a physician-directed practice or a health center that—

(i) incorporates the attributes of the care management model described in paragraph (1);

(ii) voluntarily participates in an independent evaluation process whereby primary care providers submit information to the medical management committee of the relevant network;

(iii) the medical management committee determines has the capability to achieve improvements in the management and coordination of care for targeted beneficiaries (as defined by Statewide quality improvement standards and outcomes); and

(iv) meets the requirements imposed on a covered entity for purposes of applying part C of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.) and all regulatory provisions promulgated thereunder, including regulations (relating to privacy) adopted pursuant to the authority of the Secretary under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(B) CONSIDERATIONS.—In making the determination under subparagraph (A)(iii), the medical management committee shall consider the following:

(i) ACCESS AND COMMUNICATION WITH PATIENTS.—Whether the practice or health center applies both standards for access to care for and standards for communication with targeted beneficiaries who receive care through the practice or health center.

(ii) MANAGING PATIENT INFORMATION AND USING INFORMATION MANAGEMENT TO SUPPORT PATIENT CARE.—Whether the practice or health center has readily accessible, clinically useful information on such beneficiaries that enables the practice or health center to comprehensively and systematically treat such beneficiaries.

(iii) MANAGING AND COORDINATING CARE ACCORDING TO INDIVIDUAL NEEDS.—Whether the practice or health center—

(I) maintains continuous relationships with such beneficiaries by implementing evidence-based guidelines and applying such guidelines to the identified needs of individual beneficiaries over time and with the intensity needed by such beneficiaries;

(II) assists in the early identification of health care needs;

(III) provides ongoing primary care; and

(IV) coordinates with a broad range of other specialty, ancillary, and related services.

(iv) PROVIDING ONGOING ASSISTANCE AND ENCOURAGEMENT IN PATIENT SELF-MANAGEMENT.—Whether the practice or health center—

(I) collaborates with targeted beneficiaries who receive care through the practice or health center to pursue their goals for optimal achievable health;

(II) assesses patient-specific barriers; and

(III) conducts activities to support patient self-management.

(v) RESOURCES TO MANAGE CARE.—Whether the practice or health center has in place the resources and processes necessary to achieve improvements in the management and coordination of care for targeted beneficiaries who receive care through the practice or health center.

(vi) MONITORING PERFORMANCE.—Whether the practice or health center—

(I) monitors its clinical process and performance (including process and outcome measures) in meeting the applicable standards under paragraph (4)(D); and

(II) provides information in a form and manner specified by the steering committee and medical management committee with respect to such process and performance.

(6) PERSONAL PRIMARY CARE PROVIDER.—The term ''personal primary care provider'' means—

(A) a physician, nurse practitioner, or other qualified health care provider (as determined by the Secretary), who—

(i) practices in a patient-centered medical home; and

(ii) has been trained to provide first contact, continuous, and comprehensive care for the whole person, not limited to a specific disease condition or organ system, including care for all types of health conditions (such as acute care, chronic care, and preventive services); or

(B) a health center that—

(i) is a patient-centered medical home; and

(ii) has providers on staff that have received the training described in subparagraph (A)(ii).

(7) PRIMARY CARE CASE MANAGEMENT SERVICES; PRIMARY CARE CASE MANAGER.—The terms ''primary care case management services'' and ''primary care case manager'' have the meaning given those terms in section 1905(t) of the Social Security Act (42 U.S.C. 1396d(t)).

(8) PROJECT.—The term ''project'' means the demonstration project established under this section.

(9) SCHIP.—The term ''SCHIP'' means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1396aa et seq.).

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(11) STEERING COMMITTEE.—The term ''steering committee'' means a local management group comprised of collaborating local health care practitioners or a local not-for-profit network of health care practitioners—

(A) that implements State-level initiatives;

(B) that develops local improvement initiatives;

(C) whose mission is to—

(i) investigate questions related to community-based practice; and

(ii) improve the quality of primary care; and

(D) whose membership—

(i) represents the health care delivery system of the community it serves; and

(ii) includes physicians (with an emphasis on primary care physicians) and 1 representative from each part of the collaborative or network (such as a representative from a health center, a representative from the health department, a representative from social services, and a representative from each public and private hospital in the collaborative or the network).

(12) TARGETED BENEFICIARY.—

(A) IN GENERAL.—The term ''targeted beneficiary'' means an individual who is eligible for benefits under a State plan under Medicaid or a State child health plan under SCHIP.

(B) PARTICIPATION IN PATIENT-CENTERED MEDICAL HOME.—Individuals who are eligible for benefits under Medicaid or SCHIP in a State selected to participate in the project shall receive care through a patient-centered medical home when available.

(C) ENSURING CHOICE.—In the case of such an individual who receives care through a patient-centered medical home, the individual shall receive guidance from their personal primary care provider on appropriate referrals to other health care professionals in the context of shared decisionmaking.

(b) ESTABLISHMENT.—The Secretary shall establish a demonstration project under Medicaid and SCHIP for the implementation of a patient-centered medical home program that meets the requirements of subsection (d) to improve the effectiveness and efficiency in providing medical assistance under Medicaid and child health assistance under SCHIP to an estimated 500,000 to 1,000,000 targeted beneficiaries.

(c) PROJECT DESIGN.—

(1) DURATION.—The project shall be conducted for a 3-year period, beginning not later than October 1, 2009.

(2) SITES.—

(A) IN GENERAL.—The project shall be conducted in 8 States—

(i) four of which already provide medical assistance under Medicaid for primary care case management services as of the date of enactment of this Act; and

(ii) four of which do not provide such medical assistance.

(B) APPLICATION.—A State seeking to participate in the project shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(C) SELECTION.—In selecting States to participate in the project, the Secretary shall ensure that urban, rural, and underserved areas are served by the project.

(3) GRANTS AND PAYMENTS.—

(A) DEVELOPMENT GRANTS.—

(i) FIRST YEAR DEVELOPMENT GRANTS.—The Secretary shall award development grants to States participating in the project during the first year the project is conducted. Grants awarded under this clause shall be used by a participating State to—

(I) assist with the development of steering committees, medical management committees, and local networks of health care providers; and

(II) facilitate coordination with local communities to be better prepared and positioned to understand and meet the needs of the communities served by patient-centered medical homes.

(ii) SECOND YEAR FUNDING.—The Secretary shall award additional grant funds to States that received a development grant under clause (i) during the second year the project is conducted if the Secretary determines such funds are necessary to ensure continued participation in the project by the State. Grant funds awarded under this clause shall be used by a participating State to assist in making the payments described in paragraph (B). To the extent a State uses such grant funds for such purpose, no matching payment may be made to the State for the payments made with such funds under section 1903(a) or 2105(a) of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(B) ADDITIONAL PAYMENTS TO PERSONAL PRIMARY CARE PROVIDERS AND STEERING COMMITTEES.—

(i) PAYMENTS TO PERSONAL PRIMARY CARE PROVIDERS.—

(I) IN GENERAL.—Subject to subsection (d)(6)(B), a State participating in the project shall pay a personal primary care provider not less than $2.50 per month per targeted beneficiary assigned to the personal primary care provider, regardless of whether the provider saw the targeted beneficiary that month.

(II) FEDERAL MATCHING PAYMENT.—Subject to subparagraph (A)(ii), amounts paid to a personal primary care provider under subclause (I) shall be considered medical assistance or child health assistance for purposes of section 1903(a) or 2105(a), respectively, of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(III) PATIENT POPULATION.—In determining the amount of payment to a personal primary care provider per month with respect to targeted beneficiaries under this clause, a State participating in the project shall take into account the care needs of such targeted beneficiaries.

(ii) PAYMENTS TO STEERING COMMITTEES.—

(I) IN GENERAL.—Subject to subsection (d)(6)(B), a State participating in the project shall pay a steering committee not less than $2.50 per targeted beneficiary per month.

(II) FEDERAL MATCHING PAYMENT.—Subject to subparagraph (A)(ii), amounts paid to a steering committee under subclause (I) shall be considered medical assistance or child health assistance for purposes of section 1903(a) or 2105(a), respectively, of the Social Security Act (42 U.S.C. 1396b(a); 1397ee(a)).

(III) USE OF FUNDS.—Amounts paid to a steering committee under subclause (I) shall be used to purchase health information technology, pay primary care case managers, support network initiatives, and for such other uses as the steering committee determines appropriate.

(4) TECHNICAL ASSISTANCE.—The Secretary shall make available technical assistance to States, physician practices, and health centers participating in the project during the duration of the project.

(5) BEST PRACTICES INFORMATION.—The Secretary shall collect and make available to States participating in the project information on best practices for patient-centered medical homes.

(d) PATIENT-CENTERED MEDICAL HOME PROGRAM.—

(1) IN GENERAL.—For purposes of this section, a patient-centered medical home program meets the requirements of this subsection if, under such program, targeted beneficiaries designate a personal primary care provider in a patient-centered medical home as their source of first contact, comprehensive, and coordinated care for the whole person.

(2) ELEMENTS.—

(A) MANDATORY ELEMENTS.—

(i) IN GENERAL.—Such program shall include the following elements:

(I) A steering committee.

(II) A medical management committee.

(III) A network of physician practices and health centers that have volunteered to participate as patient-centered medical homes to provide high-quality care, focusing on preventive care, at the appropriate time and place in a cost-effective manner.

(IV) Hospitals and local public health departments that will work in cooperation with the network of patient-centered medical homes to coordinate and provide health care.

(V) Primary care case managers to assist with care coordination.

(VI) Health information technology to facilitate the provision and coordination of health care by network participants.

(ii) MULTIPLE LOCATIONS IN THE STATE.—In the case where a State operates a patient-centered medical home program in 2 or more areas in the State, the program in each of those areas shall include the elements described in clause (i).

(B) OPTIONAL ELEMENTS.—Such program may include a non-profit organization that—

(i) includes a steering committee and a medical management committee; and

(ii) manages the payments to steering committees described in subsection (c)(3)(B)(ii).

(3) GOALS.—Such program shall be designed—

(A) to increase—

(i) cost efficiencies of health care delivery;

(ii) access to appropriate health care services, especially wellness and prevention care, at times convenient for patients;

(iii) patient satisfaction;

(iv) communication among primary care providers, hospitals, and other health care providers;

(v) school attendance; and

(vi) the quality of health care services (as determined by the relevant steering committee and medical management committee, taking into account nationally-developed standards and measures); and

(B) to decrease—

(i) inappropriate emergency room utilization, which can be accomplished through initiatives, such as expanded hours of care throughout the program network;

(ii) avoidable hospitalizations; and

(iii) duplication of health care services provided.

(4) PAYMENT.—Under the program, payment shall be provided to personal primary care providers and steering committees (in accordance with subsection (c)(3)(B)).

(5) NOTIFICATION.—The State shall notify individuals enrolled in Medicaid or SCHIP about—

(A) the patient-centered medical home program;

(B) the providers participating in such program; and

(C) the benefits of such program.

(6) TREATMENT OF STATES WITH A MANAGED CARE CONTRACT.—

(A) IN GENERAL.—In the case where a State contracts with a private entity to manage parts of the State Medicaid program, the State shall—

(i) ensure that the private entity follows the care management model; and

(ii) establish a medical management committee and a steering committee in the community.

(B) ADJUSTMENT OF PAYMENT AMOUNTS.—The State may adjust the amount of payments made under (c)(3)(B), taking into consideration the management role carried out by the private entity described in subparagraph (A) and the cost effectiveness provided by such entity in certain areas, such as health information technology.

(e) EVALUATION AND PROJECT REPORT.—

(1) IN GENERAL.—

(A) EVALUATION.—The Secretary, in consultation with appropriate health care professional associations, shall evaluate the project in order to determine the effectiveness of patient-centered medical homes in terms of quality improvement, patient and provider satisfaction, and the improvement of health outcomes.

(B) PROJECT REPORT.—Not later than 12 months after completion of the project, the Secretary shall submit to Congress a report on the project containing the results of the evaluation conducted under subparagraph (A). Such report shall include—

(i) an assessment of the differences, if any, between the quality of the care provided through the patient-centered medical home program conducted under the project in the States that provide medical assistance for primary care case management services and those that do not;

(ii) an assessment of quality improvements and clinical outcomes as a result of such program;

(iii) estimates of cost savings resulting from such program; and

(iv) recommendations for such legislation and administrative action as the Secretary determines to be appropriate.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that, during the next authorization of SCHIP, titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et seq.) should be amended, based on the results of the evaluation and report under paragraph (1), to establish a patient-centered medical home program under such titles on a permanent basis.

(f) WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall waive compliance with such requirements of titles XI, XIX, and XXI of the Social Security Act (42 U.S.C. 1301 et seq.; 1396 et seq.; 1397aa et seq.) to the extent and for the period the Secretary finds necessary to conduct the project.

(2) LIMITATION.—In no case shall the Secretary waive compliance with the requirements of subsections (a)(10)(A), (a)(15), and (bb) of section 1902 of the Social Security Act (42 U.S.C. 1396a) under paragraph (1), to the extent that such requirements require the provision of, and reimbursement for services described in section 1905(a)(2)(C) of such Act (42 U.S.C. 1396d(a)(2)(C)).

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2377. A bill to amend title 38, United States Code, to improve the quality of care provided to veterans in Department of Veterans Affairs medical facilities, to encourage highly qualified doctors to serve in hard-to-fill positions in such medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, today I am introducing legislation along with Senator OBAMA that will address some serious deficiencies we have found in the Veterans Administration's health care quality assurance efforts. Over the past several months, we have learned of problems in the hiring practices and quality of care at the veterans hospital in Marion, IL. What we have learned suggests that there are flaws that could equally affect the hiring and quality assurance programs in other VA hospitals.

The problems at Marion first came to light in August after the VA became aware that there had been an abnormal spike in deaths at the hospital the previous winter. A doctor was practicing at Marion even though a year earlier he had agreed to stop practicing medicine in Massachusetts. This fact came to light only after he had resigned from Marion because he was being sued for malpractice involving a case at Marion. It turned out that he had been involved in at least nine other cases at Marion in which the patient died, and he had been the subject of at least two malpractice settlements and a disciplinary action in Massachusetts before moving to Illinois.

The VA initiated an investigation and has taken steps to protect the patients at Marion. All but the most simple outpatient surgeries have been suspended, one doctor has resigned, four others have had their privileges restricted, and four top staff members have been temporarily reassigned.

The VA's Inspector General is conducting a thorough investigation and I am looking forward to considering his conclusions. But we know enough to take action now. And we must take action now because what happened at Marion may not be an isolated case. The same problems may exist at other VA hospitals as well.

The legislation we are introducing has three main objectives. First, it would improve the process of vetting doctors applying to and working in the VA. Second, it would expand the quality control programs in the VA health care system. And third, it would create incentives to encourage high-quality doctors to practice at veterans hospitals.

The VA's standards for evaluating employment applicants must be strengthened. When the doctor whose problematic service brought this issue to light was hired by the VA, he had two malpractice payments on his record, but he had only disclosed one to the VA. He was also under investigation by the Massachusetts medical board for gross incompetence in several cases that led to the deaths of patients. This was not disclosed to the VA.

Our legislation will fix this problem. It will require all physician applicants to the VA, and all doctors practicing in the VA, to disclose any judgments, settlements, disciplinary actions, and open investigations involving them. In addition, each doctor would be required to make a written request to the State medical board of any State in which they have held a license, requesting that the board release this same information to the VA.

Now, as a lawyer, I understand the caution that must be used when dealing with investigations that are not complete and judgments that are not final. But doctors and hospitals understand and work with confidential information all the time. VA officials with hiring authority will keep this information confidential and will be able to differentiate between a frivolous lawsuit and a case that should raise real concern. Before we entrust our Nation's veterans to a doctor, the VA should know all the pertinent information about that individual. Before the VA hires a physician, it should be required to examine this kind of information to make sure the physician should not be disqualified from employment in the VA.

In addition, our bill requires doctors employed by the VA to be licensed in the state in which they practice.

The bill's second objective is to improve the VA's quality assurance program. Our legislation would establish a quality assure officer at each VA medical facility, in each Veterans Integrated Service Network, VISN, region,

and at the VA national headquarters. These officers would establish and carry out a quality assurance program at each VA medical facility.

Over the year and a half that this doctor practiced at Marion, at least a few of the nurses had concerns about his skills and competence and raised those concerns with the hospital leadership. They were ignored. This is absolutely unacceptable.

Concerns about the quality of care in a VA facility should never go unexamined. If local hospital officials will not listen, another avenue should be available for raising these concerns. Our legislation would allow employees to raise quality of care concerns to the local quality assurance officer and the regional quality assurance officer, ensuring that there is a place employees can go and know that their concerns will be considered.

In addition, we would require that the quality assurance program at each hospital include a mechanism for the peer review of physicians in the hospital. At Marion, it appears that any kind of peer review program that might have been present was either dormant or ignored. As a result, early warning signs were missed that might have saved lives.

Our measure would require that the quality assurance officers be licensed physicians, so that they will be qualified to monitor the performance of other doctors and ensure a fair but thorough peer review process is in place.

Finally, our legislation includes provisions to encourage talented doctors to practice in the VA system. We would direct each VA hospital to seek to affiliate with a nearby medical school so that our hospitals will have the benefit of the fresh, young minds of medical students and the more experienced judgments Of medical school faculty. These affiliations would introduce young doctors to the work of the VA, which might lead them to consider a career there. We also would create loan forgiveness and tuition reimbursement programs to encourage doctors to commit to practice in VA hospitals.

We also recognize that many experienced doctors might be willing to practice part-time in a VA hospital but would be unwilling to totally leave private practice. Our bill would instruct the VA to develop programs to increase the recruitment of experienced, quality doctors who might be willing to practice part-time in the VA health care system. It would also offer access to the federal employees health insurance program to doctors who are willing to practice at least five days per month in a VA medical facility.

This bill addresses very real issues that directly affect the health of our veterans. The VA's investigation of what went wrong at Marion may lead us to additional legislative initiatives, but the steps we have outlined in this bill are steps that need to be taken now to protect veterans in VA hospitals throughout the country.

This legislation has been endorsed by Veterans for America. I urge my colleagues to join in moving forward with this legislation to ensure that our veterans receive the quality of care they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2377

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 ''Veterans Health Care Quality Improvement Act''.

SEC. 2. STANDARDS FOR APPOINTMENT AND PRACTICE OF PHYSICIANS IN DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) STANDARDS.—

(1) IN GENERAL.—Subchapter I of chapter 74 of title 38, United States Code, is amended by inserting after section 7402 the following new section:

''§ 7402A. Appointment and practice of physicians: standards

''(a) IN GENERAL.—The Secretary shall, acting through the Under Secretary for Health, prescribe standards to be met by individuals in order to qualify for appointment in the Administration in the position of physician and to practice as a physician in medical facilities of the Administration. The standards shall incorporate the requirements of this section.

''(b) DISCLOSURE OF CERTAIN INFORMATION BEFORE APPOINTMENT.—Each individual seeking appointment in the Administration in the position of physician shall do the following:

''(1) Provide the Secretary a full and complete explanation of the following:

''(A) Each lawsuit, civil action, or other claim (whether open or closed) brought against the individual for medical malpractice or negligence (other than a lawsuit, action, or claim closed without any judgment against or payment by or on behalf of the individual).

''(B) Each payment made by or on behalf of the individual to settle any lawsuit, action, or claim covered by subparagraph (A).

''(C) Each investigation or disciplinary action taken against the individual relating to the individual's performance as a physician.

''(2) Submit a written request and authorization to the State licensing board of each State in which the individual holds or has held a license to practice medicine to disclose to the Secretary any information in the records of such State on the following:

''(A) Each lawsuit, civil action, or other claim brought against the individual for medical malpractice or negligence covered by paragraph (1)(A) that occurred in such State.

''(B) Each payment made by or on behalf of the individual to settle any lawsuit, action, or claim covered by subparagraph (A).

''(C) Each medical malpractice judgment against the individual by the courts or administrative agencies or bodies of such State.

''(D) Each disciplinary action taken or under consideration against the individual by an administrative agency or body of such State.

''(E) Any change in the status of the license to practice medicine issued the individual by such State, including any voluntary or nondisciplinary surrendering of such license by the individual.

''(F) Any open investigation of the individual by an administrative agency or body of such State, or any outstanding allegation against the individual before such an administrative agency or body.

''(c) DISCLOSURE OF CERTAIN INFORMATION FOLLOWING APPOINTMENT.—(1) Each individual appointed in the Administration in the position of physician after the date of the enactment of the Veterans Health Care Quality Improvement Act shall, as a condition of service under the appointment, disclose to the Secretary, not later than 30 days after the occurrence of such event, the following:

''(A) A judgment against the individual for medical malpractice or negligence.

''(B) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed under paragraph (1) or (2) of subsection (b).

''(C) Any disposition of or material change in a matter disclosed under paragraph (1) or (2) of subsection (b).

''(2) Each individual appointed in the Administration in the position of physician as of the date of the enactment of the Veterans Health Care Quality Improvement Act shall do the following:

''(A) Not later than the end of the 60-day period beginning on the date of the enactment of that Act and as a condition of service under the appointment after the end of that period, submit the request and authorization described in subsection (b)(2).

''(B) Agree, as a condition of service under the appointment, to disclose to the Secretary, not later than 30 days after the occurrence of such event, the following:

''(i) A judgment against the individual for medical malpractice or negligence.

''(ii) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed pursuant to subparagraph (A) or under this subparagraph.

''(iii) Any disposition of or material change in a matter disclosed pursuant to subparagraph (A) or under this subparagraph.

''(3) Each individual appointed in the Administration in the position of physician shall, as part of the biennial review of the performance of the physician under the appointment, submit the request and authorization described in subsection (b)(2). The requirement of this paragraph is in addition to the requirements of paragraph (1) or (2), as applicable.

''(d) INVESTIGATION OF DISCLOSED MATTERS.—(1) The Regional Director of the Veterans Integrated Services Network (VISN) in which an individual is seeking appointment in the Administration in the position of physician shall perform a comprehensive investigation (in such manner as the standards required by this section shall specify) of each matter disclosed under subsection (b) with respect to the individual.

''(2) The Regional Director of the Veterans Integrated Services Network in which an individual is appointed in the Administration in the position of physician shall perform a comprehensive investigation (in a manner so specified) of each matter disclosed under subsection (c) with respect to the individual.

''(3) The results of each investigation performed under this subsection shall be fully documented.

''(e) APPROVAL OF APPOINTMENTS BY REGIONAL DIRECTORS OF VISNS.—(1) An individual may not be appointed in the Administration in the position of physician without the approval of the Regional Director of the Veterans Integrated Services Network in which the individual will first serve under the appointment.

''(2) In approving the appointment under this subsection of an individual for whom

any matters have been disclosed under subsection (b), a Regional Director shall—

''(A) certify in writing the completion of the performance of the investigation under subsection (d)(1) of each such matter, including the results of such investigation; and

''(B) provide a written justification why any matters raised in the course of such investigation do not disqualify the individual from appointment.

''(f) BOARD CERTIFICATION.—(1) Except as provided in paragraph (2), an individual may not be appointed in the Administration in the position of physician unless the individual is board certified in the specialties in which the individual will practice under the appointment.

''(2) A Regional Director may waive the limitation in paragraph (1) with respect to any individual who has completed a residency program within the two-year period ending on the date of such waiver if the individual provides satisfactory evidence (as determined in accordance with the standards required by this section) of an intent to become board certified. The period of any waiver under this paragraph may not exceed one year.

''(g) STATE LICENSE REQUIRED FOR PRACTICE IN IN-STATE VA MEDICAL FACILITIES.—Each physician practicing at a medical facility of the Department in a State, whether under an appointment in the Administration or through the extension of privileges of practice, shall, as a condition of such practice, hold a license to practice medicine in the State within one year of appointment.

''(h) ENROLLMENT OF PHYSICIANS WITH PRACTICE PRIVILEGES IN PROACTIVE DISCLOSURE SERVICE.—Each medical facility of the Department at which physicians are extended the privileges of practice shall enroll each physician extended such privileges in the Proactive Disclosure Service of the National Practitioners Data Base.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by inserting after the item relating to section 7402 the following new item:

''7402A. Appointment and practice of physicians: standards.''.

(b) EFFECTIVE DATE AND APPLICABILITY.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY OF CERTAIN REQUIREMENTS TO PHYSICIANS PRACTICING ON EFFECTIVE DATE.—In the case of an individual appointed to the Veterans Health Administration in the position of physician as of the date of the enactment of this Act—

(A) the requirements of subsections (f) and (g) of section 7402A, United States Code, as added by subsection (a) of this section, shall take effect on the date that is one year after the date of the enactment of this Act; and

(B) the requirements of subsection (h) of such section 7402A, as so added, shall take effect on the date that is 60 days after the date of the enactment of this Act.

SEC. 3. ENHANCEMENT OF QUALITY ASSURANCE BY THE VETERANS HEALTH ADMINISTRATION.

(a) ENHANCEMENT OF QUALITY ASSURANCE THROUGH QUALITY ASSURANCE OFFICERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7311 the following new section:

''§ 7311A. Quality assurance officers

''(a) NATIONAL QUALITY ASSURANCE OFFICER.—(1) The Under Secretary of Health shall designate an official of the Administration to act as the principal quality assurance officer for the quality-assurance program required by section 7311 of this title. The official so designated may be known as the 'National Quality Assurance Officer of the Veterans Health Administration' (in this section referred to as the 'National Quality Assurance Officer').

''(2) The National Quality Assurance Officer shall report directly to the Under Secretary for Health in the discharge of responsibilities and duties of the Officer under this section.

''(3) The National Quality Assurance Officer shall be the official within the Administration who is principally responsible for the quality-assurance program referred to in paragraph (1). In carrying out that responsibility, the Officer shall be responsible for—

''(A) establishing and enforcing the requirements of that program; and

''(B) carrying out such other responsibilities and duties relating to quality assurance in the Administration as the Under Secretary for Health shall specify.

''(4) The requirements under paragraph (3) shall include requirements regarding the following:

''(A) A confidential system for the submittal of reports by Administration personnel regarding quality assurance at Administration facilities.

''(B) Mechanisms for the peer review of the actions of individuals appointed in the Administration in the position of physician.

''(C) Mechanisms for the accountability of the facility director and chief medical officer of each Administration medical facility for the actions of physicians in such facility.

''(b) QUALITY ASSURANCE OFFICERS FOR VISNS.—(1) The Regional Director of each Veterans Integrated Services Network (VISN) shall appoint an official of the Network to act as the quality assurance officer of the Network.

''(2) Each official appointed as a quality assurance officer under this subsection shall be a board-certified physician.

''(3) The quality assurance officer for a Veterans Integrated Services Network shall report to the Regional Director of the Veterans Integrated Services Network, and to the National Quality Assurance Officer, regarding the discharge of the responsibilities and duties of the officer under this section.

''(4) The quality assurance officer for a Veterans Integrated Services Network shall—

''(A) direct the quality assurance office in the Network; and

''(B) coordinate, monitor, and oversee the quality assurance programs and activities of the Administration medical facilities in the Network in order to ensure the thorough and uniform discharge of quality assurance requirements under such programs and activities throughout such facilities.

''(c) QUALITY ASSURANCE OFFICERS FOR MEDICAL FACILITIES.—(1) The director of each Administration medical facility shall appoint a quality assurance officer for that facility.

''(2) Each official appointed as a quality assurance officer under this subsection shall be a board-certified physician.

''(3) The official appointed as a quality assurance officer for a facility under this subsection shall be a practicing physician at the facility. If the official appointed as quality assurance officer for a facility has other clinical or administrative duties, the director of the facility shall ensure that those duties are sufficiently limited in scope so as to ensure that those duties do not prevent the officer from effectively discharging the responsibilities and duties of quality assurance officer at the facility.

''(4) The quality assurance officer for a facility shall report directly to the director of the facility, and to the quality assurance officer of the Veterans Integrated Services Network in which the facility is located, regarding the discharge of the responsibilities and duties of the quality assurance officer under this section.

''(5) The quality assurance officer for a facility shall be responsible for designing, disseminating, and implementing quality assurance programs and activities for the facility that meet the requirements established by the National Quality Assurance Officer under subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7311 the following new item:

''7311A. Quality assurance officers.''.

(b) BOARD-CERTIFIED PHYSICIAN REQUIREMENT FOR INDIVIDUALS APPOINTED AS UNDER SECRETARY FOR HEALTH.—Section 305(a)(2) of title 38, United States Code, is amended by inserting ''shall be a board-certified physician and'' before ''shall be''.

(c) REPORTS ON QUALITY CONCERNS UNDER QUALITY-ASSURANCE PROGRAM.—Section 7311(b) of such title is amended by adding at the end the following new paragraph:

''(4) As part of the quality-assurance program, the Under Secretary for Health shall establish mechanisms through which employees of Administration facilities may submit reports, on a confidential basis, on matters relating to quality of care in Administration facilities to the quality assurance officers of such facilities under section 7311A(c) of this title and to the quality assurance officers of the Veterans Integrated Services Networks (VISNs) in which such facilities are located under section 7311A(b) of this title. The mechanisms shall provide for the prompt and thorough review of any reports so submitted by the receiving officials.''.

(d) REVIEW OF CURRENT HEALTH CARE QUALITY SAFEGUARDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a comprehensive review of all current policies and protocols of the Department of Veterans Affairs for maintaining health care quality and patient safety at Department of Veterans Affairs medical facilities. The review shall include a review and assessment of the National Surgical Quality Improvement Program (NSQIP), including an assessment of—

(A) the efficacy of the quality indicators under the program;

(B) the efficacy of the data collection methods under the program;

(C) the efficacy of the frequency with which regular data analyses are performed under the program; and

(D) the extent to which the resources allocated to the program are adequate to fulfill the stated function of the program.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the review conducted under paragraph (1), including the findings of the Secretary as a result of the review and such recommendations as the Secretary considers appropriate in light of the review.

SEC. 4. INCENTIVES TO ENCOURAGE HIGH-QUALITY PHYSICIANS TO SERVE IN THE VETERANS HEALTH ADMINISTRATION.

(a) INCENTIVES REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 74 of title 38, United States Code, is amended by inserting after section 7431 the following new section:

''§ 7431A. Physicians: additional incentives for service in hard-to-fill positions

''(a) LOAN REPAYMENT FOR PHYSICIANS WHO SERVE IN HARD-TO-FILL POSITIONS.—(1) In

order to recruit and retain physicians in the Administration in hard-to-fill positions (as designated by the Secretary for purposes of this subsection), the Secretary shall repay, for each individual who agrees to serve as a physician for a period of not less than three years in an Administration facility in such a position, any loan of such individual as follows:

''(A) Any loan of the individual described in paragraphs (1) through (4) of section 16302(a) of title 10.

''(B) Any other loan of the individual designated by the Secretary for purposes of this subsection the proceeds of which were used by the individual to finance education leading to the medical degree of the individual.

''(2) Each individual seeking repayment of loans under paragraph (1) shall enter into an agreement with the Secretary regarding the repayment of loans. Under the agreement, the individual shall agree—

''(A) to perform satisfactory service in a physician position specified in the agreement in an Administration facility specified in the agreement for such period of years as the agreement shall specify; and

''(B) to possess and retain for the period of the agreement such professional qualifications as are necessary for the service specified under subparagraph (A).

''(3) Repayment of loans under this subsection shall be made on the basis of complete years of service under the agreement under this subsection. The amount to be repayed under an agreement under this subsection for a complete year of service specified in the agreement shall be such amount, not to exceed $30,000, for each complete year of service as the agreement shall specify.

''(b) TUITION REIMBURSEMENT FOR PHYSICIAN STUDENTS WHO AGREE TO SERVE IN HARD-TO-FILL POSITIONS.—(1) In order to recruit and retain physicians in the Administration in hard-to-fill positions (as designated by the Secretary for purposes of this subsection), the Secretary shall reimburse individuals who are enrolled in a course of education leading toward board certification as a physician for the tuition charged for pursuit of such course of education if such individuals agree to serve as a physician in an Administration facility in such a position.

''(2) Each individual seeking tuition reimbursement under paragraph (1) shall enter into an agreement with the Secretary regarding such tuition reimbursement. Under the agreement, the individuals shall agree—

''(A) to satisfactorily complete the course of education of the individual described in paragraph (1); and

''(B) upon completion of the course of education, to become board-certified as a physician; and

''(C) upon completion of the matters referred to in subparagraphs (A) and (B)—

''(i) to perform satisfactory service in a physician position specified in the agreement in an Administration facility specified in the agreement for such period of years as the agreement shall specify; and

''(ii) to possess and retain for the period of the agreement such professional qualifications as are necessary for the service specified under clause (i).

''(3) The amount of reimbursement payable to an individual under paragraph (1) for a year may not exceed $30,000.

''(4) Any individual receiving tuition reimbursement under paragraph (1) who does not satisfy the requirements of the agreement under paragraph (2) shall be subject to such repayment requirements as the Secretary shall specify in the agreement.

''(5) An individual receiving tuition reimbursement under paragraph (1) for pursuit of a course of education shall also be paid a stipend in the amount of $5,000 for each academic year of pursuit of such course of education after entry into an agreement under paragraph (2).

''(c) PARTICIPATION IN FEHBP OF PHYSICIANS WHO SERVE PART-TIME IN HARD-TO-FILL POSITIONS.—(1) In order to recruit and retain physicians in the Administration in hard-to-fill positions (as designated by the Secretary for purposes of this subsection), an individual not otherwise eligible for health insurance under chapter 89 of title 5 who agrees to serve as a physician in an Administration facility in such a position for not less than five days per month (of which two days must occur in each 14-day period) shall be eligible for enrollment in the health benefit plans under chapter 89 of title 5 on a self only or self and family basis (as applicable).

''(2) The Secretary shall administer this subsection in consultation with the Director of the Office of Personnel Management.

''(d) ADDITIONAL PROGRAMS.—It is the sense of Congress that the Secretary should undertake active and on-going efforts to establish additional incentive programs to encourage individuals to serve in the position of physician in the Administration, or otherwise practice in the Administration, in hard-to-fill positions, including, in particular, incentive programs to encourage more experienced physicians to serve or practice in such positions.

''(e) CONSTRUCTION.—The incentives required under this section are in addition to any other special pays or benefits to which the individuals covered by this section are eligible or entitled under law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by inserting after the item relating to section 731 the following new item:

''7431A. Physicians: additional incentives for service in hard-to-fill positions.''.

(b) AFFILIATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES WITH MEDICAL SCHOOLS.—The Secretary of Veterans Affairs shall, to the extent practicable, require each medical facility of the Department of Veterans Affairs to seek to establish an affiliation with a medical school within reasonable proximity of such medical facility.

SEC. 5. REPORTS TO CONGRESS.

(a) REPORT.—Not later than December 15, 2009, and each year thereafter through 2012, the Secretary of Veterans Affairs shall submit to the congressional veterans affairs committees a report on the implementation of this Act and the amendments made by this Act during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A comprehensive description of the implementation of this Act and the amendments made by this Act.

(2) Such recommendations as the Secretary considers appropriate for legislative or administrative action to improve the authorities and requirements in this Act and the amendments made by this Act or to otherwise improve the quality of health care and the quality of the physicians in the Veterans Health Administration.

(b) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this section, the term ''congressional veterans affairs committees'' means—

(1) the Committees on Veterans' Affairs and Appropriations of the Senate; and

(2) the Committees on Veterans' Affairs and Appropriations of the House of Representatives.

By Mr. ROBERTS:

S. 2378. A bill to authorize the voluntary purchase of certain properties in Treece, Kansas, endangered by the Cherokee County National Priorities List Site, and for other purposes; to the Committee on Environment and Public Works.

Mr. ROBERTS. Mr. President, I rise today to offer legislation to protect the residents of Treece, Kansas from the potential danger of remaining in an area that is undergoing a Superfund cleanup. I commend my fellow Kansas colleague, Congresswoman NANCY BOYDA, for introducing similar legislation in the House.

Treece is located in Cherokee County, Kansas. The Cherokee County site encompasses 115 square miles of former mining area. Mining in this area dates back to the early 1900s and at one time contained the richest lead and zinc ore production in the world. Although the drilling stopped in 1970, the effects of over 60 years of mining can be seen for miles around with mountains of milling left behind. Below these mountains, and surrounding areas, are enormous holes large enough to fit a football stadium, and they continually threaten the everyday safety of the residents of this community.

Cherokee County is part of a larger area known as the Tri-State Mining District that encompasses cities in southeastern Kansas, southwestern Missouri and northeastern Oklahoma. Within the Tri-State Mining District are two towns of particular importance, Treece, Kansas and Picher, Oklahoma. While these two towns are separated by a State line they are only a mere two miles away from one another. These two communities share more than a State line; they share a major highway, local stores, and most importantly the concerns of the aftermath of over 60 years of mining on their health, safety and the ultimate survival of their towns.

Currently Picher, part of the Tar Creek Superfund site, is undergoing a Federal buyout. The residents of Treece rely heavily on the services provided to them by Picher. Without that support the economic stability and ultimate survival of their town is in danger. Therefore, in order to assist the residents of Treece, I offer this legislation today to authorize the Environmental Protection Agency to make available to the state of Kansas $6,000,000, in 2009. This money will be used for the voluntary purchase of certain properties in Treece and will also allow for the relocation of community residents. This legislation will provide the residents of Treece an opportunity to relocate to another town of their choosing. An opportunity that they may not have without the Environmental Protection Agency's assistance.

By Mr. SALAZAR:

S. 2384. A bill to authorize the Chief of Engineers to conduct a feasibility study relating to the construction of a multipurpose project in the Fountain

Creek watershed located in the State of Colorado; to the Committee on Environment and Public Works.

Mr. SALAZAR. Mr. President, today I am introducing the Fountain Creek Feasibility Study Act of 2007. This bill is an important piece of a larger vision to transform and restore the Fountain Creek watershed, which lies in the Arkansas River Valley between the cities of Pueblo and Colorado Springs in my State of Colorado.

The Fountain Creek watershed is a major tributary to the Arkansas River and is home to a wide variety of plants and wildlife. Anyone who has traveled the 1–25 corridor between Colorado Springs and Pueblo can attest to the natural beauty of this region. The watershed itself comprises 927 square miles, but the impact of its waterflow extends far beyond its strict boundaries. According to the 2000 census, more than 500,000 people live in the watershed's boundaries. Water from the watershed serves municipal, industrial and agricultural uses. Creeks within the watershed contribute about 15 percent of the drinking water for Colorado Springs and are a source of irrigation for over 100 farms and ranches. The fertile farmland there produces wheat, com, hay, oats, and vegetable crops; there are also many working livestock ranches along Fountain Creek.

Today there are major problems with Fountain Creek. In recent years, instead of serving as an important link for commerce and recreation, the Fountain has divided the area. Decades of neglect, increased waterflows in the Fountain as a result of major urban development in the north half of the watershed, increased stormwater discharges, and sewage spills have all harmed the region. The watershed is subject to frequent flood damage, erosion, and sedimentation. In 1999 a major flood caused millions of dollars of damage to public and private property, and destroyed the foundations of numerous homes and roads. Indeed, just this spring there was minor flooding from the Fountain in the Pueblo area. Farmers and ranchers near the downstream end of the watershed in particular have suffered substantial losses of productive farmland. Degradation of the water quality and thus aquatic and wetland habitats is accelerating due to wastewater spills, loss of natural vegetation, and high water volume. Simply put, Fountain Creek watershed's ecological conditions are unstable and under constant threat.

This bill is a foundation stone for the idea of restoring Fountain Creek and turning the corridor between Colorado Springs and Pueblo into an environmental, agricultural, and recreational ''crown jewel'' for my State.

This bill would task the Army Corps of Engineers to conduct a study of the feasibility of constructing one or more dams and reservoirs to provide more reliable flood and sediment control, to conserve fish and wildlife and preserve their ecosystem, and to improve the water quality throughout the watershed. The Corps' expertise and experience will be critical to determining the options for restoring the health and stability of the Fountain Creek watershed.

The idea of such a multipurpose project on the Fountain is not new. It was first proposed in 1970 by the U.S. Army Corps of Engineers after the 1965 flood that inundated communities along the Fountain Creek, including particularly the city of Pueblo. The proposal was supported by the States of Colorado and Kansas and local officials, and was even the preferred option of the Army Corps for addressing flooding in the Fountain. I believe a similar proposal should be evaluated again, in light of changed conditions and increased flows in Fountain Creek resulting from urban development in the Colorado Springs metro area. Because the Fountain contributes a significant amount of water to the Arkansas River Valley below the confluence of the Fountain Creek and Arkansas River in Pueblo, this project may very well help address the various concerns of residents and communities of the Arkansas River Valley from Pueblo to the Kansas State line.

Last year I laid out a vision to revitalize Fountain Creek and connect the communities along its bank in a regional project. My plan involves the cleanup and revitalization of Fountain Creek; creating a linear state park along the river corridor with camping facilities, hundreds of miles of new trails, restored wildlife and natural habitat and new flat water recreation opportunities; protecting farms and ranches along the creek and in the lower Arkansas Valley; and ensuring a greenbelt separator between the communities of Colorado Springs and Pueblo.

My vision is to restore and transform this vital watershed. I hope that all levels of Government can work together to bring unmatched recreational opportunities, create an environment for plants and wildlife to flourish, ensure that agricultural lands remain productive, and address the flood control and water quality issues on Fountain Creek. This bill is an essential step towards achieving this goal.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2386. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize temporary mortgage and rental payments; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President. I rise today to introduce a series of bills, S. 2386, S. 2387, S. 2388, and S. 2390, designed to better prepare for catastrophic wildfires like the ones that recently devastated Southern California.

The Nation watched as these fires swept, uncontrolled, through several counties.

They caused the evacuation of an estimated 750,000 people—the largest evacuation in California history.

They burned more than 500,000 acres. Destroyed more than 2,000 homes.

Killed 10 people. Injured 130.

The financial damage is estimated in the billions.

Simply put: This was a major disaster.

It was not the first. Southern California suffered similar wildfire losses just 4 years ago.

We must face the fact that catastrophic wildfires are in California's future, and the future of other states.

California is tinder-dry. Global warming is real, leading to extended droughts and longer fire seasons.

Fires are larger, and they burn hotter and with more intensity.

More and more people are living in areas at high risk of wildfire. There are more than 5 million homes in California alone in this high-threat ''wildland-urban interface.''

Across the rest of the country, there are nearly 40 million more homes in the wildland-urban interface.

So the question comes: What can be done?

There is no doubt that we cannot fully eliminate wildfires.

But I believe we can take steps now to better protect communities, to improve firefighting capabilities, and to improve relief and recovery aid.

The four bills introduced today will get this process started. They are the Fire Safe Community Act, which would establish new incentives for communities at risk of wildfires to adopt a new model Fire Safe ordinance; the Mortgage and Rental Disaster Relief Act, to make sure that qualified individuals, displaced by major disasters, can make their mortgage and rental payments; the Disaster Rebuilding Assistance Act, to increase the amount of Federal dollars available to homeowners whose rebuilding costs outstrip their insurance coverage; and the Managing Arson Through Criminal History, MATCH, Act, requiring states to create registries of convicted arsonists.

Let me go into greater detail on each of these bills.

FIRE SAFE COMMUNITY ACT

This bill will help protect our communities from the catastrophic effects of wildfires.

Most importantly, it does three key things: it instructs the National Institute of Standards and Technology to develop a model ordinance that will serve as a baseline for communities seeking to protect their homes and property from wildfire; it encourages local participation by allowing for greater Federal reimbursement of firefighting costs in communities that adopt the model ordinance; and it creates a grant program to encourage responsible development practices that meet model guidelines in the wildland-urban interface.

In effect, the Federal Government would become the partner to local governments as they seek to make their communities fire-safe.

As I have said, we can never stop wildfires. But we can take important

steps to make these fires less destructive.

This bill starts with the first step of creating a model ''Fire Safe'' ordinance—with clear, unambiguous language that sets a national standard for how to address all aspects of fire threat.

The National Institute of Standards and Technology would provide this standard guideline for communities, in conjunction with the U.S. Forest Service, the Bureau of Land Management, and the U.S. Fire Administration.

States are also encouraged to adopt model ordinances tailored to the needs of their own communities for fire-safe development.

These guidelines will address water supply, construction materials and techniques, defensible space, vegetation management, and infrastructure standards.

The next step is to put this model ordinance to use.

The bill authorizes a $25 million per year grant program, administered by the Federal Emergency Management Agency's Office of Grants and Training.

It will help communities implement these standards, and bring the safest development practices to their neighborhoods.

This grant program will be available to local governments located in the wildlife-urban interface, and to high-threat regions that have adopted—or plan to adopt—the model ordinance.

They will have the option of adopting either the federal model ordinance, or one produced by their own state.

As further incentive, this bill would improve Fire Management Assistance Grants to communities adopting a model ordinance.

Today under the Fire Management Assistance Grant program, the Federal Government covers 75 percent of the cost of fighting wildfires.

Under this bill, communities adopting a model ordinance would be eligible for federal reimbursement of up to 90 percent of their firefighting costs.

The Fire Safe Community Act will also make grants available to States to help them compile their own fire maps.

The mapping grants will be matched 50–50 by State funds, and will encourage development of comprehensive fire hazard maps that indicate the exact locations of high-threat fire areas.

This vital information will aid firefighting efforts at all levels.

It's important to note that the model ordinances at the core of this bill are not mandatory—they would provide voluntary guidelines that communities can adopt, or not.

It does not step on the toes of local government. Rather, it would help all of us reach a common goal.

I come from local government—I'm 9 years a mayor, 9 years a county supervisor—and I recognize that zoning is the province of local government.

But we have a real problem here: We know that development in the wildland-urban interface is accelerating, making fires more costly.

So we need to take steps to improve fire safety in these areas.

This bill is an important step toward becoming better prepared.

Now I want to discuss two bills intended to improve recovery aid after disaster strikes.

MORTGAGE AND RENTAL DISASTER RELIEF ACT

This bill will provide much-needed relief to families hit hard by disaster—including people displaced by the recent fires.

It would authorize FEMA to make mortgage and rental assistance available for qualified individuals in communities designated by the President as disaster areas.

It is based on an important point: While catastrophic wildfires and other disasters can destroy homes, they don't relieve people of the financial obligations that come with home ownership or lease agreements.

In most cases, these payments must still be made, even if the residence has been wiped out.

This burden is too much for many families. They incur additional expenses—such as hotel or lodging costs—that come with being displaced following a major disaster.

FEMA used to provide mortgage and rental assistance. But it was eliminated by the Disaster Mitigation Act of 2000.

This bill would reauthorize the program, and make several changes to ensure that assistance is provided only to those most in need.

First, to qualify for assistance applicants must demonstrate that they face significant economic hardships and suffered disaster-related income loss.

The disaster-related income loss must fit into one of the following categories: Your employer, or your own business, must be located in the area declared a major disaster by the President; you lose your job because your employer or business has a significant business relationship with a company located within the Presidentially declared disaster area; or you live in a Presidentially declared disaster area, and have suffered financially due to travel restrictions and road closures post-disaster.

To qualify for this aid, applicants must also provide proof that their employment was discontinued as a result of disaster.

They must also show imminent delinquency, eviction, dispossession, or foreclosure.

Finally, this assistance is available only for up to 18 months, and is subject to income caps.

Only households with adjusted gross incomes of $100,000 or less, in high-cost States such as California, would be eligible.

Households in lower-cost States could be eligible if their annual adjusted gross incomes do not exceed $75,000.

DISASTER REBUILDING ASSISTANCE ACT

This second disaster relief bill would increase the amount of money FEMA can provide—for rebuilding and temporary housing—in high-cost States such as California.

It is designed to help disaster victims whose rebuilding costs exceed their insurance coverage.

Sadly, many Californians hit by the wildfires are now learning that their insurance coverage was insufficient.

This is a real problem in California; in fact, California Insurance Commissioner Steve Poizner estimates that as many as 25 percent of the victims of the recent fires may be underinsured.

Let me be clear: This bill will not cover the full costs of rebuilding.

But it will help close the gap, for qualified households in areas declared by the President to be disaster areas.

Today, FEMA can provide up to roughly $28,000 to individuals and households whose rebuilding costs exceed their insurance coverage.

This assistance can be used for rebuilding costs, as well as temporary housing.

This bill would increase this amount to $50,000.

The legislation also gives the President the discretion to increase this cap, if necessary, to cover rebuilding expenses in high-cost States.

I believe this bill will provide an important step toward giving Americans the chance they need to rebuild their lives after suffering through a major disaster.

The last bill in this package takes aim at criminal arsonists.

MANAGING ARSON THROUGH CRIMINAL HISTORY ACT

This bill—also known as the MATCH Act—is the Senate version of a bill introduced in the House by California Representatives MARY BONO and ADAM SCHIFF.

It would establish Federal and State arson registries; require convicted arsonists to register and update certain specified information for 5 years after a first conviction, 10 years after a second conviction, and for life after a third conviction; and authorize grants and incentives so that these registries will be operational within 3 years.

It is important that we improve our ability to keep track of arsonists, because it is clear that some of these recent wildfires were no accident.

The Santiago Fire in Orange County—which burned at least 27,000 acres—has officially been declared an arson fire.

Would-be arsonists tried to start new fires as the wildfires raged.

In San Diego County, authorities arrested an adult and a juvenile suspected of starting a blaze in Vista.

In San Bernardino, a suspect was charged with setting a brush fire near Victorville.

There were several arson-related arrests in Los Angeles County—one suspect died in a gunfight with police.

The arsonist who started the Santiago fire remains at-large.

There is a reward—it now stands at $250,000—but law-enforcement officials

say an arrest will likely depend on a tip from the public.

It does not have to be that way.

This bill would give fire investigators and law-enforcement officials up-to-date information on potential arsonists.

This is common-sense legislation. It will provide a readily accessible database, and help investigators rule out persons of interest and zero in on arson suspects.

We owe it to our brave firefighters to give fire investigators this important new tool, so they can help bring arsonists to justice.

Catastrophic wildfires are not going away. In fact, the evidence strongly suggests they will occur with greater frequency and ferocity.

But we can take important steps—now—to make our communities safer.

To strengthen our firefighting capabilities.

To ensure that more relief and recovery aid is provided to victims, so they can get back on their feet as soon as possible.

These bills are not a panacea. But they are an important first step. I urge my colleagues to vote for them.

By Mr. REED:

S. 2391. A bill to provide for affordable housing relief, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED Mr. President, today I introduce the Government Sponsored Enterprise Mission Improvement Act of 2007. This bill would amend the Housing and Community Development Act of 1992 to dramatically strengthen the affordable housing mission of Fannie Mae and Freddie Mac. I believe that deepening Fannie and Freddie's responsibilities towards affordable housing must be a part of any type of GSE reform that we undertake in the Senate.

The problems caused by the shortage in affordable housing are well publicized. But the impact of the shortage, which most commonly affects those near the bottom of the income scale, receives less attention. Worse, there is currently no Federal housing program that increases the supply of housing affordable to those with the most severe needs. The bill I am introducing today, the Government Sponsored Enterprise Mission Improvement Act, would provide $500 to $900 million per year in funding to help those with worst case housing needs.

Across the U.S., the 17 million renters and owners with lowest incomes have by far the most critical housing problems. About three-fifths of renters and owners with incomes below 30 percent of area median income pay more than half of their meager incomes for housing.

Families must pay such excessive amounts because there are too few affordable units. Nationally, according to HUD's analysis of 2005 American Housing Survey data, there were 10 million renters with incomes below 30 percent of area median income in 2005, but only 6.7 million units with rents affordable to those with such incomes.

This bill I am introducing today would require Fannie Mae and Freddie Mac to set aside 4.2 basis points on each dollar of unpaid principle balance of total new business purchases for an Affordable Housing Program.

Sixty-five percent of this set-aside would go towards an Affordable Housing Block Grant Program. This program would be managed by the Secretary of Housing and Urban Development and in the first year after enactment, would be allocated to the states by formula grant to help address the current subprime mortgage crisis. These grants could be used to facilitate loan modification and refinance options for low- and moderate-income borrowers facing foreclosure. Some of the funding could also be used to help low- and moderate-income homebuyers purchase properties that have been foreclosed upon to help stabilize neighborhoods.

After 2008, the funding would be distributed by formula grants to the states for the development, construction, and preservation of housing for very low- and extremely low-income families. This funding would complement other Federal and State programs, such as the HOME Investment Partnerships and Low-Income Housing Tax Credit programs, to bring down costs enough to primarily target the income group most needing housing that is truly affordable to them, extremely low-income renters.

The other 35 percent of this set-aside would be allocated for a Capital Magnet Fund managed by the Secretary of the Treasury. This funding would go out through competitive grants for financial activities that leverage affordable housing development, construction and preservation for low-, very low-, and extremely low-income families. It could also be used for economic development activities or community service facilities, such as day care centers and health care clinics, that in conjunction with affordable housing activities implement a concerted strategy to stabilize or revitalize a low-income community or underserved rural area.

The Government Sponsored Enterprise Mission Improvement Act also would strengthen Fannie and Freddie's Affordable Housing Goals. In particular, it would align their goals with current Community Reinvestment Act income targeting definitions, which I believe should help the lower end of the conventional market become more liquid.

Finally, this legislation would create a new statutory duty for Fannie Mae and Freddie Mac to serve ''underserved markets'' that lack adequate credit through conventional lending sources such as Manufactured Housing; Affordable Housing Preservation; Subprime Borrowers; Community Development Financial Institutions; and Rural Housing. I give teeth to this provision by making compliance with this duty subject to Section 1336 enforcement provisions.

I urge my colleagues to cosponsor this legislation and to help make it an integral part of any GSE reform that is taken up by the Senate. This bill makes it clear that with Fannie and Freddie's Government benefits come many important responsibilities.

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.

S. 2391

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 ''Government Sponsored Enterprise Mission Improvement Act'' or the ''GSE Mission Improvement Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Annual housing report regarding enterprises.
Sec. 3. Public use database.
Sec. 4. Revision of housing goals.
Sec. 5. Duty to serve underserved markets.
Sec. 6. Monitoring and enforcing compliance with housing goals.
Sec. 7. Affordable housing programs.
Sec. 8. Enforcement.

SEC. 2. ANNUAL HOUSING REPORT REGARDING ENTERPRISES.

(a) REPEAL.—Section 1324 of the Housing and Community Development Act of 1992 (12 U.S.C. 4544) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Housing and Community Development Act of 1992 is amended by inserting after section 1323 the following:

''SEC. 1324. ANNUAL HOUSING REPORT REGARDING ENTERPRISES.

''(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act and section 307(f) of the Federal Home Loan Mortgage Corporation Act, the Secretary shall submit a report, not later than October 30 of each year, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the activities of each enterprise.

''(b) CONTENTS.—The report required under subsection (a) shall—

''(1) discuss—

''(A) the extent to and manner in which—

''(i) each enterprise is achieving the annual housing goals established under subpart B;

''(ii) each enterprise is complying with its duty to serve underserved markets, as established under section 1335;

''(iii) each enterprise is complying with section 1337; and

''(iv) each enterprise is achieving the purposes of the enterprise established by law; and

''(B) the actions that each enterprise could undertake to promote and expand the purposes of the enterprise;

''(2) aggregate and analyze relevant data on income to assess the compliance of each enterprise with the housing goals established under subpart B;

''(3) aggregate and analyze data on income, race, and gender by census tract and other

relevant classifications, and compare such data with larger demographic, housing, and economic trends;

''(4) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans; and

''(5) compare the characteristics of subprime loans purchased and securitized by each enterprise to other loans purchased and securitized by each enterprise.

''(c) DATA COLLECTION AND REPORTING.—

''(1) IN GENERAL.—To assist the Secretary in analyzing the matters described in subsection (b), the Secretary shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

''(2) DATA POINTS.—Each monthly survey conducted by the Secretary under paragraph (1) shall collect data on—

''(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

''(i) the price of the house that secures the mortgage;

''(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

''(iii) the terms of the mortgage;

''(iv) the creditworthiness of the borrower or borrowers; and

''(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise;

''(B) the characteristics of individual subprime mortgages that are eligible for purchase by the enterprises and the characteristics of borrowers under such mortgages, including the credit worthiness of such borrowers and determination whether such borrowers would qualify for prime lending; and

''(C) such other matters as the Secretary determines to be appropriate.

''(3) PUBLIC AVAILABILITY.—The Secretary shall make any data collected by the Secretary in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Secretary may modify the data released to the public to ensure that the data—

''(A) is not released in an identifiable form; and

''(B) is not otherwise obtainable from other publicly available data sets.

''(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.''.

SEC. 3. PUBLIC USE DATABASE.

Section 1323 of the Housing and Community Development Act of 1992 (42 U.S.C. 4543) is amended—

(1) in subsection (a)—

(A) by striking ''(a) IN GENERAL.—The Secretary'' and inserting the following:

''(a) AVAILABILITY.—

''(1) IN GENERAL.—The Secretary''; and

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

''(2) CENSUS TRACT LEVEL REPORTING.—Such data shall include the data elements required to be reported under the Home Mortgage Disclosure Act of 1975, at the census tract level.'';

(2) in subsection (b)(2), by inserting before the period at the end the following: ''or with subsection (a)(2)''; and

(3) by adding at the end the following new subsection:

''(d) TIMING.—Data submitted under this section by an enterprise in connection with a provision referred to in subsection (a) shall be made publicly available in accordance with this section not later than September 30 of the year following the year to which the data relates.''.

SEC. 4. REVISION OF HOUSING GOALS.

(a) REPEAL.—Sections 1331 through 1334 of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 through 4564) are hereby repealed.

(b) HOUSING GOAL.—The Housing and Community Development Act of 1992 is amended by inserting before section 1335 the following:

''SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

''(a) IN GENERAL.—The Secretary shall, by regulation, establish effective for the first calendar year that begins after the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, and each year thereafter, annual housing goals, as described in sections 1332, 1333, and 1334, with respect to the mortgage purchases by the enterprises.

''(b) SPECIAL COUNTING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall determine whether an enterprise shall receive full, partial, or no credit for a transaction toward achievement of any of the housing goals established pursuant to this section or sections 1332 through 1334.

''(2) CONSIDERATIONS.—In making any determination under paragraph (1), the Secretary shall consider whether a transaction or activity of an enterprise is substantially equivalent to a mortgage purchase and either (A) creates a new market, or (B) adds liquidity to an existing market, provided however that the terms and conditions of such mortgage purchase is neither determined to be unacceptable, nor contrary to good lending practices, and otherwise promotes sustainable homeownership and further, that such mortgage purchase actually fulfills the purposes of the enterprise and is in accordance with the chartering Act of such enterprise.

''(c) ELIMINATING INTEREST RATE DISPARITIES.—

''(1) IN GENERAL.—In establishing and implementing the housing goals under this subpart, the Secretary shall require the enterprises to disclose appropriate information to allow the Secretary to assess if there are any disparities in interest rates charged on mortgages to borrowers who are minorities, as compared with borrowers of similar creditworthiness who are not minorities, as evidenced in reports pursuant to the Home Mortgage Disclosure Act of 1975.

''(2) REPORT TO CONGRESS AND REMEDY REQUIRED ON DISPARITIES.—Upon a finding by the Secretary that a pattern of disparities in interest rates exists pursuant to the information provided by an enterprise under paragraph (1), the Secretary shall—

''(A) forward to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report detailing the disparities; and

''(B) require the enterprise to take such actions as the Secretary deems appropriate pursuant to this Act, to remedy such identified interest rate disparities.

''(3) IDENTITY OF INDIVIDUALS NOT DISCLOSED.—In carrying out this subsection, the Secretary shall ensure that no personally identifiable financial information that would enable an individual borrower to be reasonably identified shall be made public.

''(d) TIMING.—The Secretary shall establish an annual deadline for the establishment of housing goals described in subsection (a), taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such goals.

''SEC. 1331A. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

''(a) AUTHORITY.—An enterprise may petition the Secretary in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

''(b) STANDARD FOR REDUCTION.—The Secretary may reduce the level for a goal pursuant to such a petition only if—

''(1) market and economic conditions or the financial condition of the enterprise require such action; or

''(2) efforts to meet the goal would result in the constraint of liquidity, over investment in certain market segments, or other consequences contrary to the intent of this subpart, section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)), or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

''(c) DETERMINATION.—

''(1) 30-DAY PERIOD.—The Secretary shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction.

''(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) for a single additional 15-day period, but only if the Secretary requests additional information from the enterprise.

''SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

''(a) ESTABLISHMENT OF GOALS.—

''(1) IN GENERAL.—The Secretary shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, owner-occupied, purchase money mortgages financing housing for each of the following:

''(A) Low-income families.

''(B) Families that reside in low-income areas.

''(C) Very low-income families.

''(2) GOALS AS PERCENTAGE OF TOTAL PURCHASE MONEY MORTGAGE PURCHASES.—The goals established under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units financed by single-family purchase money mortgages of the enterprise.

''(b) DETERMINATION OF COMPLIANCE.—

''(1) IN GENERAL.—The Secretary shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year.

''(2) COMPLIANCE REQUIREMENTS.—An enterprise shall be considered to be in compliance with a goal described under subsection (a) for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target established under subsection (c) for the year for such type of family.

''(c) ANNUAL TARGETS.—

''(1) IN GENERAL.—The Secretary shall establish annual targets for each goal described in subsection (a).

''(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Secretary shall consider—

''(A) national housing needs;

''(B) economic, housing, and demographic conditions;

''(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

''(D) the ability of the enterprise to lead the industry in making credit available;

''(E) recent information submitted in compliance with the Home Mortgage Disclosure

Act of 1975 and such other mortgage data as may be available for non metropolitan areas regarding conventional, conforming, single-family, owner-occupied, purchase money mortgages originated and purchased;

''(F) the size of the purchase money conventional mortgage market serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market; and

''(G) the need to maintain the sound financial condition of the enterprises.

''(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Secretary shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Secretary, of the performance of the enterprise for the year and the targets for the year under subsection (c).

''(2) COMMENT PERIOD.—The Secretary shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

''(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Secretary shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

''SEC. 1333. SINGLE-FAMILY HOUSING REFINANCE GOALS.

''(a) PREPAYMENT OF EXISTING LOANS.—

''(1) IN GENERAL.—The Secretary shall establish annual goals for the purchase by each enterprise of mortgages on conventional, conforming, single-family, owner-occupied housing given to pay off or prepay an existing loan served by the same property for each of the following:

''(A) Low-income families.

''(B) Families that reside in low-income areas.

''(C) Very low-income families.

''(2) GOALS AS PERCENTAGE OF TOTAL REFINANCING MORTGAGE PURCHASES.—The goals described under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units refinanced by mortgage purchases of each enterprise.

''(b) DETERMINATION OF COMPLIANCE.—

''(1) IN GENERAL.—The Secretary shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing refinance goals established under this section for such year.

''(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goals of this section for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied refinancing mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (c).

''(c) ANNUAL TARGETS.—

''(1) IN GENERAL.—The Secretary shall establish annual targets for each goal described in subsection (a).

''(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Secretary shall consider—

''(A) national housing needs;

''(B) economic, housing, and demographic conditions;

''(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

''(D) the ability of the enterprise to lead the industry in making credit available;

''(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other mortgage data as may be available for non metropolitan areas regarding mortgages on conventional, conforming, single-family, owner-occupied, refinanced mortgages originated and purchased;

''(F) the size of the refinance conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall refinance conventional mortgage market; and

''(G) the need to maintain the sound financial condition of the enterprises.

''(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Secretary shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Secretary, of the performance of the enterprise for the year and the targets for the year under subsection (c).

''(2) COMMENT PERIOD.—The Secretary shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

''(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Secretary shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

''SEC. 1334. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish, by regulation, by unit or dollar volume, as determined by the Secretary, an annual goal for the purchase by each enterprise of:

''(A) Mortgages that finance dwelling units affordable to very low-income families.

''(B) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

''(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Secretary shall establish additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of 5 to 50 units (as adjusted by the Secretary), or with mortgages of up to $5,000,000 (as adjusted by the Secretary).

''(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise, the Secretary shall consider—

''(A) national multifamily mortgage credit needs;

''(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

''(C) the size of the multifamily mortgage market;

''(D) the most recent information available for the Residential Survey published by the Census Bureau, and such other data as may be available regarding multifamily mortgages;

''(E) the ability of the enterprise to lead the industry in expanding mortgage credit availability at favorable terms, especially for underserved markets, such as for—

''(i) small multifamily projects;

''(ii) multifamily properties in need of preservation and rehabilitation; and

''(iii) multifamily properties located in rural areas; and

''(F) the need to maintain the sound financial condition of the enterprise.

''(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Secretary may give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualify under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if—

''(1) such bonds are secured by a guarantee of the enterprise; or

''(2) are not investment grade and are purchased by the enterprise.

''(c) USE OF TENANT INCOME OR RENT.—

''(1) IN GENERAL.—The Secretary shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

''(A) if such data is available, the income of the prospective or actual tenants of the property; or

''(B) if such data is not available, the rent levels affordable to low-income and very low-income families.

''(2) RENT LEVEL.—A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

''(d) DETERMINATION OF COMPLIANCE.—

''(1) IN GENERAL.—The Secretary shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

''(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goal of this section for a year only if for each of the properties described in subsection (a), the percentage of the number of multifamily mortgages purchased by each enterprise in such year, that serve such families, meets or exceeds the goals for the year for such type of properties that are established under subsection (a).

''(e) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing any goal under this section, the Secretary may take into consideration the number of housing units financed by any mortgage on single-family rental housing purchased by an enterprise.''.

(c) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking ''low- and moderate-income housing goal'' and all that follows through ''section 1334'' and inserting ''housing goals established under this subpart'';

(2) in section 1336 (12 U.S.C. 4566)—

(A) in section (a)(1), by striking ''sections 1332, 1333, and 1334,'' and inserting ''this subpart''; and

(B) in subsection (b)(1), by striking ''section 1332, 1333, or 1334,'' and inserting ''this subpart''.

(d) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (19), by striking ''60 percent'' each place such term appears and inserting ''50 percent''; and

(2) by adding at the end the following:

''(20) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in effect at the time of such origination, under—

''(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

''(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.

''(21) LOW-INCOME AREA.—The term 'low-income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.

''(22) VERY LOW-INCOME.—

''(A) IN GENERAL.—The term 'very low-income' means—

''(i) in the case of owner-occupied units, income in excess of 30 percent but not greater than 50 percent of the area median income; and

''(ii) in the case of rental units, income in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

''(B) RULE OF CONSTRUCTION FOR PURPOSES OF HOUSING GOALS.—Notwithstanding subparagraph (A), for purposes of any housing goal established under sections 1331 through 1334, the term 'very low-income' means—

''(i) in the case of owner-occupied units, families having incomes not greater than 50 percent of the area median income;

''(ii) in the case of rental units, families having incomes not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

''(23) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

''(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

''(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

''(24) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Secretary that are occupied by extremely low-income renter households or are vacant for rent; and

''(ii) the number of extremely low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

''(25) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Secretary that are occupied by either extremely low- or very low-income renter households or are vacant for rent; and

''(ii) the number of extremely low- and very low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low- and very low-income households as described in subparagraph (A)(ii), there is no shortage.''.

SEC. 5. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting ''duty to serve underserved markets and'' before ''other'';

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''and to carry out the duty under subsection (a) of this section,'' before '', each enterprise shall'';

(B) in paragraph (3), by inserting ''and'' after the semicolon at the end;

(C) in paragraph (4), by striking ''; and'' and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as redesignated by paragraph (3)(E) of this subsection) the following new subsection:

''(a) DUTY TO SERVE UNDERSERVED MARKETS.—

''(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to purchase or securitize mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

''(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

''(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

''(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to extremely low-, very low-, and low-income families, including housing projects subsidized under—

''(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

''(ii) the program under section 236 of the National Housing Act;

''(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

''(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

''(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act; and

''(vi) the rural rental housing program under section 515 of the Housing Act of 1949.

''(C) SUBPRIME BORROWERS.—The enterprises shall lead the industry in making mortgage credit available to low- and moderate-income families with credit impairment, and shall develop underwriting guidelines that preclude the purchase of loans with unacceptable terms and conditions, or which are contrary to good lending practices or to sustainable homeownership, including—

''(i) mandatory arbitration provisions;

''(ii) single premium credit insurance financed into the mortgages;

''(iii) unreasonable prepayment penalties and up front fees;

''(iv) introductory rates that expire in less than 10 years; and

''(v) any other such loans with unacceptable terms and conditions, or which are contrary to good lending practices or to sustainable homeownership.

''(D) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—The enterprises shall—

''(i) lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on unconventional affordable housing loans made or purchased by Treasury certified community development financial institutions and other nonprofit housing lenders; and

''(ii) utilize credit facilities, capital and loss reserves, credit enhancements, securitization, and other methods to facilitate a secondary market for mortgages on unconventional affordable housing loans made or purchased by community development financial institutions certified by the Secretary of the Treasury, as determined by the Secretary and consistent with the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, and the provisions of this Act.

''(E) COMMUNITY REINVESTMENT ACT CONSIDERATIONS.—The enterprise shall take affirmative steps to assist depository institutions to meet their obligations under the Community Reinvestment Act, which shall include developing appropriate underwriting standards, business practices, repurchase requirements, pricing, fees, and procedures.

''(F) RURAL AND OTHER UNDERSERVED MARKETS.—

''(i) IN GENERAL.—The enterprises shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources.

''(ii) IDENTIFICATION OF UNDERSERVED MARKETS.—Underserved markets may be identified for purposes of this paragraph by borrower type, market segment, or geographic area.

''(G) OTHER UNDERSERVED MARKETS.—The Secretary may, by rule, determine other underserved markets that the enterprises shall be required to lead the market in facilitating the availability of investment capital for mortgage financing for such markets.''; and

(5) by adding at the end the following new subsection:

''(c) EVALUATION AND REPORTING OF COMPLIANCE.—

''(1) EVALUATING COMPLIANCE.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, the Secretary shall establish

through notice and comment rulemaking, a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets, and for rating the extent of such compliance.

''(B) RATING COMPLIANCE.—Using the evaluation method established under subparagraph (A), the Secretary shall, for each year, evaluate such compliance and rate the performance of each enterprise as to the extent of compliance.

''(C) EVALUATIONS AND RATINGS INCLUDED IN ANNUAL REPORT OF THE SECRETARY.—The Secretary shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

''(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Secretary shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

''(A) the development of loan products and more flexible underwriting guidelines;

''(B) the volume of loans purchased in each of such underserved markets; and

''(C) such other factors as the Secretary may determine.''.

(b) ENFORCEMENT.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting ''and with the duty under section 1335(a) of each enterprise with respect to underserved markets'' before '', as provided in this section,''; and

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

''(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—

''(A) IN GENERAL.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under sections 1332, 1333, and 1334 are enforceable.

''(B) LIMITATION.—The duty under section 1335(a) shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.''.

SEC. 6. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''PRELIMINARY'' before ''DETERMINATION'';

(B) by striking paragraph (1) and inserting the following new paragraph:

''(1) NOTICE.—If the Secretary preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail to meet any housing goal established under this subpart, the Secretary shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Secretary based the determination.'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''finally'' before ''determining'';

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) EXTENSION OR SHORTENING OF PERIOD.—The Secretary may—

''(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

''(ii) shorten the period under subparagraph (A) for good cause.''; and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking ''determine'' and inserting ''issue a final determination of'';

(ii) in subparagraph (B), by inserting ''final'' before ''determinations''; and

(iii) in subparagraph (C)—

(I) by striking ''Committee on Banking, Finance and Urban Affairs'' and inserting ''Committee on Financial Services''; and

(II) by inserting ''final'' before ''determination'' each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

''(c) CEASE-AND-DESIST ORDERS, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

''(1) REQUIREMENT.—

''(A) HOUSING PLAN.—If the Secretary finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Secretary may require that the enterprise submit a housing plan under this subsection.

''(B) REFUSAL TO SUBMIT HOUSING PLAN.—If the Secretary makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Secretary finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Secretary may—

''(i) issue a cease-and-desist order in accordance with section 1341;

''(ii) impose civil money penalties in accordance with section 1345; or

''(iii) order other remedies as set forth in paragraph (7) of this subsection.'';

(B) in paragraph (2)—

(i) by striking ''CONTENTS.—Each housing plan'' and inserting ''HOUSING PLAN.—If the Secretary requires a housing plan under this section, such a plan''; and

(ii) in subparagraph (B), by inserting ''and changes in its operations'' after ''improvements'';

(C) in paragraph (3)—

(i) by inserting ''comply with any remedial action or'' before ''submit a housing plan''; and

(ii) by striking ''under subsection (b)(3) that a housing plan is required'';

(D) in paragraph (4), by striking the first 2 sentences and inserting the following:

''(A) REVIEW.—The Secretary shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not later than 30 days after submission, approve or disapprove the plan or other action.

''(B) EXTENSION OF TIME.—The Secretary may extend the period for approval or disapproval for a single additional 30-day period if the Secretary determines such extension necessary.

''(C) APPROVAL.—''; and

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

''(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease-and-desist orders under section 1341, and ordering civil money penalties under section 1345, the Secretary may—

''(A) seek other actions when an enterprise fails to meet a goal; and

''(B) exercise appropriate enforcement authority available to the Secretary under this Act.''.

SEC. 7. AFFORDABLE HOUSING PROGRAMS.

(a) REPEAL.—Sections 1337 of the Housing and Community Development Act of 1992 (12 U.S.C. 4562 note) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Housing and Community Development Act of 1992 is amended by inserting after section 1336 the following:

''SEC. 1337. AFFORDABLE HOUSING ALLOCATIONS.

''(a) SET ASIDE AND ALLOCATION OF AMOUNTS BY ENTERPRISES.—Subject to subsection (b), in each fiscal year—

''(1) the Federal Home Loan Mortgage Corporation shall—

''(A) set aside an amount equal to 4.2 basis points for each dollar of unpaid principal balance of its total new business purchases; and

''(B) allocate or otherwise transfer—

''(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the affordable housing block grant program established under section 1338; and

''(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339; and

''(2) the Federal National Mortgage Association shall—

''(A) set aside an amount equal to 4.2 basis points for each dollar of unpaid principal balance of its total new business purchases; and

''(B) allocate or otherwise transfer—

''(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the affordable housing block grant program established under section 1338; and

''(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339.

''(b) SUSPENSION OF CONTRIBUTIONS.—The Secretary shall temporarily suspend allocations under subsection (a) by an enterprise upon a finding by the Secretary that such allocations—

''(1) are contributing, or would contribute, to the financial instability of the enterprise;

''(2) are causing, or would cause, the enterprise to be classified as undercapitalized; or

''(3) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

''(c) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Secretary shall, by regulation, prohibit each enterprise from redirecting the costs of any allocation required under this section, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.

''(d) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

''SEC. 1338. AFFORDABLE HOUSING BLOCK GRANT PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Housing and Urban Development shall establish and manage an affordable housing block grant program, which shall be funded with amounts allocated by the enterprises under section 1337. The purpose of the block grant program under this section is to provide grants to States for use—

''(1) to increase and preserve the supply of rental housing for extremely low- and very

low-income families, including homeless families; and

''(2) to increase homeownership for extremely low- and very low-income families.

''(b) AFFORDABLE HOUSING BLOCK GRANT ALLOCATIONS FOR HOMEOWNERSHIP PRESERVATION IN FISCAL YEAR 2008.—

''(1) ASSISTANCE FOR HOMEOWNERS FACING FORECLOSURE.—

''(A) IN GENERAL.—To help address the subprime mortgage crisis, in fiscal year 2008, 100 percent of the amounts allocated for grants under this section shall be used to make grants to States to—

''(i) facilitate loan modification and refinance options for low- and moderate-income borrowers facing foreclosure; and

''(ii) expeditiously make available to low- and moderate-income homebuyers, properties that have been foreclosed upon.

''(B) DISTRIBUTION.—The amounts allocated to help address the subprime mortgage crisis under subparagraph (A) shall be distributed according to a formula established by the Secretary.

''(2) PERMISSIBLE DESIGNEES.—A State receiving grant amounts under this subsection may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)), or any other qualified instrumentality of the State to receive such grant amounts.

''(3) DEVELOPMENT OF DISTRIBUTION FORMULA.—Not later than 3 months after the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, the Secretary shall develop the distribution formula required under paragraph (1)(B). Such formula shall be based on the following factors:

''(A) The population of the State based on the most recent estimate of the resident population of such State as determined by the Bureau of the Census.

''(B) The 90-day delinquency rate of the State.

''(C) The ratio of foreclosures to owner-occupied households within the State.

''(4) ELIGIBLE LOAN USES.—

''(A) LOANS TO HOMEOWNERS TO PRESERVE HOMEOWNERSHIP.—

''(i) IN GENERAL.—A State or State designated entity shall use any grant amounts made available under this subsection to—

''(I) support the refinancing of loans of eligible homeowners, only if such loans have a loan-to-value ratio of not greater than 100 percent of current appraised value of the home on which such loan was taken;

''(II) reduce the outstanding loan balances of eligible homeowners, but only if the lender, servicer, investor, or other appropriate entity reduces such balance by the amount necessary to bring the combined loan value (including first and second mortgages) at or below 100 percent of the appraised value of the home; and

''(III) pay off any outstanding amounts owed by eligible homeowners for taxes and insurance.

''(ii) PROGRAM REQUIREMENTS FOR ELIGIBLE HOMEOWNERS.—

''(I) DEVELOPMENT BY STATES.—Each State or State designated entity that is a recipient of a grant amount under this subsection shall develop program requirements for eligible homeowners seeking a loan under this subparagraph.

''(II) REQUIRED CONTENT.—The program requirements required to be developed under this clause shall, at a minimum, include the following:

''(aa) The annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.

''(bb) That any loan under this paragraph may be provided for up to a 4-family owner-occupied residence, including 1-family units in a condominium project or a membership interest and occupancy agreement in a cooperative housing project, that is used, or is to be used, as the principal residence of the applicant seeking such grant or loan.

''(cc) The homeowner has a loan with unsustainable loan terms, as determined by a State housing finance agency or other designated State agency. For purposes of this item, the term 'unsustainable loan terms' includes such activities as the lack of escrow of taxes and insurance, the inclusion of prepayment penalties, and the lack of the ability of the homeowner to pay at the fully indexed interest rate because the debt-to-income ratio on such home loan is greater than 45 percent.

''(iii) LOAN REQUIREMENTS.—In order for a State or State designated entity to use the amounts made available under this subsection to assist eligible homeowners, a loan under this subparagraph—

''(I) shall—

''(aa) have a fixed interest rate;

''(bb) be affordable, so that the maximum debt-to-income ratio of such loan is not greater than 45 percent;

''(cc) require mandatory escrow of taxes and insurance;

''(dd) have no prepayment penalties;

''(ee) have no mandatory arbitration clauses; and

''(ff) if the loan-to-value ratio of the original mortgage loan is greater than 100 percent, require the lender to reduce such balance by the amount necessary to bring the loan value at or below 100 percent of the appraised value of the home;

''(II) shall not be due and payable unless—

''(aa) the real property securing such loan is sold, transferred, or refinanced; or

''(bb) the last surviving homeowner of such real property dies;

''(III) shall not exceed 10 percent of the principal balance; and

''(IV) may be subordinated.

''(iv) EXISTING LOAN FUNDS.—Any State or State designated entity with a previously existing fund established to make loans to assist homeowners in satisfying any amounts past due on their home loan may use funds appropriated for purposes of this subparagraph for that existing loan fund, even if the eligibility, application, program, or use requirements for that loan program differ from the eligibility, application, program, and use requirements of this subparagraph, unless such use is expressly determined by the Secretary to be inappropriate.

''(v) NO FORECLOSURE IF NOTICE OF APPLICATION FOR HOME PRESERVATION LOAN.—A mortgagee shall not initiate a foreclosure—

''(I) upon receipt of a written confirmation from the State or other State designated entity that the homeowner has applied for a home preservation loan under this subparagraph; and

''(II) for the 2-month period after receipt of such written confirmation or until the mortgagee is informed, in writing, that the homeowner is not eligible for a home preservation loan, whichever occurs first.

''(B) LOANS TO NONPROFIT DEVELOPERS FOR THE REHABILITATION AND SALE OF FORECLOSED PROPERTIES TO LOW- AND MODERATE-INCOME HOMEBUYERS.—

''(i) IN GENERAL.—A State or State designated entity may use up to 20 percent of the grant amounts made available under this subsection for homeownership preservation to provide loans to nonprofit affordable housing developers for the purposes of assisting low- and moderate-income homebuyers to purchase properties that are in the process of being foreclosed upon or have been acquired by the mortgage holder through the foreclosure process.

''(ii) PROGRAM REQUIREMENTS FOR NONPROFIT AFFORDABLE HOUSING DEVELOPERS.—

''(I) IN GENERAL.—Each State or State designated entity that is a recipient of a grant under this subsection shall, if they choose to use part of their grant award to make loans under this subparagraph, develop program requirements for nonprofit affordable housing developers for the purposes of assisting low- and moderate-income homebuyers to purchase properties that are in the process of being foreclosed upon or have been acquired by the mortgage holder through the foreclosure process.

''(II) REQUIRED CONTENT.—The program requirements developed under subclause (I) shall, at a minimum, include the following:

''(aa) That any loan under this clause may be provided for up to a 4-family owner-occupied residence, including 1-family units in a condominium project or a membership interest and occupancy agreement in a cooperative housing project, that is used, or is to be used, as the principal residence of a low- or moderate-income homebuyer.

''(bb) The annual income of the low- or moderate-income homebuyer is not greater than the annual income established by the Secretary as being of low- or moderate-income.

''(cc) The property is in foreclosure or has been acquired by the mortgage holder through the foreclosure process, the property has been appraised, and the sales price of the property does not exceed 100 percent of the appraised value of the property.

''(iii) LOAN REQUIREMENTS.—In order for a State or State designated entity to use the amounts made available under this subsection, a loan under this subparagraph—

''(I) may be used for—

''(aa) downpayment and closing costs;

''(bb) financing the difference between the sales price of a home and the mortgage for which the low- or moderate-income homebuyer qualifies; and

''(cc) repairs of a home not to exceed 10 percent of the appraised value of the home;

''(II) shall carry a zero percent interest rate;

''(III) shall not be due and payable by the low- or moderate-income homebuyer unless—

''(aa) the real property securing such loan is sold, transferred, or refinanced; or

''(bb) the last surviving homeowner of such real property dies; and

''(IV) may be subordinated.

''(iv) EXISTING LOAN FUNDS.—Any State or State designated entity with a previously existing fund established to make loans for the purposes of this subparagraph may use funds appropriated for purposes of this subparagraph for that existing loan fund, even if the eligibility, application, program, or use requirements for that loan program differ from the eligibility, application, program, and use requirements of this subparagraph, unless such use is expressly determined by the Secretary to be inappropriate.

''(c) ALLOCATION FOR AFFORDABLE HOUSING BLOCK GRANTS IN 2009 AND SUBSEQUENT YEARS.—

''(1) IN GENERAL.—Except as provided in subsection (b), during each fiscal year the Secretary of Housing and Urban Development shall distribute the amounts allocated for the affordable housing block grant program under this section to provide affordable housing as described in this subsection.

''(2) PERMISSIBLE DESIGNEES.—A State receiving grant amounts under this subsection

may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)), or any other qualified instrumentality of the State to receive such grant amounts.

''(3) DISTRIBUTION TO STATES BY NEEDS-BASED FORMULA.—

''(A) IN GENERAL.—The Secretary of Housing and Urban Development shall, by regulation, establish a formula within 12 months of the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, to distribute amounts made available under this subsection to each State to provide affordable housing to extremely low- and very low-income households.

''(B) BASIS FOR FORMULA.—The formula required under subparagraph (A) shall include the following:

''(i) The ratio of the shortage of standard rental units both affordable and available to extremely low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to extremely low-income renter households in all the States.

''(ii) The ratio of the shortage of standard rental units both affordable and available to very low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to very low-income renter households in all the States.

''(iii) The ratio of extremely-low income renter households in the State living with either (I) incomplete kitchen or plumbing facilities, (II) more than 1 person per room, or (III) paying more than 50 percent of income for housing costs, to the aggregate number of extremely low-income renter households living with either (IV) incomplete kitchen or plumbing facilities, (V) more than 1 person per room, or (VI) paying more than 50 percent of income for housing costs in all the States.

''(iv) The ratio of very low-income renter households in the State paying more than 50 percent of income on rent relative to the aggregate number of very low-income renter households paying more than 50 percent of income on rent in all the States.

''(v) The resulting sum calculated from the factors described in clauses (i) through (iv) shall be multiplied by the relative cost of construction in the State. For purposes of this subclause, the term 'cost of construction'—

''(I) means the cost of construction or building rehabilitation in the State relative to the national cost of construction or building rehabilitation; and

''(II) shall be calculated such that values higher than 1.0 indicate that the State's construction costs are higher than the national average, a value of 1.0 indicates that the State's construction costs are exactly the same as the national average, and values lower than 1.0 indicate that the State's cost of construction are lower than the national average.

''(C) PRIORITY.—The formula required under subparagraph (A) shall give priority emphasis and consideration to the factor described in subparagraph (B)(i).

''(4) ALLOCATION OF GRANT AMOUNTS.—

''(A) NOTICE.—Not later than 60 days after the date that the Secretary of Housing and Urban Development determines the formula amounts described in paragraph (3), the Secretary shall caused to be published in the Federal Register a notice that such amounts shall be so available.

''(B) GRANT AMOUNT.—In each fiscal year other than fiscal year 2008, the Secretary of Housing and Urban Development shall make a block grant to each State in an amount that is equal to the formula amount determined under paragraph (3) for that State.

''(C) MINIMUM STATE ALLOCATIONS.—If the formula amount determined under paragraph (3) for a fiscal year would allocate less than $3,000,000 to any State, the allocation for such State shall be $3,000,000, and the increase shall be deducted pro rata from the allocations made to all other States.

''(5) ALLOCATION PLANS REQUIRED.—

''(A) IN GENERAL.—For each year that a State or State designated entity receives an affordable housing block grant under this subsection, the State or State designated entity shall establish an allocation plan. Such plan shall—

''(i) set forth a plan for the distribution of grant amounts received by the State or State designated entity for such year;

''(ii) be based on priority housing needs, as determined by the State or State designated entity in accordance with the regulations established under subsection (g)(2)(C);

''(iii) comply with paragraph (6); and

''(iv) include performance goals that comply with the requirements established by the Secretary pursuant to subsection (g)(2).

''(B) ESTABLISHMENT.—In establishing an allocation plan under this paragraph, a State or State designated entity shall—

''(i) notify the public of the establishment of the plan;

''(ii) provide an opportunity for public comments regarding the plan;

''(iii) consider any public comments received regarding the plan; and

''(iv) make the completed plan available to the public.

''(C) CONTENTS.—An allocation plan of a State or State designated entity under this paragraph shall set forth the requirements for eligible recipients under paragraph (8) to apply for such grant amounts, including a requirement that each such application include—

''(i) a description of the eligible activities to be conducted using such assistance; and

''(ii) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

''(6) SELECTION OF ACTIVITIES FUNDED USING AFFORDABLE HOUSING FUND GRANT AMOUNTS.—Grant amounts received by a State or State designated entity under this subsection may be used, or committed for use, only for activities that—

''(A) are eligible under paragraph (7) for such use;

''(B) comply with the applicable allocation plan of the State or State designated entity under paragraph (5); and

''(C) are selected for funding by the State or State designated entity in accordance with the process and criteria for such selection established pursuant to subsection (g)(2)(C).

''(7) ELIGIBLE ACTIVITIES.—Grant amounts allocated to a State or State designated entity under this subsection shall be eligible for use, or for commitment for use, only for assistance for—

''(A) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B) and for operating costs, except that such grant amounts may be used for the benefit only of extremely low- and very low-income families; and

''(B) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest rate buy-downs, that—

''(i) is available for purchase only for use as a principal residence by families that qualify both as—

''(I) extremely low- and very low-income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

''(II) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this subsection be considered to refer to assistance from affordable housing fund grant amounts;

''(ii) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

''(iii) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

''(iv) is made available for purchase only by, or in the case of assistance under this subsection, is made available only to homebuyers who have, before purchase completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Secretary;

''(8) ELIGIBLE RECIPIENTS.—Grant amounts allocated to a State or State designated entity under this subsection may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity or a nonprofit entity) that—

''(A) has demonstrated experience and capacity to conduct an eligible activity under paragraph (7), as evidenced by its ability to—

''(i) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

''(ii) design, construct or rehabilitate, and market affordable housing for homeownership; or

''(iii) provide forms of assistance, such as downpayments, closing costs, or interest rate buy-downs for purchasers;

''(B) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

''(C) demonstrates its familiarity with the requirements of any other Federal, State, or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

''(D) makes such assurances to the State or State designated entity as the Secretary shall, by regulation, require to ensure that the recipient will comply with the requirements of this subsection during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under paragraph (8) that are engaged in by the recipient and funded with such grant amounts.

''(9) LIMITATIONS ON USE.—

''(A) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount allocated to a State or State designated entity under this subsection not more than 10 percent shall be used for activities under subparagraph (B) of paragraph (7).

''(B) DEADLINE FOR COMMITMENT OR USE.—Grant amounts allocated to a State or State designated entity under this subsection shall be used or committed for use within 2 years of the date that such grant amounts are made available to the State or State designated entity. The Secretary shall recapture any such amounts not so used or committed for use and reallocate such amounts

under this subsection in the first year after such recapture.

''(C) USE OF RETURNS.—The Secretary shall, by regulation, provide that any return on a loan or other investment of any grant amount used by a State or State designated entity to provide a loan under this subsection shall be treated, for purposes of availability to and use by the State or State designated entity, as a block grant amount authorized under this subsection.

''(D) PROHIBITED USES.—The Secretary shall, by regulation—

''(i) set forth prohibited uses of grant amounts allocated under this subsection, which shall include use for—

''(I) political activities;

''(II) advocacy;

''(III) lobbying, whether directly or through other parties;

''(IV) counseling services;

''(V) travel expenses; and

''(VI) preparing or providing advice on tax returns;

''(ii) provide that, except as provided in clause (iii), affordable housing block grant amounts of a State or State designated entity may not be used for administrative, outreach, or other costs of—

''(I) the State or State designated entity; or

''(II) any other recipient of such grant amounts; and

''(iii) limit the amount of any affordable housing block grant amounts for a year that may be used by the State or State designated entity for administrative costs of carrying out the program required under this subsection to a percentage of such grant amounts of the State or State designated entity for such year, which may not exceed 10 percent.

''(E) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Secretary may not consider any affordable housing block grant amounts used under this section for eligible activities under paragraph (7). The Secretary shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from such block grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

''(d) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a State or State designated entity fails to obtain reimbursement or return of the full amount required under subsection (e)(1)(B) to be reimbursed or returned to the State or State designated entity during such year—

''(1) except as provided in paragraph (2)—

''(A) the amount of the grant for the State or State designated entity for the succeeding year, as determined pursuant to this section, shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

''(B) the amount of the grant for the succeeding year for each other State or State designated entity whose grant is not reduced pursuant to subparagraph (A) shall be increased by the amount determined by applying the formula established pursuant to this section to the total amount of all reductions for all State or State designated entities for such year pursuant to subparagraph (A); or

''(2) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this section will not be made, the State or State designated entity shall pay to the Secretary for reallocation among the other grantees an amount equal to the amount of the reduction for the entity that would otherwise apply under paragraph (1)(A).

''(e) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

''(1) RECIPIENTS.—

''(A) TRACKING OF FUNDS.—The Secretary shall—

''(i) require each State or State designated entity to develop and maintain a system to ensure that each recipient of assistance under this section uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(ii) establish minimum requirements for agreements, between the State or State designated entity and recipients, regarding assistance under this section, which shall include—

''(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the assistance to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(II) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

''(B) MISUSE OF FUNDS.—

''(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance under this section is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the State or State designated entity shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the State or State designated entity for such misused amounts and return to the State or State designated entity any such amounts that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

''(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is made by the Secretary or made by the State or State designated entity, provided that—

''(I) the State or State designated entity provides notification of the determination to the Secretary for review, in the discretion of the Secretary, of the determination; and

''(II) the Secretary does not subsequently reverse the determination.

''(2) GRANTEES.—

''(A) REPORT.—

''(i) IN GENERAL.—The Secretary shall require each State or State designated entity receiving grant amounts in any given year under this section to submit a report, for such year, to the Secretary that—

''(I) describes the activities funded under this section during such year with such grant amounts; and

''(II) the manner in which the State or State designated entity complied during such year with any allocation plan established pursuant to subsection (c).

''(ii) PUBLIC AVAILABILITY.—The Secretary shall make such reports pursuant to this subparagraph publicly available.

''(B) MISUSE OF FUNDS.—If the Secretary determines, after reasonable notice and opportunity for hearing, that a State or State designated entity has failed to comply substantially with any provision of this section, and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

''(i) reduce the amount of assistance under this section to the State or State designated entity by an amount equal to the amount of block grant amounts which were not used in accordance with this section;

''(ii) require the State or State designated entity to repay the Secretary an amount equal to the amount of the amount block grant amounts which were not used in accordance with this section;

''(iii) limit the availability of assistance under this section to the State or State designated entity to activities or recipients not affected by such failure to comply; or

''(iv) terminate any assistance under this section to the State or State designated entity.

''(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) EXTREMELY LOW-INCOME RENTER HOUSEHOLD.—The term 'extremely low-income renter household' means a household whose income is not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

''(2) RECIPIENT.—The term 'recipient' means an individual or entity that receives assistance from a State or State designated entity from amounts made available to the State or State designated entity under this section.

''(3) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means for any State or other geographical area the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Secretary that are occupied by extremely low-income renter households or are vacant for rent; and

''(ii) the number of extremely low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

''(4) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means for any State or other geographical area the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Secretary that are occupied by very low-income renter households or are vacant for rent; and

''(ii) the number of very low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of very low-income households as described in subparagraph (A)(ii), there is no shortage.

''(5) VERY LOW-INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

''(6) VERY LOW-INCOME RENTER HOUSEHOLDS.—The term 'very low-income renter households' means a household whose income is in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

''(g) REGULATIONS.—

''(1) IN GENERAL.—The Secretary of Housing and Urban Development, shall issue regulations to carry out this section.

''(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

''(A) a requirement that the Secretary ensure that the use of block grant amounts under this section by States or State designated entities is audited not less than annually to ensure compliance with this section;

''(B) authority for the Secretary to audit, provide for an audit, or otherwise verify a State or State designated entity's activities to ensure compliance with this section;

''(C) requirements for a process for application to, and selection by, each State or State designated entity for activities meeting the State or State designated entity's priority housing needs to be funded with block grant amounts under this section, which shall provide for priority in funding to be based upon—

''(i) geographic diversity;

''(ii) ability to obligate amounts and undertake activities so funded in a timely manner;

''(iii) in the case of rental housing projects under subsection (c)(7)(A), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

''(iv) in the case of rental housing projects under subsection (c)(7)(A), the extent of the duration for which such rents will remain affordable;

''(v) the extent to which the application makes use of other funding sources; and

''(vi) the merits of an applicant's proposed eligible activity;

''(D) requirements to ensure that block grant amounts provided to a State or State designated entity under this section that are used for rental housing under subsection (c)(7)(A) are used only for the benefit of extremely low- and very low-income families; and

''(E) requirements and standards for establishment, by a State or State designated entity, for use of block grant amounts in 2009 and subsequent years of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts.

''(h) AFFORDABLE HOUSING TRUST FUND.—If, after the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (c), the Secretary shall in such subsequent year and any remaining years referred to in subsection (c) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (c) in such year. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (c)(9)(D).

''(i) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee by a State or State designated entity, any assistance provided to a recipient by a State or State designated entity, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (h) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Secretary of the Office of Management and Budget, the Secretary shall obtain and provide such information regarding any such grants, assistance, and awards as the Secretary of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable, pursuant to the preceding sentence.

"SEC. 1339. CAPITAL MAGNET FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Capital Magnet Fund, which shall be a special account within the Community Development Financial Institutions Fund.

''(b) DEPOSITS TO TRUST FUND.—The Capital Magnet Fund shall consist of—

''(1) any amounts transferred to the Fund pursuant to section 1337; and

''(2) any amounts as are or may be appropriated, transferred, or credited to such Fund under any other provisions of law.

''(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Capital Magnet Fund shall be available to the Secretary of the Treasury to carry out a competitive grant program to attract private capital for and increase investment in—

''(1) the development, preservation, rehabilitation, and purchase of affordable housing for primarily extremely low-, very low-, and low-income families; and

''(2) economic development activities or community service facilities, such as day care centers, workforce development centers, and health care clinics, which in conjunction with affordable housing activities implement a concerted strategy to stabilize or revitalize a low-income area or underserved rural area.

''(d) FEDERAL ASSISTANCE.—All assistance provided using amounts in the Capital Magnet Fund shall be considered to be Federal financial assistance.

''(e) ELIGIBLE GRANTEES.—A grant under this section may be made, pursuant to such requirements as the Secretary of the Treasury shall establish for experience and success in attracting private financing and carrying out the types of activities proposed under the application of the grantee, only to—

''(1) a community development financial institution; or

''(2) a nonprofit organization having as 1 of its principal purposes the development or management of affordable housing.

''(f) ELIGIBLE USES.—Grant amounts awarded from the Capital Magnet Fund pursuant to this section may be used for the purposes described in paragraphs (1) and (2) of subsection (c), including for the following uses:

''(1) To provide loan loss reserves.

''(2) To capitalize a revolving loan fund.

''(3) To capitalize an affordable housing fund.

''(4) To capitalize a fund to support activities described in subsection (c)(2).

''(5) For risk-sharing loans.

''(g) APPLICATIONS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall provide, in a competitive application process established by regulation, for eligible grantees under subsection (e) to submit applications for Capital Magnet Fund grants to the Secretary at such time and in such manner as the Secretary shall determine.

''(2) CONTENT OF APPLICATION.—The application required under paragraph (1) shall include a detailed description of—

''(A) the types of affordable housing, economic, and community revitalization projects that support or sustain residents of an affordable housing project funded by a grant under this section for which such grant amounts would be used, including the proposed use of eligible grants as authorized under this section;

''(B) the types, sources, and amounts of other funding for such projects; and

''(C) the expected timeframe of any grant used for such project.

''(h) GRANT LIMITATION.—

''(1) IN GENERAL.—Any 1 eligible grantee and its subsidiaries and affiliates may not be awarded more than 15 percent of the aggregate funds available for grants during any year from the Capital Magnet Fund.

''(2) GEOGRAPHIC DIVERSITY.—

''(A) GOAL.—The Secretary of the Treasury shall seek to fund activities in geographically diverse areas of economic distress, including metropolitan and underserved rural areas in every State.

''(B) DIVERSITY DEFINED.—For purposes of this paragraph, geographic diversity includes those areas that meet objective criteria of economic distress developed by the Secretary of the Treasury, which may include—

''(i) the percentage of low-income families or the extent of poverty;

''(ii) the rate of unemployment or underemployment;

''(iii) extent of blight and disinvestment;

''(iv) projects that target extremely low-, very low-, and low-income families in or outside a designated economic distress area; or

''(v) any other criteria designated by the Secretary of the Treasury.

''(3) LEVERAGE OF FUNDS.—Each grant from the Capital Magnet Fund awarded under this section shall be reasonably expected to result in eligible housing, or economic and community development projects that support or sustain an affordable housing project funded by a grant under this section whose aggregate costs total at least 10 times the grant amount.

''(4) COMMITMENT FOR USE DEADLINE.—Amounts made available for grants under this section shall be committed for use within 2 years of the date of such allocation. The Secretary of the Treasury shall recapture into the Capital Magnet Fund any amounts not so used or committed for use and allocate such amounts in the first year after such recapture.

''(5) LOBBYING RESTRICTIONS.—No assistance or amounts made available under this section may be expended by an eligible grantee to pay any person to influence or attempt to influence any agency, elected official, officer or employee of a State or local government in connection with the making, award, extension, continuation, renewal, amendment, or modification of any State or local government contract, grant, loan, or cooperative agreement as such terms are defined in section 1352 of title 31, United States Code.

''(6) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining the compliance of enterprises with the housing goals under this section and the duty to serve underserved markets under section 1335, the Secretary of Housing and Urban Development may not consider any Capital Magnet Fund amounts used under this section for eligible activities under subsection (f). The Secretary of Housing and Urban Development shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from Capital Magnet Fund grant amounts, but only to the extent that such purchases

by the enterprises are funded other than with such grant amounts.

''(7) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

''(A) TRACKING OF FUNDS.—The Secretary of the Treasury shall—

''(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from the Capital Magnet Fund uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(ii) establish minimum requirements for agreements, between the grantee and the Capital Magnet Fund, regarding assistance from the Capital Magnet Fund, which shall include—

''(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(II) any other requirements that the Secretary determines are necessary to ensure appropriate grant administration and compliance.

''(B) MISUSE OF FUNDS.—If the Secretary of the Treasury determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

''(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount of Capital Magnet Fund grant amounts which were not used in accordance with this section;

''(ii) require the grantee to repay the Secretary an amount equal to the amount of the amount of Capital Magnet Fund grant amounts which were not used in accordance with this section;

''(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

''(iv) terminate any assistance under this section to the grantee.

''(i) PERIODIC REPORTS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall submit a report, on a periodic basis, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the activities to be funded under this section.

''(2) REPORTS AVAILABLE TO PUBLIC.—The Secretary of the Treasury shall make the reports required under paragraph (1) publicly available.

''(j) AFFORDABLE HOUSING TRUST FUND.—If, after the date of enactment of the Government Sponsored Enterprise Mission Improvement Act, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, the Secretary of the Treasury shall in such year and any subsequent years transfer to that affordable housing trust fund the aggregate amount allocated pursuant to this section in such year or years. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in subsection (h)(5).

''(k) REGULATIONS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations to carry out this section.

''(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

''(A) authority for the Secretary to audit, provide for an audit, or otherwise verify an enterprise's activities, to ensure compliance with this section;

''(B) a requirement that the Secretary ensure that the allocation of each enterprise is audited not less than annually to ensure compliance with this section; and

''(C) requirements for a process for application to, and selection by, the Secretary for activities to be funded with amounts from the Capital Magnet Fund, which shall provide that—

''(i) funds be fairly distributed to urban, suburban, and rural areas;

''(ii) selection shall be based upon specific criteria, including a prioritization of funding based upon—

''(I) the ability to use such funds to generate additional investments;

''(II) affordable housing need (taking into account the distinct needs of different regions of the country); and

''(III) ability to obligate amounts and undertake activities so funded in a timely manner.''.

SEC. 8. ENFORCEMENT.

(a) CEASE-AND-DESIST PROCEEDINGS.—Section 1341 of the Housing and Community Development Act of 1992 (12 U.S.C. 4581) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) GROUNDS FOR ISSUANCE.—The Secretary may issue and serve a notice of charges under this section upon an enterprise if the Secretary determines—

''(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

''(2) the enterprise has failed to submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Secretary;

''(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(4) the enterprise has violated any provision of this part or any order, rule, or regulation under this part;

''(5) the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

''(6) the enterprise has failed to comply with a housing plan under section 1336(c).'';

(2) in subsection (b)(2), by striking ''requiring the enterprise to'' and all that follows through the end of the paragraph and inserting the following: ''requiring the enterprise to—

''(A) comply with the goal or goals of this subpart;

''(B) submit a report under section 1314;

''(C) comply with any provision of this part or any order, rule, or regulation under such part;

''(D) submit a housing plan in compliance with section 1336(c);

''(E) comply with a housing plan submitted under section 1336(c); or

''(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, as applicable.'';

(3) in subsection (c), by inserting ''date of the'' before ''service of the order''; and

(4) by striking subsection (d).

(b) AUTHORITY OF SECRETARY TO ENFORCE NOTICES AND ORDERS.—Section 1344 of the Housing and Community Development Act of 1992 (12 U.S.C. 4584) is amended by striking subsection (a) and inserting the following new subsection:

''(a) ENFORCEMENT.—

''(1) IN COURT.—The Secretary may, in the discretion of the Secretary, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under section 1341 or 1345, or request that the Attorney General of the United States bring such an action.

''(2) COURT AUTHORITY.—A court described under paragraph (1) shall have jurisdiction and power to order and require compliance with any notice or order issued pursuant to paragraph (1).''.

(c) CIVIL MONEY PENALTIES.—Section 1345 of the Housing and Community Development Act of 1992 (12 U.S.C. 4585) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY.—The Secretary may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

''(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

''(2) submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Secretary;

''(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(4) comply with any provision of this part or any order, rule, or regulation under this part;

''(5) submit a housing plan pursuant to section 1336(c) within the required period; or

''(6) comply with a housing plan for the enterprise under section 1336(c).

''(b) AMOUNT OF PENALTY.—The amount of a civil money penalty under subsection (a), as determined by the Secretary, may not exceed—

''(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $50,000 for each day that the failure occurs; and

''(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $20,000 for each day that the failure occurs.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''and'' after the semicolon at the end;

(ii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by inserting after the period at the end the following: ''In determining the penalty under subsection (a)(1), the Secretary shall give consideration to the length of time the enterprise should reasonably take to achieve the goal.'';

(3) in the first sentence of subsection (d)—

(A) by striking ''request the Attorney General of the United States to'' and inserting '', in the discretion of the Secretary,''; and

(B) by inserting '', or request that the Attorney General of the United States bring such an action'' before the period at the end;

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(d) ENFORCEMENT OF SUBPOENAS.—Section 1348(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4588(c)) is amended—

(1) by striking ''request the Attorney General of the United States to'' and inserting '', in the discretion of the Secretary,''; and

(2) by inserting ''or request that the Attorney General of the United States bring such an action,'' after ''District of Columbia,''.

(e) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended to read as follows:

''Subpart C—Enforcement''.

By Mr. COLEMAN (for himself and Ms. COLLINS):

S. 2394. A bill to amend the Internal Revenue Code of 1986 to simplify, modernize, and improve public notice of and access to tax lien information by providing for a national, Internet accessible, filing system for Federal tax liens, and for other purposes; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I rise today to introduce the Good Government Contractor Act of 2007.

This legislation represents my continuing efforts targeting federal contractors with tax debt. For several years, as Chair and now as Ranking Member of the Permanent Subcommittee on Investigations, I have led a bipartisan Subcommittee effort, with the assistance of the Government Accountability Office, that has uncovered tens of thousands of deadbeat civilian and defense contractors.

What we are dealing with here are not everyday tax delinquents, but rather federal contractors who do not pay their fair share of taxes—despite receiving billions of dollars from American taxpayers each year. So far, since PSI began this effort, we have learned that 27,000 Federal contractors at the Department of Defense owed about $3 billion in unpaid taxes; 33,000 Federal contractors at civilian agencies owed back taxes amounting to $3.3 billion; 3,800 Federal contractors who contract with the General Services Administration owe back taxes amount to $1.4 billion.

These contractors are not just cheating the American taxpayer but in many cases cheating their own employees by using payroll taxes for their business or personal use. The Subcommittee has learned of contractors who have bought luxury cars, boats, and multi-million dollar properties, even though they owed hundreds of thousands of dollars in unpaid taxes.

At the end of the day, these contractors are not only shifting the burden to honest taxpayers but also depriving the Treasury of funds that could be used to address critical priorities from education to health care to the fight against terrorism. Accordingly, as part of my on-going effort to safeguard the interest of the American taxpayer and honest federal contractors, I am introducing legislation to better target tax cheating contractors.

More specifically, my legislation will amend the Federal Acquisition Regulations to consider a responsible contractor as one without any tax debt; require the Department of Defense, GSA and NASA to issue a final rule relating to tax delinquency; establish a national electronic tax lien filing system; create a Federal tax conviction database for the purposes of verifying contractor tax information; and establish as cause for debarment or suspension for knowingly making false statements regarding Federal tax information or prior convictions or civil judgments for Federal tax evasion or other Federal Tax offenses.

My bill will also repeal the indiscriminant three percent tax withholding requirement on all contractors, something which the vast majority of responsible, tax-paying government contractors, as well as State and local units of government, will appreciate. Last year, Congress passed into law a well-intentioned but highly problematic measure establishing a three percent withholding tax on all government contractors. Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 will impose a 3 percent withholding tax on Federal, State and local payments for goods and services beginning in 2011, except for local governments with annual spending of less than $100 million for goods and services. While this measure will obviously capture the bad apples, it unfortunately will also hit honest contractors—some of whose business livelihoods could well be jeopardized as a result. Another serious side effect will be the administrative burden on State and local governments, which could ultimately heighten the cost of doing business in a much larger sense.

Rather than this broad and cumbersome approach, my Good Government Contractor Act of 2007 will replace the blanket three percent withholding requirement with measures focused on just the bad actors. In closing, my bill will protect taxpayers, State and local governments, and law-abiding government contractors by holding deadbeat contractors accountable in a strict but fair way.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2394

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Good Government Contractor Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

SEC. 3. FAR CONTRACTOR QUALIFICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council shall amend the Federal Acquisition Regulation issued under sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) to provide that for a prospective contractor to be determined responsible, such contractor must not have any tax debt.

(b) TAX DEBT.—For purposes of this section, the term ''tax debt'' means an outstanding debt under the Internal Revenue Code of 1986 which has not been paid within 180 days after an assessment of a tax, penalty, or interest and which is not subject to further appeal or a petition for redetermination under such Code. Such term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code.

SEC. 4. FINAL RULE PROMULGATION.

Not later than 180 days after the date of the enactment of this Act, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council shall make final the proposed rule FAR Case 2006–011 (Representations and Certifications—Tax Delinquency).

SEC. 5. NATIONAL TAX LIEN FILING SYSTEM.

(a) FILING OF NOTICE OF LIEN.—Subsection (f) of section 6323 (relating to validity and priority against certain persons) is amended to read as follows:

''(f) FILING OF NOTICE; FORM.—

''(1) FILING OF NOTICE.—The notice referred to in subsection (a) shall be filed in the national Federal tax lien registry established under subsection (k). The filing of a notice of lien, or a certificate of release, discharge, subordination, or nonattachment of lien, in the national Federal tax lien registry shall be effective for purposes of determining lien priority regardless of the nature or location of the property interest to which the lien attaches.

''(2) FORM.—The form and content of the notice referred to in subsection (a) shall be prescribed by the Secretary. Such notice shall be valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

''(3) OTHER NATIONAL FILING SYSTEMS.—The filing of a notice of lien shall be governed by this title and shall not be subject to any other Federal law establishing a place or places for the filing of liens or encumbrances under a national filing system.''.

(b) REFILING OF NOTICE.—Paragraph (2) of section 6323(g) (relating to refiling of notice) is amended to read as follows:

''(2) REFILING.—A notice of lien may be refiled in the national Federal tax lien registry established under subsection (k).''.

(c) RELEASE OF TAX LIENS OR DISCHARGE OF PROPERTY.—

(1) IN GENERAL.—Section 6325(a) (relating to release of lien) is amended by inserting '', and shall cause the certificate of release to be filed in the national Federal tax lien registry established under section 6323(k),'' after ''internal revenue tax''.

(2) RELEASE OF TAX LIENS EXPEDITED FROM 30 TO 10 DAYS.—Section 6325(a) (relating to release of lien) is amended by striking ''not later than 30 days'' and inserting ''not later than 10 days''.

(3) DISCHARGE OF PROPERTY FROM LIEN.—Section 6325(b) (relating to discharge of property) is amended—

(A) by inserting ''and shall cause the certificate of discharge to be filed in the national Federal tax lien registry established under section 6323(k),'' after ''under this chapter'' in paragraph (1),

(B) by inserting ''and shall cause the certificate of discharge to be filed in such national Federal tax lien registry,'' after ''property subject to the lien'' in paragraph (2),

(C) by inserting ''and shall cause the certificate of discharge to be filed in such national Federal tax lien registry,'' after ''property subject to the lien'' in paragraph (3), and

(D) by inserting ''and shall cause the certificate of discharge of property to be filed in such national Federal tax lien registry,'' after ''certificate of discharge of such property'' in paragraph (4).

(4) DISCHARGE OF PROPERTY FROM ESTATE OR GIFT TAX LIEN.—Section 6325(c) (relating to estate or gift tax) is amended by inserting ''and shall cause the certificate of discharge to be filed in the national Federal tax lien registry established under section 6323(k),'' after ''imposed by section 6324''.

(5) SUBORDINATION OF LIEN.—Section 6325(d) (relating to subordination of lien) is amended by inserting ''and shall cause the certificate of subordination to be filed in the national Federal tax lien registry established under section 6323(k),'' after ''subject to such lien''.

(6) NONATTACHMENT OF LIEN.—Section 6325(e) (relating to nonattachment of lien) is amended by inserting ''and shall cause the certificate of nonattachment to be filed in the national Federal tax lien registry established under section 6323(k),'' after ''property of such person''.

(7) EFFECT OF CERTIFICATE.—Paragraphs (1) and (2)(B) of section 6325(f) (relating to effect of certificate) are each amended by striking ''in the same office as the notice of lien to which it relates is filed (if such notice of lien has been filed)'' and inserting ''in the national Federal tax lien registry established under section 6323(k)''.

(8) RELEASE FOLLOWING ADMINISTRATIVE APPEAL.—Section 6326(b) (relating to certificate of release) is amended—

(A) by striking ''and shall include'' and insert ''shall include'', and

(B) by inserting ''and shall cause the certificate of release to be filed in the national Federal tax lien registry established under section 6323(k),'' after ''erroneous''.

(9) CONFORMING AMENDMENTS.—Section 6325 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(d) NATIONAL FEDERAL TAX LIEN REGISTRY.—

(1) IN GENERAL.—Section 6323 is amended by adding at the end the following new subsection:

''(k) NATIONAL REGISTRY.—The national Federal tax lien registry referred to in subsection (f)(1) shall be established and maintained by the Secretary and shall be accessible to and searchable by the public through the Internet at no cost to access or search. The registry shall identify the taxpayer to whom the Federal tax lien applies and reflect the date and time the notice of lien was filed, and shall be made searchable by, at a minimum, taxpayer name, the State of the taxpayer's address as shown on the notice of lien, the type of tax, and the tax period, and, when the Secretary determines it is feasible, by property. The registry shall also provide for the filing of certificates of release, discharge, subordination, and nonattachment of Federal tax liens, as authorized in sections 6325 and 6326, and may provide for publishing such other documents or information with respect to Federal tax liens as the Secretary may by regulation provide.''.

(2) ADMINISTRATIVE ACTION.—The Secretary of the Treasury shall issue regulations or other guidance providing for the maintenance and use of the national Federal tax lien registry established under section 6323(k) of the Internal Revenue Code of 1986. The Secretary of the Treasury shall take appropriate steps to secure and prevent tampering with the data recorded therein. Prior to implementation of such registry, the Secretary of the Treasury shall review the information currently provided in public lien filings and determine whether any such information should be excluded or protected from public viewing in such registry.

(e) TRANSITION RULES.—The Secretary of the Treasury may by regulation prescribe for the continued filing of notices of Federal tax lien in the offices of the States, counties and other governmental subdivisions after December 31, 2008, for an appropriate period to permit an orderly transition to the national Federal tax lien registry established under section 6323(k) of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to notices of lien filed after December 31, 2008. The national Federal tax lien registry (established under section 6323(k) of the Internal Revenue Code of 1986) shall be made operational as of January 1, 2009, whether or not the Secretary of the Treasury has promulgated final regulations establishing such registry.

SEC. 6. FEDERAL TAX CONVICTION DATABASE.

(a) IN GENERAL.—The Attorney General of the United States shall establish and maintain a database containing the names of individuals and entities with convictions for Federal tax offenses under the Internal Revenue Code of 1986. Such database shall be accessible and searchable by the head of any Federal agency for purposes of verifying information provided by prospective contractors.

(b) ADMINISTRATIVE ACTION.—The Attorney General shall issue regulations or other guidance providing for the maintenance and use of the database established under subsection (a). The Attorney General shall take appropriate steps to secure and prevent tampering with the data recorded therein.

SEC. 7. REQUIRED ACCESS TO REGISTRY AND DATABASE.

Not later than 180 days after the date of the enactment of this Act, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council shall amend the Federal Acquisition Regulation issued under sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) to require a contracting officer making a determination of responsibility with respect to any prospective contractor to access the national Federal tax lien registry established under section 6323(k) of the Internal Revenue Code of 1986 and the Federal tax conviction database established under section 6 of this Act.

SEC. 8. CAUSES FOR DEBARMENT AND SUSPENSION.

Not later than 180 days after the date of the enactment of this Act, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council shall amend the Federal Acquisition Regulation issued under sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421)—

(1) to provide as a cause for either contractor debarment or suspension the knowingly making of false statements regarding Federal tax information, including on the Online Representations and Certifications Application or to the Central Contractor Registry, incurring a tax debt (as defined in section 3(b)), or the conviction or imposition of a civil judgment for the commission of Federal tax evasion or any other Federal tax offense, and

(2) to require the debarring official or suspending official to provide a statement of explanation for the nondebarment or non-suspension of any contractor in any determination involving any cause for debarment or suspension described in paragraph (1).

By Mrs. CLINTON (for herself and Mr. ROCKEFELLER):

S. 2395. A bill to establish an adoption process improvement pilot program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am here today to introduce legislation in honor of National Adoption Day that will address the needs of children waiting to be adopted from our Nation's foster care system. These are children who are unable to return home to their natural parents and are in need of permanent, loving, adoptive homes. In recent years, Congress has acted to implement supports for this population by creating programs that allow states to pursue creative and innovative methods for increasing foster care adoptions. However, today, tens of thousands of children are still waiting for families. There is still more work to be done.

According to current federal estimates, there are 114,000 children in foster care with the goal of adoption. Of these, only 13 percent are living in a pre-adoptive home. Moreover, each year in the public child welfare system, more children are made eligible for adoption than find permanent adoptive homes. For example, in fiscal year 2005—the most recent year for which statistics are available—states finalized 15,000 more terminations of parental rights than adoptions. Taken together, these statistics describe a tremendous pool of children lingering in foster care, waiting for a ''forever family.'' We know the longer children languish in foster care, the more they are at risk for developing a range of psychological, behavioral, and educational problems. Therefore, permanence for these children is essential.

Child welfare professionals across the country lament a lack of adoptive families for children in foster care. However, an untapped resource exists. A recent study conducted by the Evan B. Donaldson Adoption Institute in collaboration with Harvard University and the Urban Institute notes that, in a given year, 240,000 people will call for information about adopting a child from foster care, but only a fraction will see the process through to adoption. This research states that prospective parents are often alienated from the adoption process at an early stage; these individuals experience unpleasant initial contacts and report difficulty in navigating the adoption process. Out of frustration, they abandon their pursuit of bringing a foster child permanently into their home.

Therefore, I am pleased to introduce the Adoption Improvement Act of 2007. This legislation establishes funding for a demonstration project aimed at reducing the attrition of prospective parents from the adoption process. Participating states will implement a rigorous program that strengthens the first contact prospective adopters have when they make that critical, initial inquiry into adopting a child. The bill calls on programs to include a specialized adoption hotline; hire employees who are trained to respond to callers' requests sensitively and efficiently; and incorporate the input of parents who have already adopted children from foster care. In addition, programs will provide explicit information to parents about how to make their way through the various adoption procedures; describe the rewards and challenges of the adoption process; and establish a buddy system that partners prospective parents with those who have already adopted foster children successfully. Finally, all agencies in the demonstration project will participate in a thorough program evaluation.

This month is National Adoption Month, and tomorrow, November 17, 2007, is National Adoption Day—a day to celebrate the families that have already been joined through adoption, and to call attention to the thousands of children still waiting for permanent homes. I am delighted to join Senators LANDRIEU and COLEMAN in their forthcoming resolution acknowledging the importance of National Adoption Month and National Adoption Day. I encourage my colleagues in Congress to take the messages of this resolution and my bill with them, beyond just this November, into the future.

The national data compel us to take action. Too many children in our Nation's foster care system are in desperate need of stable, loving homes, and there are thousands of potential parents out there yearning to provide them. I would like to thank my colleague Senator ROCKEFELLER for joining me in this important effort. Please join me in bringing these groups together so that children in foster care can find the families they deserve.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. LOTT, and Mr. KENNEDY):

S. 2396. A bill to amend title XI of the Social Security Act to modernize the quality improvement organization (QIO) program; to the Committee on Finance.

Mr. HATCH. Mr. President, today I join with Senators ROCKEFELLER, LOTT, and KENNEDY to introduce the Medicare Quality Improvement Modernization Act of 2007, S. 2396.

As background for my colleagues, Medicare's Quality Improvement Organization, QIO, program has been in existence for 35 years. The program's intent has always been to assure that Medicare's beneficiaries receive high quality medical care. The program has undergone a steady evolution. What began as a program that called attention to hospitals and physicians whose care deviated from the norms of medical practice has morphed into one that seeks to help physicians, hospitals, nursing homes and other providers develop systems to improve their quality of care.

The program has changed as the definition of quality changed. When Medicare's peer review program was initiated, high quality care for a Medicare beneficiary was simply not to be among the unfortunate few whose medical care deviated from the norms of local medical practice. Fortunate for them, however, quality today is the routine adherence of providers to nationally accepted standards of care.

The legislative changes we propose for the QIO program reflects an ever-advancing definition of quality medical care and a focus on helping providers obtain it.

The QIO program has three functions. First, the program reviews the medical care of beneficiaries who have complaints about their care and provides the beneficiaries opinions. Second, the program supports intensive work with practitioners, nursing homes, managed care plans and hospitals to develop delivery systems that improve the quality of their care. Third the program publicly reports system-level performance measures.

The bill I introduce today is faithful to the results of a congressionally-mandated review of the QIO program reported in February, 2006. In that review, the IOM concluded ''The QIO program provides a potentially valuable nationwide infrastructure dedicated to promoting quality health care.'' For example, the QIO program is responsible for a substantial part of the National Healthcare Quality Report published by the Agency for Healthcare Research and Quality.

The IOM report called for changes in the QIO program. Its principal findings and recommendations were that the local QIO boards are heavily physician-dominated with little consumer representation. Existing legislation requires specific levels of physician involvement, an outmoded board structure.

Also, the QIO functions should be harmonized with other federal quality Initiatives.

It found that the QIOs were ''. . . restricted from contracting with health care providers in its state for technical assistance or review services similar to those covered by its core Medicare contract.'' The IOM committee concluded that QIOs would be able to serve more providers and expand their function beyond Medicare beneficiaries to the entire healthcare system if they could contract for services to supplement their CMS funds.

The Committee also recommended removal of restrictions on public access to the QIO's findings. For instance, beneficiaries have been unable to review the results of investigations that they requested.

The IOM recommended that beneficiary reviews be removed from the local QIOs.

The IOM committee concluded that Congress and the secretary of DHHS and CMS should improve program management by enhancing the contracting process and improving communication with the QIOs.

The legislation I propose seeks to strengthen the QIO's infrastructure to fit with an ever-tightening standard of quality in medicine, believing that doctors and hospitals want to do the right thing but also that patients should have their say.

Many of the changes recommended by the Institute of Medicine's experts and accepted by the experts at CMS do not require statutory change, but some do. Some program modifications are sufficiently critical to Medicare's beneficiaries, that while statutory language may not be required to affect them, a Congressional mandate is needed to assure them.

First, the Quality Improvement Organization Modernization Act of 2007 specifies that the Quality Improvement Organizations offer education, instruction, and technical assistance to providers, practitioners, and Medicare Advantage plans. It incorporates plans and providers in urban, rural, and frontier areas and providers that treat racial and ethnic minorities.

Second, our bill strengthens the review process for individual Medicare beneficiaries. The QIOs must actively educate beneficiaries of their right to bring any concerns to the QIOs. The QIOs must work with providers who are reviewed to correct deficiencies where they exist and to improve communication with patients where they do not.

The bill specifies that the findings of the review must be disclosed to the beneficiary requesting the review but not before giving the provider an opportunity to respond to the findings. The review functions are left with the local QIOs and not delegated to other entities to perform.

The bill specifies that the findings of reviews may not be used in medical malpractice litigation, otherwise the QIOs would serve more to screen cases for litigation than they would to improve the quality of care.

Third, in order to be certain that the QIOs are appropriately judging the severity of the errors they find and appropriately recommending sanctions to the Secretary, the Office of Inspector General will contract for an audit of 10 percent of one year's QIO reviews during each 5-year contract period.

Fourth, program administration is strengthened and its goals focused. The program's scope of work must incorporate the priorities of local stakeholders.

A strategic advisory committee will advise the Secretary on program goals, on program performance, and on harmonization of the QIO's quality functions with other federal and non-federal quality initiatives.

The GAO is instructed to report on implementation of program changes 1 year after the first 5-year contract period following enactment of this legislation. The adequacy of funding allocated to the QIOs for local initiatives has been in dispute among the QIOs. Congress is to receive an independent report about the adequacy of QIO financing before the initiation of each contract period.

The contracting process is strengthened by mandating timely contracting with the QIOs by CMS and by lengthening the contract period from 3 to 5 years. All QIOs must bid competitively every 5 years.

Fifth, local boards have been physician-dominated with little consumer representation. Our bill eliminates the requirement that QIOs must be physician sponsored organizations. Our bill improves local QIO accountability by strengthening the authority of the Secretary over board structure and function. It authorizes the Secretary to ensure that non-physician quality experts and qualified consumers are given appropriate representation on state QIO boards. It authorizes the Secretary to ensure that the board structure is appropriate, that the compensation of board members and executives is market-based and that conflict of interest among board members is mitigated.

Sixth, as the QIOs focus more of their energies on working with providers to improve quality the demand for their services in this endeavor exceed their resources. For example, the number of doctors requesting help from the Utah QIO in selecting information technology for their offices far exceeds the resources available to it from its CMS contract.

Our bill allows a QIO to contract with a provider or organization if it meets one of several requirements. Among them are that the QIO must receive no more than 5 percent of its revenue from a single provider or organization, or if the contracting organization is subject to review by the QIO, conflict of interest must be mitigated by using an out-of-state QIO to perform the reviews that the local QIO would otherwise perform.

The QIO program differs from other Federal health care quality programs in that it does not just measure quality; it works with providers to attain it. The Medicare Quality Improvement Organization Act of 2007 strengthens the rights of beneficiaries, strengthens the administration of the program and the contracting process, provides for more accountability of contractors, and focuses the program on creating quality systems.

I urge my colleagues to join with me in strengthening the QIO program. It is one of the cornerstones of the quality initiative not just for Medicare but for all Americans.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S.J. Res. 25. A joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring because of the expiration of the term of Walter E. Massey of Georgia, is filled by the appointment of John W. McCarter of Illinois, for a term of 6 years, effective on the date of the enactment of this resolution.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 385—HONORING THOSE WHO HAVE VOLUNTEERED TO ASSIST IN THE CLEANUP OF THE NOVEMBER 7, 2007, OIL SPILL IN SAN FRANCISCO BAY

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 385

Whereas the oil spill that occurred on November 7, 2007, in the San Francisco Bay resulted in the discharge of between 53,570 and 58,000 gallons of toxic bunker fuel, causing one of the Bay Area's worse environmental disasters;

Whereas 28 beaches were closed and over 1,300 birds so far have been severely impacted by the spill;

Whereas thousands of individuals throughout the San Francisco Bay Area immediately volunteered to assist with the cleanup;

Whereas Bay Area community non-profit organizations, such as San Francisco Connect, have also rallied to support the response and recovery work by supporting these volunteer efforts;

Whereas Bay Area environmental organizations, such as Baykeeper, Save the Bay, and Bay Institute, have provided invaluable leadership in reporting, assessing, and helping to remediate the damage to the Bay's ecosystem;

Whereas the Pacific Coast Federation of Fishermen's Associations, members of the San Francisco Crab Boat Owners Association, commercial crabbers, and other Bay Area fishermen have all joined the cleanup efforts as well; and

Whereas the city of San Francisco, particularly through its Department of Emergency Management, has significantly contributed to the overall response, bringing considerable resources to bear: Now, therefore, be it

Resolved, That the Senate honors those individuals and organizations who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in one of our Nation's most beloved national treasures, the San Francisco Bay.

SENATE RESOLUTION 386—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF NEBRASKA V. PAMIR J. SAFI

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 386

Whereas, in the case of State of Nebraska v. Pamir J. Safi, No. CR05–87, pending in Nebraska District Court for Lancaster County in Lincoln, Nebraska, testimony has been requested from Dorothy Anderson and Blayne Garth Glissman, Jr., former employees in the office of Senator Chuck Hagel;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved That Dorothy Anderson and Blayne Garth Glissman, Jr. are authorized to testify in the case of State of Nebraska v. Pamir J. Saji, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Dorothy Anderson and Blayne Garth Glissman, Jr. in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 387—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEGRADATION OF THE JORDAN RIVER AND THE DEAD SEA AND WELCOMING COOPERATION BETWEEN THE PEOPLES OF ISRAEL, JORDAN, AND THE PALESTINIAN AUTHORITY

Mr. LUGAR (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 387

Whereas the Dead Sea and the Jordan River are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world;

Whereas the world's 3 great monotheistic faiths—Christianity, Islam, and Judaism—consider the Jordan River a holy place;

Whereas local governments have diverted more than 90 percent of the Jordan's traditional 1,300,000,000 cubic meters of annual water flow in order to satisfy a growing demand for water in the arid region;

Whereas the Jordan River is the primary tributary of the Dead Sea and the dramatically reduced flow of the Jordan River has been the primary cause of a 20 meter fall in the Dead Sea's water level and a ⅓ decline in the Dead Sea's surface area in less than 50 years;

Whereas the Dead Sea's water level continues to fall about a meter a year;

Whereas the decline in water level of the Dead Sea has resulted in significant environmental damage, including loss of freshwater springs, river bed erosion, and over 1,000 sinkholes;

Whereas mismanagement has resulted in the dumping of sewage, fish pond runoff, and salt water into the Jordan River and has led to the pollution of the Jordan River with agricultural and industrial effluents;

Whereas the World Monuments Fund has listed the Jordan River as one of the world's 100 most endangered sites;

Whereas widespread consensus exists regarding the need to address the degradation of the Jordan River and the Dead Sea;

Whereas the Governments of Jordan and Israel, as well as the Palestinian Authority (the ''Beneficiary Parties''), working together in an unusual and welcome spirit of cooperation, have attempted to address the Dead Sea water level crisis by articulating a shared vision of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas Binyamin Ben Eliezar, the Minister of National Infrastructure of Israel, has said, ''The Study is an excellent example for cooperation, peace, and conflict reduction. Hopefully it will become the first of many such cooperative endeavors'';

Whereas Mohammed Mustafa, the Economic Advisor for the Palestinian Authority, has said, ''This cooperation will bring wellbeing for the peoples of the region, particularly Palestine, Jordan, and Israel . . . We pray that this type of cooperation will be a positive experience to deepen the notion of dialogue to reach solutions on all other tracks'';

Whereas Zafer al-Alem, the former Water Minister of Jordan, has said, ''This project is a unique chance to deepen the meaning of peace in the region and work for the benefit of our peoples'';

Whereas the Red Sea-Dead Sea Water Conveyance Concept envisions a 110-mile pipeline from the Red Sea to the Dead Sea that would descend approximately 1,300 feet creating an opportunity for hydroelectric power generation and desalination, as well as the restoration of the Dead Sea;

Whereas some have raised legitimate questions regarding the feasibility and environmental impact of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas the Beneficiary Parties have asked the World Bank to oversee a feasibility study and an environmental and social assessment whose purpose is to conclusively answer these questions;

Whereas the Red Sea-Dead Sea Water Conveyance Concept would not address the degradation of the Jordan River;

Whereas the Beneficiary Parties could address the degradation of the Jordan River by designing a comprehensive strategy that includes tangible steps related to water conservation, desalination, and the management of sewage and agricultural and industrial effluents; and

Whereas Israel and the Palestinian Authority are expected to hold high-level meetings in the Washington area in the winter of 2007 to seek an enduring solution to the Arab-Israeli crisis: Now, therefore, be it

Resolved, That the Senate—

(1) calls the world's attention to the serious and potentially irreversible degradation of the Jordan River and the Dead Sea;

(2) applauds the cooperative manner with which the Governments of Israel and Jordan, as well as the Palestinian Authority (the ''Beneficiary Parties''), have worked to address the declining water level and quality of the Dead Sea and other water-related challenges in the region;

(3) supports the Beneficiary Parties' efforts to assess the environmental, social, health, and economic impacts, costs, and feasibility of the Red Sea-Dead Sea Water Conveyance Concept in comparison to alternative proposals, such as those that focus on the restoration of the Jordan River;

(4) encourages the Governments of Israel and Jordan, as well as the Palestinian Authority, to continue to work in a spirit of cooperation as they address the region's serious water challenges;

(5) urges Israel, Jordan, and the Palestinian Authority to develop a comprehensive strategy to rectify the degradation of the Jordan River; and

(6) hopes the spirit of cooperation manifested by the Beneficiary Parties in their search for a solution to the Dead Sea water crisis might serve as a model for addressing the degradation of the Jordan River, as well as a model of peace and cooperation for the upcoming meetings in the Washington area between Israel and the Palestinian Authority as they seek to resolve long-standing disagreements and to develop a durable solution to the Arab-Israeli crisis.

SENATE CONCURRENT RESOLUTION 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

Mr. NELSON of Florida (for himself and Mr. ISAKSON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 53

Whereas the Revolutionary Armed Forces of Colombia (FARC) is designated as a foreign terrorist organization by the Department of State;

Whereas the FARC utilizes kidnappings for ransom, extortion, and the drug trade to finance its activities;

Whereas the FARC has consistently committed atrocities against citizens of both Colombia and the United States, kidnapped at least 36 United States citizens since 1980, and killed 10 United States citizens;

Whereas an aircraft carrying United States citizens crashed over territory controlled by the FARC on February 13, 2003;

Whereas Keith Stansell, Thomas Howes, and Marc Gonsalves, 3 United States citizens on the aircraft, were taken hostage by the FARC on February 13, 2003;

Whereas the FARC murdered Tom Janis, another United States citizen on the downed aircraft;

Whereas 3 United States citizens on a subsequent search mission also lost their lives;

Whereas the 3 hostages were last shown alive on July 25, 2003, during a taped interview with the CBS news show ''60 Minutes'';

Whereas a police officer from Colombia who escaped from the FARC in April 2007 claims he saw the 3 United States hostages alive in April 2007;

Whereas at least 50 FARC leaders have been indicted in the United States for drug trafficking; and

Whereas Ricardo Palmera, the most senior FARC leader to be tried in the United States, was convicted of conspiring to take the United States citizens hostage in Colombia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the kidnappings of Keith Stansell, Thomas Howes, and Marc Gonsalves by the Revolutionary Armed Forces of Colombia (FARC) and calls for their immediate and unconditional release;

(2) condemns the FARC for holding these hostages for more than 4 years and demands to know their health and status;

(3) condemns the FARC for the murder of Tom Janis;

(4) condemns the FARC for its use of kidnapping for ransom, extortion, and drug trafficking and for supporting and spreading terror within Colombia;

(5) expresses sympathy to the relatives of the hostages who have been unsure of the fates of their family members for more than 4 years;

(6) reconfirms that the United States Government does not make concessions to terrorists; and

(7) reiterates that the United States Government supports efforts to secure the safe return of the hostages to the United States.

SENATE CONCURRENT RESOLUTION 54—SUPPORTING THE DESIGNATION OF A WEEK AS ''NATIONAL CARDIOPULMONARY RESUSCITATION AND AUTOMATED EXTERNAL DEFIBRILLATOR AWARENESS WEEK''

Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. DORGAN) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 54

Whereas heart disease remains the leading cause of death in the United States;

Whereas heart disease affects men, women, and children of every age and race in the United States, regardless of where they live;

Whereas approximately 325,000 coronary heart disease deaths annually occur out of hospital or in an emergency room;

Whereas approximately 95 percent of sudden cardiac arrest victims die before arriving at the hospital;

Whereas sudden cardiac arrest results from an abnormal heart rhythm in most adults;

Whereas in 27.4 percent of cases of sudden cardiac arrest, the victim is located in a place other than a hospital and receives cardiopulmonary resuscitation by a bystander;

Whereas prompt delivery of cardiopulmonary resuscitation more than doubles the chance of survival from sudden cardiac arrest by helping to maintain vital blood flow to the heart and brain, increasing the amount of time that an electric shock from a defibrillator can be effective;

Whereas an automated external defibrillator, even when used by a bystander, is safe, easy to operate, and highly effective in restoring a normal heart rhythm, significantly increasing the chance of survival for many victims if used immediately after the onset of sudden cardiac arrest;

Whereas death or severe brain injury is likely to occur unless resuscitation measures are started no later than 10 minutes after the onset of sudden cardiac arrest;

Whereas the interval between the 911 call and the arrival of EMS personnel is typically longer than 5 minutes, and achieving high survival rates therefore depends on a public trained in cardiopulmonary resuscitation and automated external defibrillator use; and

Whereas the American Heart Association, the American Red Cross, and the National

Safety Council are preparing related public awareness and training campaigns on cardiopulmonary resuscitation and automated external defibrillation to be held during the first week of June each year: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the goals and ideals of a National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week to establish well-organized programs to increase public training in cardiopulmonary resuscitation and automated external defibrillator use and to increase public access to automated external defibrillators; and

(2) calls upon the people of the United States and interested organizations to observe such a week with appropriate ceremonies and activities.

Ms. COLLINS. Mr. President, I am pleased to join my good friend and colleague from Wisconsin, Senator FEINGOLD, in introducing a resolution in support of the designation of a week as National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week.

Heart disease is the leading cause of death in this country. Approximately 325,000 of the 450,000 coronary heart disease deaths that occur annually in the U.S. are due to sudden cardiac arrest suffered outside of the hospital or in hospital emergency departments. About 80 percent of the out-of-hospital cardiac arrests happen at home, so being properly trained in cardiopulmonary resuscitation—or CPR—can mean the difference between life and death for a loved one.

Sudden cardiac arrest in adults is most often caused by an abnormal heart rhythm. While approximately 95 percent of sudden cardiac arrest victims die before reaching the hospital, death from sudden cardiac arrest is not inevitable. Prompt delivery of CPR can more than double an individual's chance of survival by helping to maintain vital blood flow to the heart and brain, increasing the window of opportunity in which an electric shock from an automated external defibrillator—or AED—can be effective.

AEDs are easy-to-use, computerized devices that can shock a heart back into normal rhythm and restore life to a cardiac arrest victim. Even when used by an untrained bystander, AEDs are safe and can be highly effective in restoring a normal heart rhythm. They must, however, be used promptly. For every minute that passes before a victim's normal heart rhythm is restored, his or her chance of survival falls by as much as 10 percent.

In 2000, Senator FEINGOLD and I introduced the Rural AED Act to increase access to AEDs for small towns and rural communities where those first on the scene may not be paramedics or others who would normally have AEDs. The Rural AED Act was subsequently signed into law and, since its passage, has provided rural communities with more than $40 million to purchase AEDs. This has greatly increased access to these life-saving devices.

Now it is time to take another step. Increasing the number of Americans who are trained in CPR and AED use will help us to dramatically improve sudden cardiac arrest survival rates. The designation of a week as National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week will complement the campaigns that the American Heart Association, the American Red Cross, and the National Safety Council are preparing to increase public training in CPR and AED use and to increase public access to AEDs. I therefore urge all of our colleagues to join us as cosponsors of this resolution.

SENATE CONCURRENT RESOLUTION 55—COMMEMORATING THE CENTENNIAL ANNIVERSARY OF THE SAILING OF THE NAVY'S ''GREAT WHITE FLEET'', LAUNCHED BY PRESIDENT THEODORE ROOSEVELT ON DECEMBER 16, 1907, FROM HAMPTON ROADS, VIRGINIA, AND RETURNING THERE ON FEBRUARY 22, 1909

Mr. WARNER (for himself and Mr. WEBB) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 55

Whereas the launching of the Great White Fleet marked the emergence of the United States as a true global seapower, able to dispatch 16 new battleships on a worldwide deployment for 14 months;

Whereas these battleships were painted entirely white, with gilded scrollwork on their bows, and subsequently came to be known as the ''Great White Fleet'';

Whereas the 4 squadrons of 4 battleships each, manned by 14,000 sailors, sailed 43,000 miles and made 20 port calls on 6 continents;

Whereas the Fleet, in conducting visits to important nations such as Australia, served to reinforce a friendship and partnership that continues to this day;

Whereas the Fleet, in providing a tangible demonstration of the forward naval presence of the United States in the Pacific, also reinforced the message of how important maritime stability and security are to the United States;

Whereas the Fleet, in response to one of the worst natural disasters in European history, was able to immediately divert to Messina, Sicily, to offer humanitarian aid to the Italian people; and

Whereas the Fleet, in executing a range of missions and returning to the United States after 14 months at sea, displayed to the world a number of core American values, including compassion, showed its flexibility by responding to unforeseen events, and demonstrated the ability of the United States to project maritime power as a stabilizing force: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commemorates the wisdom of President Theodore Roosevelt in developing and launching the Great White Fleet;

(2) supports a one-time designation of a day to celebrate the 100th centennial of the Great White Fleet and the special role the Fleet played in building enduring friendships with important allies and partner nations;

(3) commends efforts by the Department of the Navy to maintain and strengthen our cooperative partnerships with foreign nations and to safeguard our Nation's interests in the maritime domain;

(4) commends efforts by the Department of the Navy in leading the development of a Cooperative Strategy for 21st Century Seapower; and

(5) honors the sacrifices made and services rendered by the servicemembers of the Navy, Marine Corps, and the Coast Guard and the civilians who constitute our maritime services.

SENATE CONCURRENT RESOLUTION 56—ENCOURAGING THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS TO TAKE ACTION TO ENSURE A PEACEFUL TRANSITION TO DEMOCRACY IN BURMA

Mrs. BOXER (for herself, Mr. DODD, and Mr. DURBIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 56

Whereas hundreds of thousands of citizens of Burma have risked their lives in demonstrations to demand a return to democracy and respect for human rights in their country;

Whereas the repressive military Government of Burma has conducted a brutal crackdown against demonstrators, which has resulted in mass numbers of killings, arrests, and detentions;

Whereas Burma has been a member of the Association of Southeast Asian Nations (ASEAN) since 1997;

Whereas foreign ministers of other ASEAN member nations, in reference to Burma, have ''demanded that the government immediately desist from the use of violence against demonstrators'', expressed ''revulsion'' over reports that demonstrators were being suppressed by violent and deadly force, and called for ''the release of all political detainees including Daw Aung San Suu Kyi'';

Whereas the foreign ministers of ASEAN member nations have expressed concern that developments in Burma ''had a serious impact on the reputation and credibility of ASEAN'';

Whereas Ibrahim Gambari, the United Nations (UN) Special Envoy to Burma, has called on the member nations of ASEAN to take additional steps on the Burma issue, saying, ''Not just Thailand but all the countries that I am visiting, India, China, Indonesia, Malaysia and the UN, we could do more'';

Whereas the ASEAN Security Community Plan of Action adopted October 7, 2003, at the ASEAN Summit in Bali states that ASEAN members ''shall promote political development . . . to achieve peace, stability, democracy, and prosperity in the region'', and specifically says that ''ASEAN Member Countries shall not condone unconstitutional and undemocratic changes of government'';

Whereas the Government of Singapore, as the current Chair of ASEAN, will host ASEAN's regional summit in November 2007 to approve ASEAN's new charter;

Whereas the current Foreign Minister of Singapore, George Yeo, has publicly expressed, ''For some time now, we had stopped trying to defend Myanmar internationally because it became no longer credible'';

Whereas, according to the chairman of the High Level Task Force charged with drafting the new ASEAN Charter, the Charter ''will make ASEAN a more rules-based organization and . . . will put in place a system of

compliance monitoring and, most importantly, a system of compulsory dispute settlement for noncompliance that will apply to all ASEAN agreements'';

Whereas upon its accession to ASEAN, Burma agreed to subscribe or accede to all ASEAN declarations, treaties, and agreements;

Whereas 2007 marks the 30th anniversary of the relationship and dialogue between the United States and ASEAN;

Whereas the Senate passed legislation in the 109th Congress that would authorize the establishment of the position of United States Ambassador for ASEAN Affairs, and the President announced in 2007 that an Ambassador would be appointed; and

Whereas ASEAN member nations and the United States share common concerns across a broad range of issues, including accelerated economic growth, social progress, cultural development, and peace and stability in the Southeast Asia region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) joins the foreign ministers of member nations of the Association of Southeast Asian Nations (ASEAN) that have expressed concern over the human rights situation in Burma;

(2) encourages ASEAN to take more substantial steps to ensure a peaceful transition to democracy in Burma;

(3) welcomes steps by ASEAN to strengthen its internal governance through the adoption of a formal ASEAN charter;

(4) urges ASEAN to ensure that all member nations live up to their membership obligations and adhere to ASEAN's core principles, including respect for and commitment to human rights; and

(5) would welcome a decision by ASEAN, consistent with its core documents and its new charter, to review Burma's membership in ASEAN and to consider appropriate disciplinary measures, including suspension, until such time as the Government of Burma has demonstrated an improved respect for and commitment to human rights.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3784. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3756 submitted by Mr. ROBERTS and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3785. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3639 submitted by Mr. HARKIN (for himself and Ms. MURKOWSKI) and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3786. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3695 submitted by Mr. DORGAN (for himself and Mr. GRASSLEY) and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3787. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3667 submitted by Mr. HARKIN (for himself, Mr. ENZI, Mr. JOHNSON, Mr. BARRASSO, Mr. DORGAN, Mr. GRASSLEY, Mr. FEINGOLD, and Mr. TESTER) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3788. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3789. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3790. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3791. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. CASEY, Ms. STABENOW, Mrs. BOXER, Mr. NELSON, of Florida, Mr. BINGAMAN, Mr. CARDIN, and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3792. Mr. MARTINEZ (for himself, Mr. NELSON, of Florida, Mr. MENENDEZ, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3793. Mr. MARTINEZ (for himself, Mr. NELSON, of Florida, Mr. MENENDEZ, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3794. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3591 submitted by Mr. BOND and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3795. Mr. NELSON, of Florida (for himself, Mr. ENSIGN, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3660 submitted by Mr. BAUCUS (for himself and Mr. CRAPO) and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3796. Mr. NELSON, of Florida (for himself, Mr. ENSIGN, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3668 submitted by Mr. BAUCUS and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3797. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3722 submitted by Mr. DURBIN (for himself and Mrs. DOLE) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3798. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3653 submitted by Mr. COBURN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3799. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3612 submitted by Mr. BOND and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3800. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 2761, to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

SA 3801. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 274, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3784. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3756 submitted by Mr. ROBERTS and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 6 and all that follows through page 3, line 25, and insert the following:

''(o) CROP INSURANCE INELIGIBILITY RELATING TO CROP PRODUCTION ON GRASSLAND.—

''(1) DEFINITION OF GRASSLAND.—

''(A) IN GENERAL.—In this subsection, the term 'grassland' means rangeland and native grassland that is not listed as cropland on a map maintained by the Secretary at 1 or more local service centers.

''(B) EXCEPTION.—The term 'grassland' does not include land described in subparagraph (A) if the producer verifies to the satisfaction of the Secretary that the land was in crop production prior to July 1, 2007.

''(2) INELIGIBILITY.—Grassland on which an agricultural commodity is planted for which a policy or plan of insurance is available under this title shall be permanently ineligible for benefits under this title.''.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

''(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON GRASSLAND.—

''(A) DEFINITION OF GRASSLAND.—

''(i) IN GENERAL.—In this paragraph, the term 'grassland' means rangeland and native grassland that is not listed as cropland on a map maintained by the Secretary at 1 or more local service centers.

''(ii) EXCEPTION.—The term 'grassland' does not include land described in clause (i) if the producer verifies to the satisfaction of the Secretary that the land was in crop production prior to July 1, 2007.

''(B) INELIGIBILITY.—Native sod acreage on which an agricultural commodity is planted for which a policy or plan of Federal crop insurance is available shall be permanently ineligible for benefits under this section.''.

(c) INCREASED FUNDING FOR GRASSLAND RESERVE PROGRAM.—In addition to amounts made available under this Act and amendments made by this Act, the Secretary shall use such additional amounts as are made available as a result of the amendments made by this section to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title

XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.).

SA 3785. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3639 submitted by Mr. HARKIN (for himself and Ms. MURKOWSKI) and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 20 of the amendment, after line 9, insert the following:

(c) EFFECT OF SECTION.—Nothing in this section or an amendment made by this section limits the authority of any State to enforce a requirement that is more stringent than the requirements of this section and the amendment made by this section, if the State requirement is in existence on the date of enactment of this Act.

SA 3786. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3695 submitted by Mr. DORGAN (for himself and Mr. GRASSLEY) and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 4 of the amendment, strike lines 8 through 18, and insert the following:

shall not exceed $20,000 (as adjusted under subsection (c)(2)) in the case of corn).'';

(3) by striking subsection (c) and inserting the following:

''(c) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—

''(1) IN GENERAL.—The total amount of counter-cyclical payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle A or C of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(3) of that Act, shall not exceed $30,000 (as adjusted under paragraph (2) in the case of corn).

''(2) SPECIAL RULE FOR CORN.—

''(A) IN GENERAL.—For each crop year, the Secretary shall calculate a per bushel ethanol benefit for corn resulting from Federal incentives for ethanol.

''(B) REDUCTION IN PAYMENTS.—

''(i) REDUCTION OF DIRECT PAYMENT.—The maximum amount of direct payments that an individual legal entity is entitled to receive for a crop year for corn under subsection (b), or average crop revenue payments determined under section 1401(b)(2) of the Food and Energy Security Act of 2007, shall be reduced by an amount equal to the product obtained by multiplying—

''(I) the amount of the ethanol benefit calculated under subparagraph (A); by

''(II) the actual quantity of corn produced by the individual or entity during the preceding crop year.

''(ii) REDUCTION OF COUNTER-CYCLICAL PAYMENTS.—If the amount calculated under subclauses (I) and (II) of clause (i) for an individual or entity exceeds the amount of direct payments the individual or entity would otherwise be entitled to receive under subsection (b) for corn, the maximum amount of counter-cyclical payments for corn that the individual or entity is entitled to receive under paragraph (1), or average crop revenue payments determined under section 1401(b)(3) of the Food and Energy Security Act of 2007, shall be reduced by the excess amount.'';

SA 3787. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3667 submitted by Mr. HARKIN (for himself, Mr. ENZI, Mr. JOHNSON, Mr. BARRASSO, Mr. DORGAN, Mr. GRASSLEY, Mr. FEINGOLD, and Mr. TESTER) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 10207. COMPETITIVE INJURY STUDY.

Subtitle A of title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 191 et seq.) is amended by adding at the end the following:

''SEC. 208. COMPETITIVE INJURY STUDY.

''Not later than January 1, 2009, the Secretary, in consultation with the Attorney General of the United States, shall conduct, and submit to Congress a report describing the results of, a review of—

''(1) the means by which the competitive injury standard has affected parties to civil actions filed pursuant to this Act;

''(2) whether the standard of review applicable to anticompetitive cases regarding the agricultural industry is consistent with the standard of review applicable to anticompetitive cases regarding other industries;

''(3) the potential impact on agricultural markets of eliminating the competitive injury requirement from laws (including regulations) applicable to agricultural markets; and

''(4) the impact on agricultural and nonagricultural industries, trade, and prices paid by consumers of eliminating the competitive injury standard.''.

SA 3788. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 9 and all that follows through page 4, line 5, and insert the following:

''(1) COMMODITY AND CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

''(A) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

''(B) $750,000.

''(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

''(A) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(B) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(C) An average crop revenue payment under subtitle B of title I of the Food and Energy Security Act of 2007.

''(D) Title XII of this Act.

''(E) Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223).

''(F) Title II of the Food and Energy Security Act of 2007.

SA 3789. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2 of the amendment, strike line 1 and all that follows through page 4, line 5, and insert the following:

''(1) COMMODITY AND CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

''(A) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

''(B) $750,000.

''(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

''(A) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(B) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(C) An average crop revenue payment under subtitle B of title I of the Food and Energy Security Act of 2007.

''(D) Title XII of this Act.

''(E) Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223).

''(F) Title II of the Food and Energy Security Act of 2007.

SA 3790. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agriculture programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 563, between lines 15 and 16, insert the following:

SEC. 3205. QUALITY REQUIREMENTS FOR CLEMENTINES.

Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the matter preceding the first proviso in the first sentence by inserting ''clementines,'' after ''nectarines,''.

SA 3791. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. CASEY, Ms. STABENOW, Mrs. BOXER, Mr. NELSON of Florida, Mr. BINGAMAN, Mr. CARDIN, and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title XI, insert the following:

SEC. 1103__. RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO DEPARTMENT OF AGRICULTURE.

(a) REPEAL OF TRANSFER OF FUNCTIONS.—Sections 310 and 421 of the Homeland Security Act of 2002 (6 U.S.C. 190, 231) are repealed.

(b) CONFORMING AMENDMENT TO FUNCTION OF SECRETARY OF HOMELAND SECURITY.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Not later than the effective date described in subsection (g), the Secretary and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) USE OF CERTAIN EMPLOYEES.—The agreement may include authority for the Secretary to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) RESTORATION OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the effective date described in subsection (g), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 310 or 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 190, 231(g)) (as in effect on the day before the effective date described in subsection (g)) shall be restored to the Department of Agriculture.

(e) AUTHORITY OF APHIS.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish within the Animal and Plant Health Inspection Service a program, to be known as the ''International Agricultural Inspection Program'', under which the Administrator of the Animal and Plant Health Inspection Service (referred to in this subsection as the ''Administrator'') shall carry out import and entry agricultural inspections.

(2) INFORMATION GATHERING AND INSPECTIONS.—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for screening passengers or cargo under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

(3) INSPECTION ALERTS.—The Administrator may issue inspection alerts, including by indicating cargo to be held for immediate inspection.

(4) INSPECTION USER FEES.—The Administrator may, as applicable—

(A) continue to collect any agricultural quarantine inspection user fee; and

(B) administer any reserve account for the fees.

(5) CAREER TRACK PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish a program, to be known as the ''import and entry agriculture inspector career track program'', to support the development of long-term career professionals with expertise in import and entry agriculture inspection.

(B) STRATEGIC PLAN AND TRAINING.—In carrying out the program under this paragraph, the Administrator, in coordination with the Secretary, shall—

(i) develop a strategic plan to incorporate import and entry agricultural inspectors into the infrastructure protecting food, fiber, forests, bioenergy, and the environment of the United States from animal and plant pests, diseases, and noxious weeds; and

(ii) as part of the plan under clause (i), provide training for import and entry agricultural inspectors participating in the program not less frequently than once each year to improve inspection skills

(f) DUTIES OF SECRETARY.—

(1) IN GENERAL.—The Secretary shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recommendations from the Comptroller General of the United States and reports of interagency advisory groups, as applicable; and

(B) ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting inspection activities of the Service.

(2) FEDERAL AND STATE COOPERATION.—

(A) COMMUNICATION SYSTEM.—The Secretary shall develop and maintain an integrated, real-time communication system with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(B) ADVISORY COMMITTEE.—

(i) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the ''International Trade Inspection Advisory Committee'' (referred to in this subparagraph as the ''committee''), to advise the Secretary on policies and other issues relating to import and entry agricultural inspection.

(ii) MODEL.—In establishing the committee, the Secretary shall use as a model the Agricultural Trade Advisory Committee.

(iii) MEMBERSHIP.—The committee shall be composed of members representing—

(I) State departments of agriculture;

(II) directors of ports and airports in the United States;

(III) the transportation industry;

(IV) the public; and

(V) such other entities as the Secretary determines to be appropriate.

(3) REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report containing an assessment of—

(A) the resource needs for import and entry agricultural inspection, including the number of inspectors required;

(B) the adequacy of—

(i) inspection and monitoring procedures and facilities in the United States; and

(ii) the strategic plan developed under subsection (e)(5)(B)(i); and

(C) new and potential technologies and practices, including recommendations regarding the technologies and practices, to improve import and entry agricultural inspection.

(4) FUNDING.—The Secretary shall pay the costs of each import and entry agricultural inspector employed by the Animal and Plant Health Inspection Service from amounts made available to the Department of Agriculture for the applicable fiscal year.

(g) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

SA 3792. Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. MENENDEZ, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3___. SENSE OF THE SENATE.

The Senate—

(1) finds that—

(A) since 1982, the Department of State has consistently added Cuba to the list of State sponsors of terrorism;

(B) the Cuban regime continues to repress political dissent in Cuba;

(C) the Cuban regime continues to arbitrarily imprison and violate the civil rights of the citizens of Cuba; and

(D) the Cuban regime continues the practice of ''tourism apartheid'' by restricting the access of the citizens of Cuba to hospitals, restaurants, and food stores that are reserved only for foreigners;

(2) condemns the anti-democratic and repressive actions by the Cuban Regime;

(3) supports the people of Cuba in the quest to achieve a truly democratic form of government; and

(4) calls on the international community to condemn the antidemocratic actions of the repressive Cuban regime.

SA 3793. Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. MENENDEZ, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3____. APPLICABILITY.

Nothing in the preceding sections relating to Cuba (including any amendment to the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.)) applies to, or may be used for purposes of any transaction with, any foreign country that is identified by the Secretary of State as a ''State Sponsor of Terror''.

SA 3794. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3591 submitted by Mr.

BOND and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

Subtitle C—Agricultural Regulatory Flexibility

SEC. 11081. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551(1) of title 5, United States Code.

(2) AGRICULTURAL ENTITY.—The term ''agricultural entity'' means any person or entity that has income derived from—

(A) farming, ranching, or forestry operations;

(B) the production of crops, livestock, or unfinished raw forestry products;

(C) the sale, including the sale of easements and development rights, of farm, ranch, forestry, water, or hunting rights;

(D) the sale of equipment to conduct farm, ranch, or forestry operations;

(E) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

(F) the provision of production inputs and services to farmers, ranchers, and foresters;

(G) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

(H) the sale of land that has been used for agriculture; or

(I) payments or other income attributable to benefits received under any program authorized under title I or II.

(3) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The term ''collection of information'' means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public of facts or opinions by or for an agency, regardless of form or format, calling for—

(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States that are to be used for general statistical purposes.

(B) EXCLUSION.—The term ''collection of information'' does not include collection of information described in section 3518(c)(1) of title 44, United States Code.

(4) RECORDKEEPING REQUIREMENT.—The term ''recordkeeping requirement'' means a requirement imposed by an agency on persons to maintain specified records.

(5) RULE.—

(A) IN GENERAL.—The term ''rule'' means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, United States Code, or any other law, including any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment.

(B) EXCLUSION.—The term ''rule'' does not include a rule of particular applicability relating to—

(i) rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor; or

(ii) valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.

SEC. 11082. AGRICULTURAL REGULATORY FLEXIBILITY AGENDA.

(a) IN GENERAL.—During the months of October and April of each year, each agency shall publish in the Federal Register an agricultural regulatory flexibility agenda that contains—

(1) a brief description of the subject area of any rule that the agency expects to propose or promulgate that is likely to have a significant economic impact on a substantial number of agricultural entities;

(2) a summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) the name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

(b) CHIEF COUNSELS.—Each agricultural regulatory flexibility agenda shall be transmitted to the Chief Counsel for Advocacy of the Department of Agriculture for comment, if any.

(c) NOTICE.—Each agency shall—

(1) attempt to provide notice of each agricultural regulatory flexibility agenda to agricultural entities (or representatives thereof) through direct notification or publication of the agenda in publications likely to be obtained by the agricultural entities; and

(2) invite comments on each subject area on the agenda.

(d) EFFECT OF SECTION.—Nothing in this section—

(1) precludes an agency from considering or acting on any matter not included in an agricultural regulatory flexibility agenda; or

(2) requires an agency to consider or act on any matter listed in the agenda.

SEC. 11083. INITIAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.

(a) ANALYSIS.—

(1) REQUIREMENT.—In any case in which an agency is required by section 553 of title 5, United States Code, or any other law, to publish general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial agricultural regulatory flexibility analysis. Such analysis shall describe the impact of the proposed rule on agricultural entities.

(2) PUBLICATION.—The initial agricultural regulatory flexibility analysis or a summary shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule.

(3) CHIEF COUNSELS.—The agency shall transmit a copy of the initial agricultural regulatory flexibility analysis to the Chief Counsel for Advocacy of the Department of Agriculture.

(4) APPLICABILITY.—In the case of an interpretative rule involving the internal revenue laws of the United States, the requirements of this section apply to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations only to the extent that the interpretative rule imposes on agricultural entities a collection of information requirement.

(b) CONTENTS.—Each initial agricultural regulatory flexibility analysis required under this section shall contain—

(1) a description of the reasons why action by the agency is being considered;

(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

(3) a description of and, if feasible, an estimate of the number of agricultural entities to which the proposed rule will apply;

(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of agricultural entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

(5) an identification, to the maximum extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule.

(c) ALTERNATIVES.—

(1) IN GENERAL.—Each initial agricultural regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule that—

(A) accomplish the stated objectives of applicable laws (including regulations); and

(B) minimize any significant economic impact of the proposed rule on agricultural entities.

(2) DESCRIPTION.—In accordance with the stated objectives of applicable laws (including regulations), the analysis shall include a description of significant alternatives, such as—

(A) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to agricultural entities;

(B) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for the agricultural entities;

(C) the use of performance rather than design standards; and

(D) an exemption from coverage of the rule, or any part thereof, for such agricultural entities.

SEC. 11084. FINAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.

(a) FINAL ANALYSIS.—

(1) IN GENERAL.—In any case in which an agency promulgates a final rule under section 553 of title 5, United States Code, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 11083(a), the agency shall prepare a final agricultural regulatory flexibility analysis.

(2) CONTENTS.—Each final agricultural regulatory flexibility analysis shall contain—

(A) a succinct statement of the need for, and objectives of, the rule;

(B) a summary of the significant issues raised by the public comments in response to the initial agricultural regulatory flexibility analysis, a summary of the assessment of the agency of those issues, and a statement of any changes made in the proposed rule as a result of the comments;

(C) a description of and an estimate of the number of agricultural entities to which the rule will apply or an explanation of why no such estimate is available;

(D) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of agricultural entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

(E) a description of measures the agency has carried out to minimize the significant economic impact on agricultural entities consistent with the stated objectives of applicable statutes, including a statement of—

(i) the factual, policy, and legal reasons for selecting the alternative adopted in the final rule; and

(ii) why each of the other significant alternatives to the rule considered by the agency that affect the impact on agricultural entities was rejected.

(b) PUBLICATION.—The agency shall—

(1) make copies of the final agricultural regulatory flexibility analysis available to members of the public; and

(2) publish in the Federal Register the analysis or a summary thereof.

SEC. 11085. AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSIS.

(a) IN GENERAL.—Any Federal agency may perform the analyses required by sections 11082, 11083, and 11084 in conjunction with, or as a part of, any other agenda or analysis required by any other law if the other analysis satisfies the requirements of those sections.

(b) CERTIFICATION BY AGENCY HEAD.—

(1) IN GENERAL.—Sections 11083 and 11084 shall not apply to any proposed or final rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of agricultural entities.

(2) PUBLICATION.—If the head of the agency makes a certification under paragraph (1), the agency head shall publish the certification (together with a statement providing the factual basis for the certification) in the Federal Register—

(A) at the time of publication of general notice of proposed rulemaking for the rule; or

(B) at the time of publication of the final rule.

(3) CHIEF COUNSEL.—The agency shall provide each certification and statement described in paragraph (2) to the Chief Counsel for Advocacy of the Department of Agriculture.

(c) CLOSELY RELATED RULES.—To avoid duplicative action, an agency may consider a series of closely related rules as 1 rule for the purposes of sections 11082, 11083, 11084 and 11090.

SEC. 11086. EFFECT ON OTHER LAW.

The requirements of sections 11083 and 11084 do not alter in any manner standards otherwise applicable by law to agency action.

SEC. 11087. PREPARATION OF ANALYSES.

In complying with sections 11083 and 11084, an agency may provide—

(1) a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule; or

(2) more general descriptive statements, if quantification is not practicable or reliable.

SEC. 11088. PROCEDURE FOR WAIVER OR DELAY OF COMPLETION.

(a) EMERGENCY SITUATIONS.—An agency head may waive or delay the completion of some or all of the requirements of section 11083 by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the requirements impracticable.

(b) LIMITATION.—

(1) IN GENERAL.—Except as provided in section 11085(b), an agency head may not waive the requirements of section 11084.

(2) DELAYS.—An agency head may delay the completion of the requirements of section 11084 for a period of not more than 180 days after the date of publication in the Federal Register of a final rule by publishing in the Federal Register, not later than that date of publication, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes timely compliance with section 11084 impracticable.

(3) FAILURE TO PREPARE ANALYSIS.—If the agency has not prepared a final agricultural regulatory analysis pursuant to section 11084 by not later than 180 days after the date of publication of the final rule, the rule—

(A) shall lapse and have no effect; and

(B) shall not be repromulgated until a final regulatory flexibility analysis has been completed by the agency.

SEC. 11089. PROCEDURES FOR GATHERING COMMENTS.

(a) DEFINITION OF COVERED AGENCY.—In this section, the term ''covered agency'' means the Environmental Protection Agency and the Department of the Interior and its agencies.

(b) PARTICIPATION.—In any case in which a rule is promulgated that will have a significant economic impact on a substantial number of agricultural entities, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that agricultural entities have been given an opportunity to participate in the rulemaking for the rule through the rational use of techniques, such as—

(1) the inclusion in an advanced notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant economic effect on a substantial number of agricultural entities;

(2) the publication of general notice of proposed rulemaking in publications likely to be obtained by agricultural entities;

(3) the direct notification of interested agricultural entities;

(4) the conduct of open conferences or public hearings concerning the rule for agricultural entities including soliciting and receiving comments over computer networks; and

(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by agricultural entities.

(c) INITIAL REQUIREMENTS.—Before the date of publication of an initial agricultural regulatory flexibility analysis required under this subtitle—

(1) a covered agency shall—

(A) notify the Chief Counsel for Advocacy of the Department of Agriculture; and

(B) provide the Chief Counsel with information on the potential impacts of the proposed rule on agricultural entities that might be affected;

(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel shall identify individuals representative of affected agricultural entities for the purpose of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule;

(3) the agency shall convene a review panel for the rule consisting entirely of—

(A) full-time Federal employees of the office within the agency responsible for carrying out the proposed rule;

(B) the Office of Information and Regulatory Affairs within the Office of Management and Budget; and

(C) the Chief Counsel;

(4) the panel shall—

(A) review any material the agency has prepared in connection with this subtitle, including any draft proposed rule; and

(B) collect advice and recommendations of each individual agricultural entity representative identified by the agency, after consultation with the Chief Counsel, on issues relating to paragraphs (3) and (4) of subsection (b), and subsection (c), of section 11083;

(5) not later than 60 days after the date a covered agency convenes a review panel pursuant to paragraph (3), the review panel shall report on the comments of the agricultural entity representatives and its findings as to issues relating to paragraphs (3) and (4) of subsection (b), and subsection (c), of section 11083, subject to the requirement that the report shall be made public as part of the rulemaking record; and

(6) as appropriate, the agency shall modify the proposed rule, the initial agricultural flexibility analysis or the decision on whether an initial flexibility analysis is required.

(d) APPLICABILITY.—An agency may, at the discretion of the agency head, apply subsection (c) to rules that the agency intends to certify under section 11085(b), but the agency believes may have a greater than de minimis impact on a substantial number of agricultural entities.

(e) WAIVERS.—

(1) IN GENERAL.—The Chief Counsel for Advocacy, in consultation with the individuals identified under subsection (c)(2), and with the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, may waive the requirements of paragraphs (3) through (5) of subsection (c) by including in the rulemaking record a written finding, with reasons therefor, that those requirements would not advance the effective participation of agricultural entities in the rulemaking process.

(2) FACTORS FOR CONSIDERATION.—For purposes of paragraph (1), the factors to be considered in making a finding described in that paragraph are the following:

(A) In developing a proposed rule, the extent to which the covered agency consulted with individuals representative of affected agricultural entities with respect to the potential impacts of the rule and took those concerns into consideration.

(B) Special circumstances requiring prompt issuance of the rule.

(C) Whether the requirements of subsection (c) would provide the individuals identified in subsection (c)(2) with a competitive advantage relative to other agricultural entities.

SEC. 11090. PERIODIC REVIEW OF RULES.

(a) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency that have or will have a significant economic impact on a substantial number of agricultural entities.

(2) AMENDMENTS.—The plan may be amended by the agency at any time by publishing the revision in the Federal Register.

(3) REVIEWS.—The purpose of a review under the plan shall be to determine whether the rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable laws (including regulations), to minimize any significant economic impact of the rules on a substantial number of agricultural entities.

(4) REQUIREMENTS.—The plan shall provide for—

(A) the review of all such agency rules in existence on the date of enactment of this Act by not later than 10 years after that date; and

(B) the review of any rules adopted after that date of enactment by not later than 10 years after the publication of those rules as final rules.

(5) EXTENSIONS.—If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the agency head—

(A) shall provide a certification of the determination in a statement published in the Federal Register; and

(B) may extend the completion date by 1 year at a time for a total of not more than 5 years.

(b) FACTORS FOR CONSIDERATION.—In reviewing rules to minimize any significant economic impact of the rule on a substantial number of agricultural entities in a manner

consistent with the stated objectives of applicable laws and regulations, the agency shall take into consideration—

(1) the continued need for the rule;

(2) the nature of complaints or comments received concerning the rule from the public;

(3) the complexity of the rule;

(4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

(c) LISTS.—

(1) IN GENERAL.—For each calendar year, each agency shall publish in the Federal Register a list of the rules that have a significant economic impact on a substantial number of agricultural entities that are to be reviewed pursuant to this section during the following calendar year.

(2) INCLUSIONS.—The list shall include—

(A) a brief description of each rule; and

(B) the need for and legal basis of the rule.

(3) PUBLIC COMMENT.—The list shall invite public comment on each rule included on the list.

SEC. 11091. JUDICIAL REVIEW.

(a) REVIEW.—

(1) IN GENERAL.—For any rule subject to this subtitle, a agricultural entity that is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of sections 11081, 11084, 11085(b), 11088(b), and 11090 in accordance with chapter 7 of title 5, United States Code.

(2) CERTAIN SECTIONS.—Agency compliance with sections 11087 and 11089(a) shall be judicially reviewable in connection with judicial review of section 11084.

(3) JURISDICTION.—

(A) IN GENERAL.—Each court having jurisdiction to review a rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with sections 11081, 11084, 11085(b), 11088(b), and 11090 in accordance with chapter 7 of title 5, United States Code.

(B) CERTAIN SECTIONS.—Agency compliance with sections 11087 and 11089(a) shall be judicially reviewable in connection with judicial review of section 11084.

(4) TIME PERIOD.—

(A) IN GENERAL.—An agricultural entity may seek review under this subsection during the 1-year period beginning on the date of final agency action, except that if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section.

(B) DELAYS.—In any case in which an agency delays the issuance of a final agricultural flexibility analysis pursuant to section 11088(b), an action for judicial review under this section shall be filed not later than—

(i) 1 year after the date on which the analysis is made available to the public, or

(ii) if a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in the provision of law that is after the date the analysis is made available to the public.

(5) RELIEF.—In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this subtitle and chapter 7 of title 5 United States Code, including—

(A) remanding the rule to the agency; and

(B) deferring the enforcement of the rule against agricultural entities unless the court finds that continued enforcement of the rule is in the public interest.

(6) EFFECT OF SUBSECTION.—Nothing in this subsection limits the authority of any court—

(A) to stay the effective date of any rule or provision thereof under any other provision of law; or

(B) to grant any other relief in addition to the requirements of this section.

(b) ANALYSES.—In an action for the judicial review of a rule, the agricultural flexibility analysis for the rule, including an analysis prepared or corrected pursuant to subsection (a)(4), shall constitute part of the entire record of agency action in connection with the review.

(c) REQUIREMENT.—Compliance or noncompliance by an agency with the provisions of this subtitle shall be subject to judicial review only in accordance with this section.

(d) EFFECT OF SECTION.—Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of the statement or analysis is otherwise permitted by law.

SEC. 11092. REPORTS AND INTERVENTION RIGHTS.

(a) MONITORING.—The Chief Counsel for Advocacy of the Department of Agriculture shall—

(1) monitor agency compliance with this subtitle; and

(2) submit reports at least annually on that compliance to—

(A) the President;

(B) the Committee on Agriculture of the House of Representatives; and

(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) AMICUS CURIAE.—

(1) IN GENERAL.—The Chief Counsel for Advocacy of the Department of Agriculture may appear as amicus curiae in any action brought in a court of the United States to review a rule.

(2) In any action described in paragraph (1), the Chief Counsel may present the views of the Chief Counsel with respect to—

(A) compliance with this subtitle;

(B) the adequacy of the rulemaking record with respect to agricultural entities; and

(C) the effect of the rule on agricultural entities.

(3) ACTION BY COURTS.—A court of the United States shall grant the application of the Chief Counsel for Advocacy of the Department of Agriculture to appear in any such action for the purposes described in this subsection.

SEC. 11093. ESTABLISHMENT OF OFFICE OF ADVOCACY WITHIN THE DEPARTMENT OF AGRICULTURE; CHIEF COUNSEL FOR AGRICULTURAL ADVOCACY.

(a) ESTABLISHMENT.—There is established within the Department of Agriculture an Office of Advocacy.

(b) MANAGEMENT.—The management of the Office shall be vested in a Chief Counsel for Advocacy, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

SEC. 11094. PRIMARY FUNCTIONS OF OFFICE OF ADVOCACY.

The primary functions of the Office of Advocacy shall be—

(1) to measure the direct costs and other effects of government regulation on agricultural entities; and make legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of agricultural entities;

(2) to study the ability of financial markets and institutions to meet agricultural entity credit needs and determine the impact of government demands for credit on agricultural entities;

(3)(A) to recommend specific measures for creating an environment in which all agricultural entities will have the opportunity to compete effectively and expand to full potential; and

(B) to ascertain the common reasons, if any, for agricultural entity successes and failures;

(4)(A) to evaluate the efforts of each Federal department and agency, and of private industry, to assist agricultural entities owned and controlled by veterans, and agricultural entities concerns owned and controlled by serviced-disabled veterans;

(B) to provide statistical information on the use of those programs by those agricultural entities; and

(C) to make appropriate recommendations to the Secretary and Congress to promote the establishment and growth of those agricultural entities.

SEC. 11095. ADDITIONAL DUTIES OF OFFICE OF ADVOCACY.

The Office of Advocacy shall also perform the following duties on a continuing basis:

(1) Serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the President and any other Federal agency that affects agricultural entities.

(2) Counsel agricultural entities on methods to resolve questions and problems concerning the relationship of the agricultural entity to the Federal Government.

(3) Develop proposals for changes in the policies and activities of any agency of the Federal Government that will better fulfill the purposes of agricultural entities and communicate the proposals to the appropriate Federal agencies.

(4) Represent the views and interests of agricultural entities before other Federal agencies the policies and activities of which may affect agricultural entities.

(5) Enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about—

(A) the programs and services provided by the Federal Government that are of benefit to agricultural entities; and

(B) the means by which agricultural entities can participate in or make use of those programs and services.

SA 3795. Mr. NELSON of Florida (for himself, Mr. ENSIGN, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3660 submitted by Mr. BAUCUS (for himself and Mr. CRAPO) and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3_____. EFFECTIVE DATE.

(a) IN GENERAL.—The preceding sections relating to Cuba (including any amendment to the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.)) shall not take effect until the date on which the President submits to Congress a certification described in subsection (b).

(b) CONDITIONS FOR CERTIFICATION.—A certification referred to in subsection (a) is a certification submitted by the President that—

(1) Cuba has—

(A) ended discrimination in the Cuban tourist industry, known as ''tourism apartheid''; and

(B) provided to the citizens of Cuba access to tourist hotels, beaches, and other tourist locations;

(2) Cuba is providing equal employment opportunities for Afro-Cubans in the Cuban tourist industry, including in hotels;

(3) Cuban employers are making direct payments to Cuban hotel workers; and

(4) any foodstuffs imported to Cuba from the United States are made available for purchase in stores accessible to all Cubans.

SA 3796. Mr. NELSON of Florida (for himself, Mr. ENSIGN, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3668 submitted by Mr. BAUCUS and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3_____. EFFECTIVE DATE.

(a) IN GENERAL.—The preceding sections relating to Cuba (including any amendment to the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.)) shall not take effect until the date on which the President submits to Congress a certification described in subsection (b).

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(A) ended discrimination in the Cuban tourist industry, known as ''tourism apartheid''; and

(B) provided to the citizens of Cuba access to tourist hotels, beaches, and other tourist locations;

(2) Cuba is providing equal employment opportunities for Afro-Cubans in the Cuban tourist industry, including in hotels;

(3) Cuban employers are making direct payments to Cuban hotel workers; and

(4) any foodstuffs imported to Cuba from the United States are made available for purchase in stores accessible to all Cubans.

SA 3797. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3722 submitted by Mr. DURBIN (for himself and Mrs. DOLE) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 6 and all that follows through the end of the amendment and insert the following:

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the President shall use to carry out this section $100,000,000 for each of fiscal years 2009 through 2012.''; and

(B) in paragraph (2), by striking ''such sums'' and all that follows through ''2007'' and inserting ''$300,000,000 for each of fiscal years 2008 through 2012''.

SEC. 3109. OFFSET.

Section 901(b)(4)(A) of the Trade Act of 1974 (as added by section 12101(a)) is amended by striking clause (ii) and inserting the following:

''(ii) 35 percent of the amount of any direct payments made to the producer under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) or section 1103 of the Food and Energy Security Act of 2007 or of any fixed direct payments made at the election of the producer in lieu of that section or a subsequent section;''.

SA 3798. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3653 submitted by Mr. COBURN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 19____. ELIGIBILITY FOR DEPARTMENT PROGRAMS.

Section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—

''(i) REQUIREMENT TO PURCHASE CROP INSURANCE.—Effective for the spring-planted 2008 and subsequent crops (and fall-planted 2008 crops at the option of the Secretary) of each agricultural commodity or commercial crop (other than dairy or livestock), to be eligible for any benefit described in clause (ii), a person shall—

''(I) in the case of an agricultural commodity for which insurance is available under this title, obtain at least the catastrophic level of insurance for each crop of economic significance in which the person has an interest; or

''(II) in the case of an eligible crop for which payments are available under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), provides a level of coverage that is comparable to the coverage described in subclause (I), as determined by the Secretary.

''(ii) COVERED BENEFITS.—Benefits referred to in clause (i) are—

''(I) any type of price support, payment, loan, or other benefit, as determined by the Secretary, under—

''(aa) title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.);

''(bb) title I of the Food and Energy Security Act of 2007;

''(cc) the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.);

''(dd) any law providing agricultural disaster assistance; or

''(ee) any other similar Act administered by the Secretary, as determined by the Secretary; or

''(II) any benefit described in section 371(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008f(b)).

''(iii) WAIVER.—To be eligible for any benefit described in clause (ii), a person that elects not to obtain coverage described in subclause (I) or (II) of clause (i) for an agricultural commodity or commercial crop shall submit to the Secretary a written waiver to waive any eligibility for emergency crop loss assistance for that agricultural commodity or commercial crop.''.

SA 3799. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3612 submitted by Mr. BOND and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 973, strike lines 21 through 24 and inset the following:

(a) FUNDING.—

(1) MANDATORY FUNDING.—

(A) IN GENERAL.—Section 401(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Not later than 30 days after the date of enactment of the Food and Energy Security Act of 2007, on October 1, 2008, and each October 1 thereafter through October 1, 2011, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Account the amount that the Secretary estimates will be made available for the applicable fiscal year as a result of the enactment of section 7201(a)(1)(B) of that Act.''.

(B) OFFSET.—Notwithstanding title I or any amendment made by title I, a person or legal entity shall not be eligible for, and the Secretary shall not make to any person or legal entity, any individual payment under subtitles A through E of title I or an amendment made by those titles in an amount that is less than $50.

(2) DISCRETIONARY FUNDING.—Section 401(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)) is amended by striking paragraph (3) and inserting the following:

SA 3800. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 2761, to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Terrorism Risk Insurance Program Reauthorization Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of act of terrorism.
Sec. 3. Reauthorization of the Program.
Sec. 4. Annual liability cap.
Sec. 5. Enhanced reports to Congress.

SEC. 2. DEFINITION OF ACT OF TERRORISM.

Section 102(1)(A)(iv) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking ''acting on behalf of any foreign person or foreign interest''.

SEC. 3. REAUTHORIZATION OF THE PROGRAM.

(a) TERMINATION DATE.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking ''2007'' and inserting ''2014''.

(b) ADDITIONAL PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

''(G) ADDITIONAL PROGRAM YEARS.—Except when used as provided in subparagraphs (B) through (F), the term 'Program Year' means, as the context requires, any of Program Year 1, Program Year 2, Program Year 3, Program Year 4, Program Year 5, or any of calendar years 2008 through 2014.''.

(c) CONFORMING AMENDMENTS.—The Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in section 102(7)(F)—

(A) by inserting ''and each Program Year thereafter'' before '', the value''; and

(B) by striking ''preceding Program Year 5'' and inserting ''preceding that Program Year'';

(2) in section 103(e)(1)(A), by inserting ''and each Program Year thereafter'' after ''Year 5'';

(3) in section 103(e)(1)(B)(ii), by inserting before the period at the end ''and any Program Year thereafter'';

(4) in section 103(e)(2)(A), by striking ''of Program Years 2 through 5'' and inserting ''Program Year thereafter'';

(5) in section 103(e)(3), by striking ''of Program Years 2 through 5,'' and inserting ''other Program Year''; and

(6) in section 103(e)(6)(E), by inserting ''and any Program Year thereafter'' after ''Year 5''.

SEC. 4. ANNUAL LIABILITY CAP.

(a) IN GENERAL.—Section 103(e)(2) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in subparagraph (A)—

(A) by striking ''(until such time as the Congress may act otherwise with respect to such losses)''; and

(B) in clause (ii), by striking ''that amount'' and inserting ''the amount of such losses''; and

(2) in subparagraph (B), by inserting before the period at the end '', except that, notwithstanding paragraph (1) or any other provision of Federal or State law, no insurer may be required to make any payment for insured losses in excess of its deductible under section 102(7) combined with its share of insured losses under paragraph (1)(A) of this subsection''.

(b) NOTICE TO CONGRESS.—Section 103(e)(3) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by adding at the end the following: ''The Secretary shall provide an initial notice to Congress not later than 15 days after the date of an act of terrorism, stating whether the Secretary estimates that aggregate insured losses will exceed $100,000,000,000.''; and

(2) by striking ''and the Congress shall'' and all that follows through the end of the paragraph and inserting a period.

(c) REGULATIONS FOR PRO RATA PAYMENTS; REPORT TO CONGRESS.—Section 103(e)(2)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by striking ''For purposes'' and inserting the following:

''(i) IN GENERAL.—For purposes''; and

(2) by adding at the end the following:

''(ii) REGULATIONS.—Not later than 240 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall issue final regulations for determining the pro rata share of insured losses under the Program when insured losses exceed $100,000,000,000, in accordance with clause (i).

''(iii) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall provide a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the process to be used by the Secretary for determining the allocation of pro rata payments for insured losses under the Program when such losses exceed $100,000,000,000.''.

(d) DISCLOSURE.—Section 103(b) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) in the case of any policy that is issued after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the insurer provides clear and conspicuous disclosure to the policyholder of the existence of the $100,000,000,000 cap under subsection (e)(2), at the time of offer, purchase, and renewal of the policy;''.

(e) SURCHARGES.—Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in paragraph (7)—

(A) in subparagraph (C), by inserting ''133 percent of'' before ''any mandatory recoupment''; and

(B) by adding at the end the following:

''(E) TIMING OF MANDATORY RECOUPMENT.—

''(i) IN GENERAL.—If the Secretary is required to collect terrorism loss risk-spreading premiums under subparagraph (C)—

''(I) for any act of terrorism that occurs on or before December 31, 2010, the Secretary shall collect all required premiums by September 30, 2012;

''(II) for any act of terrorism that occurs between January 1 and December 31, 2011, the Secretary shall collect 35 percent of any required premiums by September 30, 2012, and the remainder by September 30, 2017; and

''(III) for any act of terrorism that occurs on or after January 1, 2012, the Secretary shall collect all required premiums by September 30, 2017.

''(ii) REGULATIONS REQUIRED.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary shall issue regulations describing the procedures to be used for collecting the required premiums in the time periods referred to in clause (i).

''(F) NOTICE OF ESTIMATED LOSSES.—Not later than 90 days after the date of an act of terrorism, the Secretary shall publish an estimate of aggregate insured losses, which shall be used as the basis for determining whether mandatory recoupment will be required under this paragraph. Such estimate shall be updated as appropriate, and at least annually.''; and

(2) in paragraph (8)—

(A) in subparagraph (C)—

(i) by striking ''(including any additional amount included in such premium'' and inserting ''collected''; and

(ii) by striking ''(D))'' and inserting ''(D)''; and

(B) in subparagraph (D)(ii), by inserting before the period at the end '', in accordance with the timing requirements of paragraph (7)(E)''.

SEC. 5. ENHANCED REPORTS TO CONGRESS.

(a) STUDY AND REPORT ON INSURANCE FOR NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL TERRORIST EVENTS.—Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

''(f) INSURANCE FOR NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL TERRORIST EVENTS.—

''(1) STUDY.—The Comptroller General of the United States shall examine—

''(A) the availability and affordability of insurance coverage for losses caused by terrorist attacks involving nuclear, biological, chemical, or radiological materials;

''(B) the outlook for such coverage in the future; and

''(C) the capacity of private insurers and State workers compensation funds to manage risk associated with nuclear, biological, chemical, and radiological terrorist events.

''(2) REPORT.—Not later than 1 year after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing a detailed statement of the findings under paragraph (1), and recommendations for any legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Comptroller General considers appropriate to expand the availability and affordability of insurance for nuclear, biological, chemical, or radiological terrorist events.''.

(b) STUDY AND REPORT ON AVAILABILITY AND AFFORDABILITY OF TERRORISM INSURANCE IN SPECIFIC MARKETS.—Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

''(g) AVAILABILITY AND AFFORDABILITY OF TERRORISM INSURANCE IN SPECIFIC MARKETS.—

''(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine whether there are specific markets in the United States where there are unique capacity constraints on the amount of terrorism risk insurance available.

''(2) ELEMENTS OF STUDY.—The study required by paragraph (1) shall contain—

''(A) an analysis of both insurance and reinsurance capacity in specific markets, including pricing and coverage limits in existing policies;

''(B) an assessment of the factors contributing to any capacity constraints that are identified; and

''(C) recommendations for addressing those capacity constraints.

''(3) REPORT.—Not later than 180 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Comptroller General shall submit a report on the study required by paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.''.

(c) ONGOING REPORTS.—Section 108(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''ongoing'' before ''analysis''; and

(B) by striking '', including'' and all that follows through the end of the paragraph, and inserting a period; and

(2) in paragraph (2)—

(A) by inserting ''and thereafter in 2010 and 2013,'' after ''2006,''; and

(B) by striking ''subsection (a)'' and inserting ''paragraph (1)''.

SA 3801. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 274, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; which was ordered to lie on the table; as follows:

After subsection (n), insert the following:

(o) REPORTING REQUIREMENTS.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—

(A) IN GENERAL.—Not later than 40 months after the date of enactment of this Act, the Government Accountability Office shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this Act.

(B) CONTENTS.—The report under this paragraph shall include—

(i) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b)(8) or (9) of title 5, United States Code, since the effective date of the Act;

(ii) the outcome of the cases described under clause (i), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious; and

(iii) any other matter as determined by the Government Accountability Office.

(2) MERIT SYSTEMS PROTECTION BOARD.—

(A) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(i) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b)(8) or (9) of title 5, United States Code, were alleged.

(ii) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(B) FIRST REPORT.—The first report described under subparagraph (A) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on January 1, 2008 through the end of the fiscal year 2008.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDUCUARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate and continue an executive business meeting on Friday, November 16, 2007, at 9:45 a.m. in room S–216, of the Capitol.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Friday, November 16, 2007. The Committee will meet off the Senate Floor in the Reception Room to consider the nomination of Michael W. Hager to be an Assistant Secretary of Veterans Affairs for Human Resources and Management after the first floor vote that occurs on Friday.

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

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that my research director, Ron Hindle, be given floor privileges for the remainder of the day.

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

EXECUTIVE SESSION

PROTOCOL AMENDING TAX CONVENTION WITH DENMARK

PROTOCOL AMENDING TAX CONVENTION WITH FINLAND

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 3 and 4 en bloc, the Protocol Amending Tax Convention with Denmark and the Protocol Amending Tax Convention with Finland; that the protocols be advanced through their various parliamentary stages up to and including the presentation of the resolutions of ratification, and that there now be a division vote on the resolutions en bloc.

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

A division has been requested.

Senators in favor of the resolutions of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

Resolved, (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Copenhagen on May 2, 2006 (Treaty Doc. 109–19).

Resolved, (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki on May 31, 2006 (Treaty Doc. 109–18).

Mr. WEBB. Mr. President, I ask unanimous consent that the motions to reconsider be laid on the table, and the President be immediately notified of the Senate's action.

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

EXECUTIVE CALENDAR

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 378 through 391, the nomination of Michael Hager to be an Assistant Secretary of Veterans Affairs, reported out earlier today by the Veterans' Affairs Committee, and all nominations on the Security's desk; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mark D. Gearan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 1, 2010.

Julie Fisher Cummings, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring September 14, 2011.

Donna N. Williams, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

Tom Osborne, of Nebraska, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2012.

Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

DEPARTMENT OF DEFENSE

Douglas A. Brook, of California, to be an Assistant Secretary of the Navy.

John J. Young, Jr., of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

DEPARTMENT OF ENERGY

Robert L. Smolen, of Pennsylvania, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Carroll H. Chandler, 9115

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Donald L. Rutherford, 5430

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be brigadier general

Colonel Joseph Caravalho, Jr., 7925
Colonel Rhonda L. S. Cornum, 2574
Colonel Keith W. Gallagher, 5366

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas F. Metz, 5686

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Jeffrey A. Sorenson, 3510

THE JUDICIARY

Reed Charles O'Connor, of Texas, to be United States District Judge for the Northern District of Texas.

DEPARTMENT OF VETERANS AFFAIRS

Michael W. Hager, of Virginia, to be an Assistant Secretary of Veterans Affairs.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1017 AIR FORCE nomination of Michael V. Siebert, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1018 AIR FORCE nominations (3) beginning BRIAN D. ONEIL, and ending FRANK R. VIDAL, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

IN THE ARMY

PN1019 ARMY nomination of Anthony Barber, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1020 ARMY nomination of Tim C. Lawson, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1021 ARMY nomination of Richard D. Fox II, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1022 ARMY nomination of John G. Goulet, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1023 ARMY nomination of David L. Patten, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1024 ARMY nominations (51) beginning MARK J. BENEDICT, and ending GUSTAV D. WATERHOUSE, of which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

IN THE MARINE CORPS

PN1025 MARINE CORPS nomination of Melvin L. Chattman, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1026 MARINE CORPS nominations (7) beginning DANA R. BROWN, and lending MARK R. REID, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

IN THE NAVY

PN1027 NAVY nominations (60) beginning JULIAN D. ARELLANO, and ending JARED W. WYRICK, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

PUBLIC HEALTH SERVICE

PN983 PUBLIC HEALTH SERVICE nominations (118) beginning Harry J. Brown, and ending Elaine C. Wolff, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2007.

Mr. LEAHY. Mr. President, I am pleased that we can take a break from the tired, partisan sniping from the other side of the aisle. With the consideration of this nomination the Senate continues making progress confirming judicial nominations. The complaints we hear more and more loudly as we approach an election year ring hollow.

The Judiciary Committee has now reached a milestone by agreeing to report 40 nominations for lifetime appointments to the Federal bench this year. That exceeds the totals reported in each of the previous 2 years, when a Republican-led Judiciary Committee was considering this President's nominees.

Today we consider one of the nominations reported this week. Reed Charles O'Connor has been nominated to fill a vacancy in the Northern District of Texas. Reed is well known to many of us on the Judiciary Committee as he has been on detail for the last two years to serve as Senator Cornyn's counsel on the committee and before that with the Republican staff of the committee. Before that, Reed spent a year on detail with the general counsel's office of the Executive Office of United States Attorneys. With his confirmation, Reed will return home to Texas, where he previously served as an Assistant U.S. Attorney for the Northern District of Texas and before that as an Assistant District Attorney in Tarrant County District Attorney's Office in Fort Worth. Born in Houston, Reed graduated from the University of Houston in 1986 and the South Texas College of Law in 1989.

I thank Senator CORNYN and Senator HUTCHISON for their consideration of this nomination and Senator WHITEHOUSE for chairing his confirmation hearing.

When we confirm the nomination we consider today, the Senate will have confirmed 36 nominations for lifetime appointments to the Federal bench this session alone. That is more than the total number of judicial nominations that a Republican-led Senate confirmed in all of 1997, 1999, 2004, 2005 or 2006. It is 19 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.

When this nomination is confirmed, the Senate will have confirmed 136 total Federal judicial nominees in my tenure as Judiciary chairman. During the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2–year tenures of either of the two Republican chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts will list 46 judicial vacancies and 14 circuit court vacancies after today's confirmation. 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 vacancies that arose at the beginning of the 110th Congress and throughout the year, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican led-Judiciary Committee. They are about half what they were at the end of President Clinton's term, when Republican pocket filibusters allowed judicial vacancies to rise to top 100 before being left at 80, 26 of them for circuit courts.

This week, while the White House was complaining about nominations, I was sending a letter to the President urging him to work with me, Senator SPECTER, and home State Senators to send us more well-qualified, consensus nominations. Now is the time for him to send us more nominations that could be considered and confirmed as his presidency approaches its last year, before the Thurmond Rule kicks in.

As I noted in that letter, I have been concerned that several recent nominations seem to be part of an effort to pick political fights rather than judges to fill vacancies. For example, President Bush nominated Duncan Getchell to one of Virginia's Fourth Circuit vacancies over the objections of Senator WEBB, a Democrat, and Senator WARNER, a Republican. They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell.

When the President consults and sends well-qualified, consensus nominations, we can work together and continue to make progress as we are today.

I congratulate Reed and his family on his confirmation today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. WEBB. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate, the Senate committees may file committee-reported legislative and Executive Calendar business on Tuesday, November 27, 2007, during the hours of 10 a.m. to 1 p.m.

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

APPOINTMENT AUTHORITY

Mr. WEBB. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent act of the two Houses, or by order of the Senate.

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

MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATION ACT OF 2007

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 322, H.R. 50.

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

The assistant legislative clerk read as follows:

A bill (H.R. 50) to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

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

Mr. WEBB. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

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

The bill (H.R. 50) was ordered to a third reading, was read the third time, and passed.

ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2007

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 323, H.R. 465.

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

The assistant legislative clerk read as follows:

A bill (H.R. 465) to reauthorize the Asian Elephant Conservation Act of 1997.

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

Mr. WEBB. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

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

The bill (H.R. 465) was ordered to a third reading, was read the third time, and passed.

THE CALENDAR

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the consideration of the following Calendar items: Nos. 491, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, and 506.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. WEBB. Mr. President, I ask unanimous consent that the bills be read the third time, passed, and that the motions to reconsider be laid upon the table en bloc; that consideration of these items be printed separately in the RECORD, and that any statements relating thereto be printed in the RECORD.

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

LARRY S. PIERCE POST OFFICE

The bill (S. 2110) to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2110

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

SECTION 1. LARRY S. PIERCE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 427 North Street in Taft, California, shall be known and designated as the ''Larry S. Pierce Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Larry S. Pierce Post Office''.

PAUL E. GILLMOR POST OFFICE BUILDING

The bill (S. 2174) 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,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2174

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

SECTION 1. PAUL E. GILLMOR POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, shall be known and designated as the ''Paul E. Gillmor Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Paul E. Gillmor Post Office Building''.

BEATRICE E. WATSON POST OFFICE BUILDING

The bill (S. 2290) to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2290

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

SECTION 1. BEATRICE E. WATSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, shall be known and designated as the ''Beatrice E. Watson Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Beatrice E. Watson Post Office Building''.

LOUISIANA ARMED SERVICES VETERANS POST OFFICE

The bill (H.R. 2089) to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the ''Louisiana Armed Services Veterans Post Office,'' was considered, ordered to a third reading, read the third time, and passed.

CORPORAL CHRISTOPHER E. ESCKELSON POST OFFICE BUILDING

The bill (H.R. 2276) to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the ''Corporal Christopher E. Esckelson Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

NATE DETAMPLE POST OFFICE BUILDING

The bill (H.R. 3297) to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the ''Nate DeTample Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

DENNIS P. COLLINS POST OFFICE BUILDING

The bill (H.R. 3307) to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the ''Dennis P. Collins Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

CHARLES H. HENDRIX POST OFFICE BUILDING

The bill (H.R. 3518) to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the ''Charles H. Hendrix Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

CHIEF WARRANT OFFICER AARON WEAVER POST OFFICE BUILDING

The bill (H.R. 3530) to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the ''Chief Warrant Officer Aaron Weaver Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

LANCE CORPORAL DAVID K. FRIBLEY POST OFFICE

The bill (H.R. 3308) to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the ''Lance Corporal David K. Fribley Post Office,'' was considered, ordered to a third reading, read the third time, and passed.

CORPORAL STEPHEN R. BIXLER POST OFFICE

The bill (H.R. 3325) to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the ''Corporal Stephen R. Bixler Post Office,'' was considered, ordered to a third reading, read the third time, and passed.

PHILIP A. BADDOUR, SR. POST OFFICE

The bill (H.R. 3382) to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the ''Philip A. Baddour, Sr. Post Office,'' was considered, ordered to a third reading, read the third time, and passed.

MICHAEL W. SCHRAGG POST OFFICE BUILDING

The bill (H.R. 3446) to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the ''Michael W. Schragg Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

WALLACE S. HARTSFIELD POST OFFICE BUILDING

The bill (H.R. 3572) to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the ''Wallace S. Hartsfield Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

THE JOHN ''MARTY'' THIELS SOUTHPARK STATION

The bill (S. 2272) to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John ''Marty'' Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2272

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

SECTION 1. JOHN "MARTY" THIELS SOUTHPARK STATION.

(a) DESIGNATION.—The facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, shall be known and designated as the ''John 'Marty' Thiels Southpark Station''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''John 'Marty' Thiels Southpark Station''.

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following calendar items: Calendar Nos. 509 and 510.

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

Mr. WEBB. Mr. President, I ask unanimous consent that the resolutions be agreed to; that the preambles be agreed to; that the motions to reconsider be laid upon the table, en bloc; that the consideration of these items appear separately in the Record; and that any statements relating to the resolutions be printed in the RECORD.

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

NATIONAL METHAMPHETAMINE AWARENESS MONTH

The resolution (S. Res. 366) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 366

Designating November 2007 as ''National Methamphetamine Awareness Month'', to increase awareness of methamphetamine abuse.

Whereas methamphetamine, an easily manufactured drug of the amphetamine group, is a powerful and addictive central nervous system stimulant with long-lasting effects;

Whereas the National Association of Counties found that methamphetamine is the number 1 illegal drug problem for 47 percent of the counties in the United States, a higher percentage than that of any other drug;

Whereas 4 out of 5 county sheriffs report that, while local methamphetamine production is down, methamphetamine abuse is not (½ of the Nation's sheriffs report abuse of the drug has stayed the same and nearly ⅓ say that it has increased);

Whereas the highest rates of methamphetamine use among all ethnic groups occur within Native American communities;

Whereas the consequence of methamphetamine use by many young adults in the Native American community has been death, including methamphetamine-related suicides;

Whereas crime related to methamphetamine abuse continues to increase, with 55 percent of sheriffs reporting increases in robberies and burglaries during the last year;

Whereas most illegal methamphetamine available in the United States is produced in large clandestine laboratories in Mexico and smuggled into this country;

Whereas methamphetamine labs are costly to clean up in that every pound of methamphetamine produced can yield up to 5 pounds of toxic waste, representing a public danger to adults and children;

Whereas the profile of methamphetamine users is changing, as ⅗ of the Nation's sheriffs report increased methamphetamine use by women and ½ of the Nation's sheriffs report increased use by teens;

Whereas, in surveys on the abuse of methamphetamine among teens, many of the respondents said that the drug was easy to get and believed there is little risk in trying it;

Whereas other National Association of Counties surveys have shown that methamphetamine also places significant burdens on local social service and health care resources, increasing out-of-home placements for children, sending more people to public hospital emergency rooms than any other drug, and producing an ever-growing need for methamphetamine treatment programs; and

Whereas the establishment of a National Methamphetamine Awareness month would increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the Federal, State, and local levels: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2007 as ''National Methamphetamine Awareness Month'' to increase awareness of methamphetamine abuse; and

(2) encourages the people of the United States and interested groups to observe National Methamphetamine Awareness Month with appropriate educational programs and outreach activities.

COMMEMORATING SOVIET JEWISH FREEDOM

The resolution (S. Res. 367) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 367

Whereas Jews living in the former Soviet Union were an oppressed cultural minority who faced systematic, state-sponsored discrimination and difficulties in exercising their religion and culture, including the study of the Hebrew language;

Whereas, in 1964, the American Jewish Conference on Soviet Jewry (AJCSJ) was founded to spearhead a national campaign on behalf of Soviet Jewry;

Whereas, in 1964, the Student Struggle for Soviet Jewry was founded to demand freedom for Soviet Jewry;

Whereas, in 1964, thousands of college students rallied on behalf of Soviet Jewry in front of the United Nations;

Whereas Israel's victory in the 1967 Six-Day War inspired Soviet Jews to intensify their efforts to win the right to emigrate;

Whereas, in 1967, the Soviet Union began an anti-Zionist propaganda campaign in the state-controlled mass media and a crackdown on Jewish autonomy, galvanizing a mass advocacy movement in the United States;

Whereas the Union of Councils for Soviet Jewry was founded in 1970 as a coalition of local grassroots ''action'' councils supporting freedom for the Jews of the Soviet Union;

Whereas, in 1971, the severe sentences, including death, meted out to 9 Jews from Leningrad who attempted to hijack a plane to flee the Soviet Union spurred worldwide protests;

Whereas, in 1971, the National Conference on Soviet Jewry (NCSJ) succeeded the AJCSJ;

Whereas, in 1971, mass emigration of Jews from the Soviet Union began;

Whereas, in 1974, Senator Henry ''Scoop'' Jackson and Congressman Charles Vanik successfully attached an amendment to the Trade Act of 1974 linking trade benefits, now known as Normal Trade Relations, to the emigration and human rights practices of Communist countries, including the Soviet Union;

Whereas, in 1975, President Gerald R. Ford signed into law the Jackson-Vanik amendment to the Trade Act of 1974, after both houses of Congress unanimously backed it;

Whereas, in 1978, the Congressional Wives for Soviet Jewry was founded;

Whereas, in 1982, President Ronald Reagan signed into law House Joint Resolution 373 (subsequently Public Law 97–157), expressing the sense of the Congress that the Soviet Union should cease its repressive actions

against those who seek the freedom to emigrate or to practice their religious or cultural traditions, drawing special attention to the hardships and discrimination imposed upon the Jewish community in the Soviet Union;

Whereas, in 1983, the bipartisan Congressional Human Rights Caucus was founded to advance the cause of human rights;

Whereas, in 1984, the Congressional Coalition for Soviet Jews was founded;

Whereas, on December 6, 1987, an estimated 250,000 people demonstrated on the National Mall in Washington, DC, in support of freedom for Soviet Jews, in advance of a summit between Mikhail Gorbachev and President Reagan;

Whereas, in 1989, the former Soviet Union opened its doors to allow the millions of Soviet Jews who had been held as virtual prisoners within their own country to leave the country;

Whereas, in 1991, the Supreme Soviet passed a law that codified the right of every citizen of the Soviet Union to emigrate, precipitating massive emigration by Jews, primarily to Israel and the United States;

Whereas, since 1975, more than 500,000 refugees from areas of the former Soviet Union—many of them Jews, evangelical Christians, and Catholics—have resettled in the United States;

Whereas the Soviet Jewish community in the United States today numbers between 750,000 and 1,000,000, though some estimates are twice as high;

Whereas Jewish immigrants from the former Soviet Union have greatly enriched the United States in areas as diverse as business, professional sports, the arts, politics, and philanthropy;

Whereas, in 1992, Congress passed the Freedom Support Act, making aid for the 15 independent states of the former Soviet Union contingent on progress toward democratic self-government and respect for human rights;

Whereas, since 2000, more than 400 independent Jewish cultural organizations and 30 Jewish day schools have been established in the independent states of the former Soviet Union; and

Whereas the National Conference on Soviet Jewry and its partner organizations continue to work to promote the safety and human rights of Jews in the independent states of the former Soviet Union: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significant contributions of American citizens of Jewish descent who emigrated from the Soviet Union;

(2) commemorates the 40th anniversary of the mass movement for freedom by and on behalf of Soviet Jewry;

(3) commemorates the 20th anniversary of the December 6, 1987, Freedom Sunday rally, a major landmark of Jewish activism in the United States; and

(4) condemns incidents of anti-Semitism, xenophobia, and religious persecution wherever they may occur in the independent states of the former Soviet Union and encourages the development and deepening of democracy, religious freedom, rule of law, and human rights in those states.

HONORING SAN FRANCISCO OIL SPILL VOLUNTEERS

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 385, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 385) honoring those who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in San Francisco Bay.

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

Mr. WEBB. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motions to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 385) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 385

Whereas the oil spill that occurred on November 7, 2007, in the San Francisco Bay resulted in the discharge of between 53,570 and 58,000 gallons of toxic bunker fuel, causing one of the Bay Area's worse environmental disasters;

Whereas 28 beaches were closed and over 1,300 birds so far have been severely impacted by the spill;

Whereas thousands of individuals throughout the San Francisco Bay Area immediately volunteered to assist with the cleanup;

Whereas Bay Area community non-profit organizations, such as San Francisco Connect, have also rallied to support the response and recovery work by supporting these volunteer efforts;

Whereas Bay Area environmental organizations, such as Baykeeper, Save the Bay, and Bay Institute, have provided invaluable leadership in reporting, assessing, and helping to remediate the damage to the Bay's ecosystem;

Whereas the Pacific Coast Federation of Fishermen's Associations, members of the San Francisco Crab Boat Owners Association, commercial crabbers, and other Bay Area fishermen have all joined the cleanup efforts as well; and

Whereas the city of San Francisco, particularly through its Department of Emergency Management, has significantly contributed to the overall response, bringing considerable resources to bear: Now, therefore, be it

Resolved, That the Senate honors those individuals and organizations who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in one of our Nation's most beloved national treasures, the San Francisco Bay.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 386, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 386) to authorize testimony and legal representation in State of Nebraska v. Pamir J. Safi.

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

Mr. REID. Mr. President, this resolution concerns a request for testimony in a criminal action in Nebraska District Court for Lancaster County in Lincoln, in which the victim was, at the time of the alleged crime, an intern in Senator HAGEL's office. Two other former staff members from Senator HAGEL's office are being subpoenaed to provide testimony in depositions regarding their knowledge of the events at issue and their interactions with the victim. Senator HAGEL wishes to cooperate with this judicial process by providing the requested testimony from these two former members of his staff. This resolution would authorize those staff members to testify in this action, with representation by the Senate legal counsel.

Mr. WEBB. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motions to reconsider be laid upon the table, en bloc; and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 386) as agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 386

Whereas, in the case of State of Nebraska v. Pamir J. Safi, No. CR05–87, pending in Nebraska District Court for Lancaster County in Lincoln, Nebraska, testimony has been requested from Dorothy Anderson and Blayne Garth Glissman, Jr., former employees in the office of Senator Chuck Hagel;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §288b(a) and §288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved That Dorothy Anderson and Blayne Garth Glissman, Jr. are authorized to testify in the case of State of Nebraska v. Pamir J. Safi, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Dorothy Anderson and Blayne Garth Glissman, Jr. in connection with the testimony authorized in section one of this resolution.

REGARDING DEGRADATION OF THE JORDAN RIVER AND THE DEAD SEA

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate

now proceed to the consideration of S. Res. 387, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 387) expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and the Palestinian Authority.

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

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

The resolution (S. Res. 387) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 387

Expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and the Palestinian Authority.

Whereas the Dead Sea and the Jordan River are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world;

Whereas the world's 3 great monotheistic faiths—Christianity, Islam, and Judaism—consider the Jordan River a holy place;

Whereas local governments have diverted more than 90 percent of the Jordan's traditional 1,300,000,000 cubic meters of annual water flow in order to satisfy a growing demand for water in the arid region;

Whereas the Jordan River is the primary tributary of the Dead Sea and the dramatically reduced flow of the Jordan River has been the primary cause of a 20 meter fall in the Dead Sea's water level and a ⅓ decline in the Dead Sea's surface area in less than 50 years;

Whereas the Dead Sea's water level continues to fall about a meter a year;

Whereas the decline in water level of the Dead Sea has resulted in significant environmental damage, including loss of freshwater springs, river bed erosion, and over 1,000 sinkholes;

Whereas mismanagement has resulted in the dumping of sewage, fish pond runoff, and salt water into the Jordan River and has led to the pollution of the Jordan River with agricultural and industrial effluents;

Whereas the World Monuments Fund has listed the Jordan River as one of the world's 100 most endangered sites;

Whereas widespread consensus exists regarding the need to address the degradation of the Jordan River and the Dead Sea;

Whereas the Governments of Jordan and Israel, as well as the Palestinian Authority (the ''Beneficiary Parties''), working together in an unusual and welcome spirit of cooperation, have attempted to address the Dead Sea water level crisis by articulating a shared vision of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas Binyamin Ben Eliezar, the Minister of National Infrastructure of Israel, has said, ''The Study is an excellent example for cooperation, peace, and conflict reduction. Hopefully it will become the first of many such cooperative endeavors'';

Whereas Mohammed Mustafa, the Economic Advisor for the Palestinian Authority, has said, ''This cooperation will bring wellbeing for the peoples of the region, particularly Palestine, Jordan, and Israel . . . We pray that this type of cooperation will be a positive experience to deepen the notion of dialogue to reach solutions on all other tracks'';

Whereas Zafer al-Alem, the former Water Minister of Jordan, has said, ''This project is a unique chance to deepen the meaning of peace in the region and work for the benefit of our peoples'';

Whereas the Red Sea-Dead Sea Water Conveyance Concept envisions a 110-mile pipeline from the Red Sea to the Dead Sea that would descend approximately 1,300 feet creating an opportunity for hydroelectric power generation and desalination, as well as the restoration of the Dead Sea;

Whereas some have raised legitimate questions regarding the feasibility and environmental impact of the Red Sea–Dead Sea Water Conveyance Concept;

Whereas the Beneficiary Parties have asked the World Bank to oversee a feasibility study and an environmental and social assessment whose purpose is to conclusively answer these questions;

Whereas the Red Sea–Dead Sea Water Conveyance Concept would not address the degradation of the Jordan River;

Whereas the Beneficiary Parties could address the degradation of the Jordan River by designing a comprehensive strategy that includes tangible steps related to water conservation, desalination, and the management of sewage and agricultural and industrial effluents; and

Whereas Israel and the Palestinian Authority are expected to hold high-level meetings in the Washington area in the winter of 2007 to seek an enduring solution to the Arab–Israeli crisis: Now, therefore, be it

Resolved, That the Senate—

(1) calls the world's attention to the serious and potentially irreversible degradation of the Jordan River and the Dead Sea;

(2) applauds the cooperative manner with which the Governments of Israel and Jordan, as well as the Palestinian Authority (the ''Beneficiary Parties''), have worked to address the declining water level and quality of the Dead Sea and other water-related challenges in the region;

(3) supports the Beneficiary Parties' efforts to assess the environmental, social, health, and economic impacts, costs, and feasibility of the Red Sea-Dead Sea Water Conveyance Concept in comparison to alternative proposals, such as those that focus on the restoration of the Jordan River;

(4) encourages the Governments of Israel and Jordan, as well as the Palestinian Authority, to continue to work in a spirit of cooperation as they address the region's serious water challenges;

(5) urges Israel, Jordan, and the Palestinian Authority to develop a comprehensive strategy to rectify the degradation of the Jordan River; and

(6) hopes the spirit of cooperation manifested by the Beneficiary Parties in their search for a solution to the Dead Sea water crisis might serve as a model for addressing the degradation of the Jordan River, as well as a model of peace and cooperation for the upcoming meetings in the Washington area between Israel and the Palestinian Authority as they seek to resolve long-standing disagreements and to develop a durable solution to the Arab-Israeli crisis.

COMMEMORATING CENTENNIAL ANNIVERSARY OF NAVY'S ''GREAT WHITE FLEET''

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 55, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 55) commemorating the centennial anniversary of the sailing of the Navy's ''Great White Fleet,'' launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909.

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

Mr. WARNER. Mr. President, I join with my colleague in the Senate from Virginia, Senator JIM WEBB. I am also pleased to note that Representative THELMA DRAKE from Virginia is the champion and author of this resolution in the House of Representatives.

Our resolution is introduced for the purpose of commemorating the centennial anniversary of the sailing of the Navy's ''Great White Fleet,'' launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909.

This major historical event will be commemorated in a Navy ceremony onboard the aircraft carrier U.S.S. *Theodore Roosevelt*, at Naval Station Norfolk, Virginia on December 15, 2007.

The launching of the Great White Fleet marked the emergence of the United States as a true global seapower, able to dispatch 16 new battleships on a worldwide deployment for 14 months. The battleships, which were painted entirely white, were manned by 14,000 sailors and conducted visits across the world to reinforce friendships and partnerships with other nations. At the same time, the Great White Fleet demonstrated the naval presence of the United States.

This resolution commemorates the wisdom of President Theodore Roosevelt in developing and launching the Great White Fleet, and the resolution indicates that the Congress supports a one-time designation of a day to celebrate the 100th centennial of the Fleet and the special role it played in building enduring friendships with important allies and partner nations.

The resolution also commends efforts by the Department of the Navy to maintain and strengthen our cooperative partnerships with foreign nations and safeguard our Nation's interests in the maritime domain; commends efforts by the Department of the Navy in leading the development of a Cooperative Strategy for 21st Century Seapower; and honors the sacrifices made and services rendered by the servicemembers of the Navy, Marine

Corps, and the Coast Guard and the civilians who constitute our maritime services.

I urge my colleagues to support this resolution.

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

The concurrent resolution (S. Con. Res. 55) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 55

Whereas the launching of the Great White Fleet marked the emergence of the United States as a true global seapower, able to dispatch 16 new battleships on a worldwide deployment for 14 months;

Whereas these battleships were painted entirely white, with gilded scrollwork on their bows, and subsequently came to be known as the ''Great White Fleet'';

Whereas the 4 squadrons of 4 battleships each, manned by 14,000 sailors, sailed 43,000 miles and made 20 port calls on 6 continents;

Whereas the Fleet, in conducting visits to important nations such as Australia, served to reinforce a friendship and partnership that continues to this day;

Whereas the Fleet, in providing a tangible demonstration of the forward naval presence of the United States in the Pacific, also reinforced the message of how important maritime stability and security are to the United States;

Whereas the Fleet, in response to one of the worst natural disasters in European history, was able to immediately divert to Messina, Sicily, to offer humanitarian aid to the Italian people; and

Whereas the Fleet, in executing a range of missions and returning to the United States after 14 months at sea, displayed to the world a number of core American values, including compassion, showed its flexibility by responding to unforeseen events, and demonstrated the ability of the United States to project maritime power as a stabilizing force: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commemorates the wisdom of President Theodore Roosevelt in developing and launching the Great White Fleet;

(2) supports a one-time designation of a day to celebrate the 100th centennial of the Great White Fleet and the special role the Fleet played in building enduring friendships with important allies and partner nations;

(3) commends efforts by the Department of the Navy to maintain and strengthen our cooperative partnerships with foreign nations and to safeguard our Nation's interests in the maritime domain;

(4) commends efforts by the Department of the Navy in leading the development of a Cooperative Strategy for 21st Century Seapower; and

(5) honors the sacrifices made and services rendered by the servicemembers of the Navy, Marine Corps, and the Coast Guard and the civilians who constitute our maritime services.

ENCOURAGING PEACEFUL TRANSITION TO DEMOCRACY IN BURMA

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 56, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 56) encouraging the Association of Southeast Asian Nations to take action to ensure a peaceful transition to democracy in Burma.

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

Mr. WEBB. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 56) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 56

Whereas hundreds of thousands of citizens of Burma have risked their lives in demonstrations to demand a return to democracy and respect for human rights in their country;

Whereas the repressive military Government of Burma has conducted a brutal crackdown against demonstrators, which has resulted in mass numbers of killings, arrests, and detentions;

Whereas Burma has been a member of the Association of Southeast Asian Nations (ASEAN) since 1997;

Whereas foreign ministers of other ASEAN member nations, in reference to Burma, have ''demanded that the government immediately desist from the use of violence against demonstrators'', expressed ''revulsion'' over reports that demonstrators were being suppressed by violent and deadly force, and called for ''the release of all political detainees including Daw Aung San Suu Kyi'';

Whereas the foreign ministers of ASEAN member nations have expressed concern that developments in Burma ''had a serious impact on the reputation and credibility of ASEAN'';

Whereas Ibrahim Gambari, the United Nations (UN) Special Envoy to Burma, has called on the member nations of ASEAN to take additional steps on the Burma issue, saying, ''Not just Thailand but all the countries that I am visiting, India, China, Indonesia, Malaysia and the UN, we could do more'';

Whereas the ASEAN Security Community Plan of Action adopted October 7, 2003, at the ASEAN Summit in Bali states that ASEAN members ''shall promote political development . . . to achieve peace, stability, democracy, and prosperity in the region'', and specifically says that ''ASEAN Member Countries shall not condone unconstitutional and undemocratic changes of government'';

Whereas the Government of Singapore, as the current Chair of ASEAN, will host ASEAN's regional summit in November 2007 to approve ASEAN's new charter;

Whereas the current Foreign Minister of Singapore, George Yeo, has publicly expressed, ''For some time now, we had stopped trying to defend Myanmar internationally because it became no longer credible'';

Whereas, according to the chairman of the High Level Task Force charged with drafting the new ASEAN Charter, the Charter ''will make ASEAN a more rules-based organization and . . . will put in place a system of compliance monitoring and, most importantly, a system of compulsory dispute settlement for noncompliance that will apply to all ASEAN agreements'';

Whereas upon its accession to ASEAN, Burma agreed to subscribe or accede to all ASEAN declarations, treaties, and agreements;

Whereas 2007 marks the 30th anniversary of the relationship and dialogue between the United States and ASEAN;

Whereas the Senate passed legislation in the 109th Congress that would authorize the establishment of the position of United States Ambassador for ASEAN Affairs, and the President announced in 2007 that an Ambassador would be appointed; and

Whereas ASEAN member nations and the United States share common concerns across a broad range of issues, including accelerated economic growth, social progress, cultural development, and peace and stability in the Southeast Asia region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) joins the foreign ministers of member nations of the Association of Southeast Asian Nations (ASEAN) that have expressed concern over the human rights situation in Burma;

(2) encourages ASEAN to take more substantial steps to ensure a peaceful transition to democracy in Burma;

(3) welcomes steps by ASEAN to strengthen its internal governance through the adoption of a formal ASEAN charter;

(4) urges ASEAN to ensure that all member nations live up to their membership obligations and adhere to ASEAN's core principles, including respect for and commitment to human rights; and

(5) would welcome a decision by ASEAN, consistent with its core documents and its new charter, to review Burma's membership in ASEAN and to consider appropriate disciplinary measures, including suspension, until such time as the Government of Burma has demonstrated an improved respect for and commitment to human rights.

MEASURES READ THE FIRST TIME—H.R. 3703, H.R. 3997

Mr. WEBB. Mr. President, I understand that there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The assistant legislative clerk read as follows:

A bill, (H.R. 3703), to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

A 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.

Mr. WEBB. Mr. President, I now ask for a second reading en bloc, and I object to my requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR RECESS OR ADJOURNMENT

Mr. WEBB. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, November 20; that on Tuesday the Senate conduct a pro forma session only, with no business conducted; that at the close of the pro forma session the Senate convene pro forma on the following days and times with no business conducted: Friday, November 23, at 10 a.m.; Tuesday, November 27, at 9 a.m.; Thursday, November 29, at 9:30 a.m.; that when the Senate adjourns on Thursday, November 29, it stand adjourned until 2 p.m. Monday, December 3; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

RECESS UNTIL TUESDAY, NOVEMBER 20, 2007

Mr. WEBB. Mr. President, if there is no further business today, I now ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1:54 p.m., recessed until Tuesday, November 20, 2007, at 9 a.m.

NOMINATIONS

Executive nomination received by the Senate:

UNITED STATES TRADE AND DEVELOPMENT AGENCY

LARRY WOODROW WALTHER, OF ARKANSAS, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY, VICE THELMA J. ASKEY, RESIGNED.

CONFIRMATIONS

Executive nominations Confirmed by the Senate Friday, November 16, 2007:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARK D. GEARAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 1, 2010.

JULIE FISHER CUMMINGS, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2011.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009.

TOM OSBORNE, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012.

ALAN D. SOLOMONT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009.

DEPARTMENT OF DEFENSE

DOUGLAS A. BROOK, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

JOHN J. YOUNG, JR., OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

DEPARTMENT OF ENERGY

ROBERT L. SMOLEN, OF PENNSYLVANIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

DEPARTMENT OF VETERANS AFFAIRS

MICHAEL W. HAGER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND MANAGEMENT).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CARROL H. CHANDLER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DONALD L. RUTHERFORD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COLONEL JOSEPH CARAVALHO, JR., 0000
COLONEL RHONDA L. S. CORNUM, 0000
COLONEL KEITH W. GALLAGHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS F. METZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY A. SORENSON, 0000

THE JUDICIARY

REED CHARLES O'CONNOR, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

IN THE AIR FORCE

AIR FORCE NOMINATION OF MICHAEL V. SIEBERT, 0000, TO BE CAPTAIN.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN D. ONEIL AND ENDING WITH FRANK R. VIDAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

IN THE ARMY

ARMY NOMINATION OF ANTHONY BARBER, 0000, TO BE COLONEL.

ARMY NOMINATION OF TIM C. LAWSON, 0000, TO BE COLONEL.

ARMY NOMINATION OF RICHARD D. FOX II, 0000, TO BE COLONEL.

ARMY NOMINATION OF JOHN G. GOULET, 0000, TO BE COLONEL.

ARMY NOMINATION OF DAVID L. PATTEN, 0000, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARK J. BENEDICT AND ENDING WITH GUSTAV D. WATERHOUSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF MELVIN L. CHATTMAN, 0000, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH DANA R. BROWN AND ENDING WITH MARK R. REID, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH JULIAN D. ARELLANO AND ENDING WITH JARED W. WYRICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH HARRY J. BROWN AND ENDING WITH ELAINE C. WOLFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2007.